



Republic of the Philippines  
Bangsamoro Autonomous Region in Muslim Mindanao  
**BANGSAMORO TRANSITION AUTHORITY PARLIAMENT**  
Bangsamoro Government Center, Cotabato City



**SECOND REGULAR SESSION**

**BANGSAMORO AUTONOMY ACT NO. 49**

Begun and held in Cotabato City, on Thursday, the 15th day of September 2022.

**AN ACT PROVIDING FOR THE BANGSAMORO LOCAL GOVERNANCE CODE**

Be it enacted by the Bangsamoro Transition Authority in Parliament assembled:

**BOOK I**

**GENERAL PROVISIONS**

**TITLE I**

**BASIC PRINCIPLES**

**CHAPTER I**

**THE CODE, POLICY AND APPLICATION**

**SECTION 1. Title.** – This Act shall be known and cited as the “*Bangsamoro Local Governance Code of 2023.*”

**SEC. 2. Declaration of Policy.** –

- (a) It is hereby declared the policy of the Bangsamoro Government that its territorial and political subdivisions shall enjoy genuine and meaningful local autonomy and self-governance to enable them to attain full development as self-reliant communities and become effective partners in the attainment of holistic Bangsamoro development. Toward this end, the Bangsamoro Government, pursuant to the principles of moral governance, shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby constituent local government units shall be given more powers, authority, responsibilities, and resources in a gradual and systematic approach. The process of decentralization shall proceed from the Bangsamoro Government to its constituent local government units.

- (b) It is also the policy of the Bangsamoro Government to ensure the accountability of local government units through the institution of effective mechanisms of recall, initiative, referendum, and administrative supervision.
- (c) It is likewise a policy of the Bangsamoro Government for ministries, offices, and agencies to conduct periodic public consultations with the appropriate local government units, non-governmental and people's organizations, and other concerned sectors of the community in relation to any project or program for implementation in their respective jurisdictions. For this purpose, existing and future regional mechanisms such as the Bangsamoro Economic and Development Council (BEDC) shall be optimized.
- (d) Finally, programs and projects funded by the national government, as well as national policies and standards, for implementation in constituent local government units of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) shall be governed by policies on mandatory consultation and coordination with the Bangsamoro Government, subject to any prior or subsequent agreement in the Intergovernmental Relations Body, in accordance with Republic Act (R.A.) No. 11054, otherwise known as the "*Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao.*"

Nothing herein shall be construed to prevent the local government units from accessing or receiving resources, programs, and projects from sources other than those provided by the Bangsamoro Government.

**SEC. 3. Operative Principles of Decentralization.** – The formulation and implementation of policies and measures on local autonomy shall be guided by the following operative principles:

- (a) There shall be an effective and systematic allocation among the different constituent local government units of their respective powers, functions, responsibilities, and resources;
- (b) There shall be established in every constituent local government unit an accountable, efficient, and dynamic organizational structure and operating mechanism that will meet the priority needs and service requirements of its communities;
- (c) Local officials and employees whose salaries are fully charged against the local funds shall, unless otherwise provided under this Code, be appointed by the governor, mayor, or punong barangay, or the vice governor or vice mayor, as the case may be, according to merit and fitness, and may only be removed for cause, subject to the Bangsamoro Autonomy Act (BAA) No. 17, otherwise known as the "*Bangsamoro Civil Service Code (BCSC)*", and other civil service laws, rules, and regulations;
- (d) The vesting of duty, responsibility, and accountability in constituent local government units shall be accompanied by provision for reasonably adequate resources to discharge their powers and effectively carry out their functions. Hence, they shall have the power to create and broaden their own sources of revenue, and the right to a just share in the national taxes and an equitable share in the proceeds of the utilization and development of the natural resources within their respective areas;

- (e) The BARMM with respect to constituent provinces, independent component cities, and highly-urbanized cities, the provinces with respect to component cities and municipalities, and the cities and municipalities with respect to component barangays, shall ensure that the acts of their constituent units are within the scope of their prescribed powers and functions. Correspondingly, the Ministry of the Interior and Local Government (MILG) shall ensure faithful compliance by the constituent local government units with their obligations through the proper use of their prescribed powers and accomplishment of their functions;
- (f) Constituent local government units may group themselves, consolidate or coordinate their efforts, services, and resources for purposes of promoting the general welfare and the common good;
- (g) The capabilities of constituent local government units in the BARMM, especially the municipalities and barangays, shall be strengthened by providing them with opportunities to participate actively in the implementation of regional policies, programs, and projects;
- (h) There shall be a continuing mechanism to enhance local autonomy not only by legislative enabling acts but also by administrative and organizational reforms;
- (i) Constituent local government units shall share with the Bangsamoro Government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to the provisions of this Code and national and regional policies;
- (j) Effective mechanisms for ensuring the accountability of constituent local government units to their respective constituents shall be strengthened in order to upgrade continually the quality of local leadership;
- (k) The realization of local autonomy shall be facilitated through improved coordination of the regional government policies and programs and extension of adequate financial, technical, and material assistance to less developed and deserving constituent local government units;
- (l) The participation of the private sector in local governance, particularly in the delivery of basic services, shall be strengthened to ensure the viability of local autonomy as a primary regional strategy for sustainable Bangsamoro development; and
- (m) The Bangsamoro Government shall ensure that gradual decentralization contributes to the continuing improvement of the performance of constituent local government units and the quality of life of the Bangsamoro people.

**SEC. 4. *Scope of Application.*** – This Code shall apply to all constituent provinces, cities, municipalities, barangays, and other political subdivisions as may be created by law, and to the extent herein provided, officials, offices, or agencies of the Bangsamoro Government.

**SEC. 5. *Rules of Interpretation.*** – In the interpretation of the provisions of this Code, the following rules shall apply:

- (a) Any provision on a power of a constituent local government unit shall be liberally interpreted in its favor, and in case of doubt, any question thereon shall be resolved in favor of devolution of powers and of the lower local government unit. Any fair and reasonable doubt as to the existence of the power shall be interpreted in favor of the constituent local government unit concerned;
- (b) In case of doubt, any tax ordinance or revenue measure shall be construed strictly against the local government unit enacting it, and liberally in favor of the taxpayer. Any tax exemption, incentive, or relief granted by any local government unit pursuant to the provisions of this Code shall be construed strictly against the person claiming it;
- (c) The general welfare provisions in this Code shall be liberally interpreted to give more powers to constituent local government units in accelerating economic development and upgrading the quality of life for the people in the community; and
- (d) In the resolution of controversies arising under this Code where no legal provision or jurisprudence applies, resort may be had to the customs and traditions in the place where the controversies take place.

## **CHAPTER II**

### **GENERAL POWERS AND ATTRIBUTES OF LOCAL GOVERNMENT UNITS**

**SEC. 6. *Authority to Create Local Government Units.*** – The Parliament may create, divide, merge, abolish, or substantially alter boundaries of municipalities or barangays in accordance with a law enacted by the Parliament. The sangguniang panlalawigan or the sangguniang panlungsod may create, divide, merge, abolish, or substantially alter the boundaries of constituent barangays in accordance with an ordinance enacted by it.

The municipalities or barangays thus created, divided, merged, or whose boundaries are substantially altered, shall be entitled to their appropriate share in the national taxes or National Tax Allotment (NTA): *Provided*, That it shall be approved by a majority of the votes cast in a plebiscite in the political units directly affected.

When such acts require the creation of a legislative district, the Bangsamoro Government shall cooperate and coordinate with the national government through the Philippine Congress-Bangsamoro Parliament Forum (PCBPF) to prioritize the deliberations on the creation of a legislative district.

**SEC. 7. *Creation and Conversion.*** – As a general rule, the creation of a local government unit or its conversion from one level to another level shall be based on verifiable indicators of viability and projected capacity to provide services, to wit:

- (a) **Income.** – It must be sufficient, based on acceptable standards, to provide for all essential government facilities and services and special functions commensurate with the size of its population, as expected of the local government unit concerned;

- (b) Population. – It shall be determined as the total number of inhabitants within the territorial jurisdiction of the local government unit concerned; and
- (c) Land Area. – It must be contiguous, unless it comprises two or more islands or is separated by a local government unit independent of the others; properly identified by metes and bounds with technical descriptions; and sufficient to provide for such basic services and facilities to meet the requirements of its populace. Compliance with the foregoing indicators shall be attested to by the Department of Finance (DOF) through the Bureau of Local Government Finance (BLGF), the Philippine Statistics Authority (PSA), and the relevant office of the Ministry of Environment, Natural Resources and Energy (MENRE).

**SEC. 8. Division and Merger.** – Division and merger of existing local government units shall comply with the same requirements herein prescribed for their creation: *Provided, however,* That such division shall not reduce the income, population, or land area of the local government unit or units concerned to less than the minimum requirements prescribed in this Code: *Provided, further,* That the income classification of the original local government unit or units shall not fall below its current income classification prior to such division.

**SEC. 9. Abolition and Merger of Local Government Units.** – A constituent local government unit may be abolished when its income, population, or land area has been irreversibly reduced to less than the minimum standards prescribed for its creation under Book III of this Code, as certified by the ministries, offices, and agencies mentioned in Section 7 hereof to the Parliament or to the sanggunian concerned, as the case may be.

The law or ordinance, as the case may be, abolishing a constituent local government unit shall specify the municipality or barangay with which the local government unit sought to be abolished will be merged.

**SEC. 10. Plebiscite Requirement.** – No creation, division, merger, abolition, or substantial alteration of boundaries of local government units shall take effect unless approved by a majority of the votes cast in a plebiscite called for the purpose in the political unit or units directly affected. Said plebiscite shall be conducted by the Bangsamoro Electoral Office (BEO) of the Commission on Elections (COMELEC) within one hundred twenty (120) days from the date of effectivity of the law or ordinance effecting such action, unless said law or ordinance fixes another date.

**SEC. 11. Selection and Transfer of Constituent Local Government Site, Offices and Facilities.** –

- (a) The law or ordinance creating or merging local government units shall specify the seat of government from where governmental and corporate services shall be delivered. In selecting said site, factors relating to historical significance, geographical centrality, accessibility, availability of transportation and communication facilities, drainage and sanitation, development and economic progress, and other relevant considerations shall be taken into account.

- (b) When conditions and developments in the local government unit concerned have significantly changed subsequent to the establishment of the seat of government, its sanggunian may, after public hearing and by a two-thirds (2/3) vote of all its members, transfer the same to a site better suited to its needs: *Provided*, That no such transfer shall be made outside the territorial jurisdiction of the concerned local government unit: *Provided further*, That any transfer of seat of government shall not be done more than once every twenty (20) years, and without prior authorization from the Office of the Chief Minister (OCM), through the MILG.

The old site, together with the improvements thereon, may be disposed of by sale or lease or converted to such other use as the sanggunian concerned may deem beneficial to the local government unit concerned and its inhabitants.

- (c) Local government offices and facilities shall not be transferred, relocated, or converted to other uses unless public hearings are first conducted for the purpose and the concurrence of the majority of all the members of the sanggunian concerned is obtained.

**SEC. 12. *Government Centers.*** – Provinces, cities, and municipalities shall endeavor to establish a government center where offices, agencies, or branches of the national and regional government, local government units, or government-owned or -controlled corporations (GOCCs) may, as far as practicable, be located. In designating such a center, the local government unit concerned shall consider the existing facilities of national, regional, and local agencies and offices that may serve as the government center as contemplated under this Section. The national and regional government, local government unit, or GOCC concerned shall bear the expenses for the construction of its buildings and facilities in the government center.

**SEC. 13. *Naming of Local Government Units and Public Places, Streets and Structures.*** –

- (a) The Bangsamoro Parliament or the sangguniang panlalawigan may, in consultation with the Bangsamoro Commission for the Preservation of Cultural Heritage (BCPCH), name or change the name of the following within its territorial jurisdiction:
1. Component cities and municipalities, upon the recommendation of the sanggunian concerned;
  2. Provincial roads, avenues, boulevards, thoroughfares, and bridges;
  3. Public vocational or technical schools and other post-secondary and tertiary schools;
  4. Provincial hospitals, health centers, and other health facilities; and
  5. Any other public place or building owned by the provincial government.
- (b) The sangguniang panlungsod of highly urbanized cities and independent component cities as defined in Sections 493 and 494, Book III of this Code, may, in consultation with the BCPCH, change the name of the following within its territorial jurisdiction:

1. City barangays, upon the recommendation of the sangguniang barangay concerned;
  2. City roads, avenues, boulevards, thoroughfares, and bridges;
  3. Public elementary, secondary, and vocational or technical schools, community colleges, and non-chartered colleges;
  4. City hospitals, health centers, and other health facilities; and
  5. Any other public place or building owned by the city government.
- (c) The sangguniang panlungsod of component cities and the sangguniang bayan of municipalities may, in consultation with the BCPCH, change the name of the following within its territorial jurisdiction:
1. Barangays, upon recommendation of the sangguniang barangay concerned;
  2. City, municipal and barangay roads, avenues, boulevards, thoroughfares, and bridges;
  3. City and municipal public elementary, secondary and vocational or technical schools, post-secondary and other tertiary schools;
  4. Hospitals, health centers, and other health facilities, and any other public place or building owned by the city or municipal government, as the case may be; and
  5. Any other public place or building owned by the municipal government.
- (d) None of the foregoing local government units, institutions, places, or buildings shall be named after a living person, nor may a change of name be made unless for a justifiable reason and in any case, not oftener than once every ten (10) years.

The name of a local government unit or a public place, street or structure with historical, cultural, or ethnic significance shall not be changed, unless by a unanimous vote of the Parliament or sanggunian concerned and in consultation with the BCPCH: *Provided*, That places, streets, or structures that have already been previously proclaimed and recognized as a historical or cultural site or treasure by national or regional agencies shall not be renamed without the approval of the BCPCH and only after due hearing on the matter: *Provided, further*, That places, streets, or structures proclaimed and recognized as historical or cultural sites or treasures by regional agencies subsequent to its naming or re-naming under this Section shall be restored to its historically or culturally significant name as indicated in such proclamation and recognition.

- (e) A change of name of a public school shall be made only upon the recommendation of the local school board concerned.
- (f) A change of name of public hospitals, health centers, and other health facilities shall be made only upon the recommendation of the local health board concerned.
- (g) The change of name of any local government unit shall be effective only upon ratification

in a plebiscite conducted for the purpose in the political unit directly affected. In any change of name, the OCM, the representative of the legislative and parliamentary districts concerned, and the Philippine Postal Corporation shall be notified.

**SEC. 14. *Local Public Holidays.*** – The sangguniang panlalawigan, panlungsod, or bayan upon consultation with the BCPCH, the Ministry of Labor and Employment (MOLE), and with local historical associations, if any, through a resolution duly approved by their respective members, may recommend to the Chief Minister the proclamation of the founding anniversary of their locality as working or non-working public holidays of their respective local government unit.

**SEC. 15. *Beginning of Corporate Existence.*** – When a new local government unit is created, its corporate existence shall commence upon the election and qualification of its chief executive and a majority of the members of its sanggunian or upon their appointments made by the Chief Minister, unless some other time is fixed by the law or ordinance creating the same.

**SEC. 16. *Political and Corporate Nature of Local Government Units.*** – Every local government unit created or recognized under this Code is a body politic and corporate endowed with powers to be exercised by it in conformity with law. As such, it shall exercise powers as a political subdivision of the regional government and as a corporate entity representing the inhabitants of its territory.

**SEC. 17. *General Welfare.*** – Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health, nutrition, population management, sanitation, access to adequate food and clean water, and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

**SEC. 18. *Devolved Powers, Functions, Services and Facilities.*** –

- (a) Local government units shall endeavor to be self-reliant and shall continue to exercise the powers and discharge the duties and functions currently vested upon them. They shall also discharge the powers, functions, services, and facilities devolved to them pursuant to Sections 408, 480, 496, and 512, Book III of this Code.
- (b) Bangsamoro ministries, offices, and agencies concerned shall gradually devolve to local government units the powers, functions, and responsibility for the provision of basic services and facilities as provided in this Section, within five (5) years after the effectivity of this Code, subject to the guidelines in the implementation of the process of devolution as a result of the comprehensive assessment on the financial viability and technical capacity of the local government units, to be conducted pursuant to Section 592, Book IV of this Code. As used in this Code, the term “*devolution*” refers to the act by which the



Bangsamoro Government confers power and authority upon the various constituent local government units to perform specific functions and responsibilities.

- (c) The basic services and facilities hereinabove enumerated shall be funded primarily from the share of the constituent local government units in the proceeds of national taxes and other local revenues. Funding support from the Bangsamoro Government, its instrumentalities, and GOCC tasked by law to establish and maintain such services or facilities may supplement these funds when necessary. Any fund or resource available for the use of the local government units shall be first allocated to fund the exercise of the devolved powers and functions and the provision of the devolved services or facilities before applying the same for other purposes, unless otherwise provided in this Code.
- (d) To ensure the active participation of the private sector in local governance, local government units may, by ordinance, sell, lease, encumber, or otherwise dispose of public economic enterprises owned by them in their proprietary capacity.

Fees or charges may also be levied by local government units to fund the exercise of the devolved powers and functions and the delivery of the devolved services and facilities, consistent with the provisions of Book II of this Code.

**SEC. 19. Full Devolution of Marawi City, Cotabato City, and the Province of Basilan.** – The cities of Marawi and Cotabato, and the province of Basilan, including its component municipalities and Lamitan City, shall continue to enjoy their full devolution status. This is without prejudice to the power of the Bangsamoro Government to set up its offices in the said local government units for purposes of delivering its services.

**SEC. 20. Augmentation by the Bangsamoro Government or by the Higher Constituent Local Government Unit.** – The ministries or regional offices of the Bangsamoro Government or the next higher constituent local government unit may provide or augment the basic services and facilities assigned to a lower level of local government unit when such services or facilities are not made available or, if made available, are inadequate to meet the acceptable standards and requirements of its inhabitants: *Provided*, That the MILG or the next higher constituent local government unit shall ensure that the lower local government unit concerned is capacitated to solely provide for such services or facilities at the earliest opportunity.

**SEC. 21. Power to Generate and Apply Resources.** – Constituent local government units shall have the power and authority to establish an organization that shall be responsible for the efficient and effective implementation of their development plans, program objectives and priorities; to create their own sources of revenue and to levy taxes, fees, and charges which shall accrue exclusively for their use and disposition and which shall be retained by them; to have a just share in national taxes which shall be automatically and directly released to them without need of any further action; to have an equitable share in the proceeds from the utilization and development of the national wealth and resources within their respective territorial jurisdictions including sharing the same with the inhabitants by way of direct benefits; to acquire, develop, lease, encumber, alienate, or otherwise dispose of real or personal property held by them in their proprietary capacity and to apply their resources and assets for productive, developmental, or welfare purposes, in the exercise or furtherance of their governmental or proprietary

powers and functions and thereby ensure their development into self-reliant communities and active participants in the attainment of national goals.

**SEC. 22. Eminent Domain.** – A local government unit may, through its chief executive acting pursuant to an ordinance, exercise the power of eminent domain for public use, or purpose, or welfare for the benefit of the poor and the landless, upon payment of just compensation, pursuant to the provisions of the Constitution and pertinent laws: *Provided, however,* That the power of eminent domain may not be exercised unless a valid and definite offer has been previously made to the owner, and such offer was not accepted: *Provided, further,* That the local government unit may immediately take possession of the property upon the filing of the expropriation proceedings and upon making a deposit with the proper court of at least fifteen percent (15%) of the fair market value of the property based on the current tax declaration of the property to be expropriated: *Provided, finally,* That the amount to be paid for the expropriated property shall be determined by the proper court, based on the fair market value at the time of the taking of the property.

**SEC. 23. Reclassification of Lands.** –

- (a) A city or municipality may, through an ordinance passed by the sanggunian after conducting public hearings for the purpose, authorize the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases: (1) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Ministry of Agriculture, Fisheries and Agrarian Reform (MAFAR) or (2) where the land shall have substantially greater economic value for residential, commercial, or industrial purposes, as determined by the sanggunian concerned: *Provided,* That such reclassification shall be limited to the following percentage of the total agricultural land area at the time of the passage of the ordinance:
1. For highly urbanized and independent component cities, fifteen percent (15%);
  2. For component cities and first to third class municipalities, ten percent (10%); and
  3. For fourth to sixth class municipalities, five percent (5%): *Provided,* That agricultural lands distributed to agrarian reform beneficiaries shall be reclassified upon application of the beneficiary or the landowner, with due notice to the affected parties, and upon full payment of the obligation by the beneficiary.
- (b) The Chief Minister may, when public interest so requires and upon recommendation of the BEDC, authorize a city or municipality to reclassify lands in excess of the limits set in the next preceding paragraph.
- (c) The local government units shall, in conformity with existing laws, continue to prepare their respective comprehensive land use plans enacted through zoning ordinances which shall be the primary and dominant bases for the future use of land resources: *Provided,* That the requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of such plans.
- (d) Where approval by a regional agency is required for reclassification, such approval shall

not be unreasonably withheld. Failure to act on a proper and complete application for reclassification within three (3) months from receipt of the same shall be deemed as approval thereof.

**SEC. 24. Closure and Opening of Roads. –**

- (a) A constituent local government unit may, pursuant to an ordinance, permanently or temporarily close or open any local road, alley, park, or square falling within its jurisdiction: *Provided, however,* That in case of permanent closure, such ordinance must be approved by at least two-thirds (2/3) of all the members of the sanggunian, and when necessary, an adequate substitute for the public facility that is subject to closure is provided.
- (b) No such way or place or any part thereof shall be permanently closed without making provisions for the maintenance of public safety therein. A property thus permanently withdrawn from public use may be used or conveyed for any purpose for which other real property belonging to the local government unit concerned may be lawfully used or conveyed: *Provided, however,* That no freedom park shall be closed permanently without provision for its transfer or relocation to a new site.
- (c) Any national, regional, or local road, alley, park, or square may be temporarily closed during an actual emergency, or fiesta celebrations, public rallies, agricultural or industrial fairs, or an undertaking of public works and highways, telecommunications, and waterworks projects, the duration of which shall be specified by the local chief executive concerned in a written order: *Provided, however,* That no national, regional, or local road, alley, park, or square shall be temporarily closed for athletic, cultural, or civic activities not officially sponsored, recognized, or approved by the local government unit concerned.
- (d) Any city, municipality, or barangay may, by a duly enacted ordinance, temporarily close and regulate the use of any local street, road, thoroughfare, or any other public place where shopping malls, Sunday, flea or night markets, or shopping areas may be established and where goods, merchandise, foodstuffs, commodities, or articles of commerce may be sold and dispensed to the general public.

**SEC. 25. Corporate Powers. –**

- (a) Every constituent local government unit, as a corporate entity, shall have the following powers:
  - 1. To have continuous succession in its corporate name;
  - 2. To sue and be sued;
  - 3. To have and use a corporate seal;
  - 4. To acquire and convey real or personal property;
  - 5. To enter into contracts; and

6. To exercise such other powers as are granted to corporations, subject to the limitations provided in this Code and other laws.
- (b) Constituent local government units may continue to use, modify, or change their existing corporate seals: *Provided*, That newly established local government units or those without corporate seals may create their own corporate seals which shall be registered with the MILG: *Provided, further*, That any change of corporate seal shall also be registered as provided herein.
- (c) Unless otherwise provided in this Code, no contract may be entered into by the local chief executive on behalf of the local government unit without prior authorization by the sanggunian concerned. A legible copy of such contract shall be posted at a conspicuous place in the provincial capitol or the city, municipal, or barangay hall.
- (d) Constituent local government units shall enjoy full autonomy in the exercise of their proprietary functions and in the management of their economic enterprises, subject to the limitations provided in this Code and other applicable laws.

**SEC. 26. Authority to Negotiate and Secure Grants.** – Local chief executives may, upon authority of the sanggunian, negotiate and secure financial grants or donations in kind, in support of the basic services or facilities referred to in Section 18 hereof, from local and foreign assistance agencies without the necessity of securing clearance or approval therefor from any department, agency, or office of the regional government or from any higher constituent local government unit.

The local chief executive shall, within thirty (30) days from the signing of such grant, agreement, or deed of donation, report the nature, amount, and terms of such assistance to the OCM, through the MILG.

**SEC. 27. Liability for Damages.** – Constituent local government units and their officials are not exempt from liability for death or injury to persons or damage to property.

**SEC. 28. Regulation of the Affairs of the Local Government Units.** – Subject to the provisions of the Constitution and consistent with the Bangsamoro Organic Law (BOL), the authority of the Bangsamoro Government to regulate the affairs of its constituent local government units shall be guaranteed, in accordance with this Code.

As used in this Code, “*regulating the affairs of the constituent local government units*” pertains to the exercise of the Bangsamoro Parliament of authorities over the local government units, by means of legislating and promulgating policies, rules, and regulations, which include, but are not limited to:

- (a) Defining herein the power and manner of the exercise of general supervision of the Chief Minister over the officials of the local government units, including the administrative jurisdiction over disciplinary actions, among others;
- (b) Legislating, through this Code, the framework of the devolution of powers, functions, services, and facilities and establishing the delineation of coordinative relations between

the ministries, offices, and agencies of the Bangsamoro Government and the constituent local government units; and

- (c) Setting up the revenue generation and wealth distribution and sharing regimes of the local government units, including the applicable fund sharing and transfers and the provision of other technical and financial assistance and augmentation from the Bangsamoro Government to the local government units and between and among the local government units themselves.

### CHAPTER III

#### INTERGOVERNMENTAL RELATIONS

##### ARTICLE I

#### BANGSAMORO GOVERNMENT AND ITS CONSTITUENT LOCAL GOVERNMENT UNITS

**SEC. 29. *Regional Supervision over Local Government Units.*** – Consistent with the basic policy on regional autonomy, the Chief Minister shall exercise general supervision over constituent local government units to ensure that their acts are within the scope of their prescribed powers and functions. The Chief Minister shall exercise general supervision directly over provinces, highly urbanized cities, and independent component cities; through the province with respect to component cities and municipalities; and through the city and municipality with respect to barangays.

**SEC. 30. *Coordination and Participation Between the BARMM and the Constituent Local Government Units.*** –

- (a) The Bangsamoro Government may, by law, establish sub-regional offices in the constituent local government units, as it may deem necessary, to improve efficiency and coordination with local government units and allocate appropriate funding for this purpose.
- (b) The Bangsamoro Government shall provide financial, technical, or other forms of assistance to the local government unit. Such assistance shall be extended at no extra cost to the local government unit concerned.
- (c) Ministries, offices, and agencies including GOCCs with field units or branches in a province, city, or municipality shall, as far as practicable, furnish the local chief executive concerned, for his/her information and guidance, monthly reports including duly certified budgetary allocations and expenditures.

**SEC. 31. *Duty of Bangsamoro Government Agencies in the Maintenance of Ecological Balance.*** – It shall be the duty of every regional agency or GOCC authorizing or involved in the planning and implementation of any project or program that may cause pollution, climate change, depletion of non-renewable resources, loss of cropland, rangeland, or forest cover, and extinction of animal or plant species, to consult with the constituent local government units, non-governmental

organizations, and other sectors concerned and explain the goals and objectives of project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof. For this purpose, regional mechanisms such as the BEDC and the Bangsamoro Sustainable Development Board (BSDB) shall be optimized.

**SEC. 32. *Prior Consultations Required.*** – No project or program shall be implemented by government authorities unless the consultations mentioned in Sections 2 (c) and 31 hereof are complied with. Prior approval of the sanggunian concerned shall be obtained when the project or program may cause the adverse effects mentioned in the preceding section, as determined by the MENRE: *Provided*, That occupants in areas where such national or regional projects are to be implemented shall not be displaced unless appropriate relocation or resettlement sites and other measures to mitigate the adverse effects of displacement have been provided, in accordance with the provisions of the Constitution and applicable national and regional laws.

## ARTICLE II

### RELATIONS WITH THE PHILIPPINE NATIONAL POLICE

**SEC. 33. *Powers of Local Chief Executives over the Units of the Philippine National Police.*** – The extent of operational supervision and control of local chief executives over the police force, fire protection unit, and jail management personnel assigned in their respective jurisdictions shall be governed by applicable national law and the BOL.

## ARTICLE III

### INTER-LOCAL GOVERNMENT RELATIONS

**SEC. 34. *Provincial Relations with Component Cities and Municipalities.*** – The province, through the governor, shall ensure that every component city and municipality within its territorial jurisdiction acts within the scope of its prescribed powers and functions. Highly urbanized cities and independent component cities shall be independent of the province.

**SEC. 35. *Review of Executive Orders.*** –

- (a) Except as otherwise provided under the Constitution and special statutes, the governor shall review all executive orders promulgated by the component city or municipal mayor within his/her jurisdiction. The city or municipal mayor shall review all executive orders promulgated by the punong barangay within his/her jurisdiction. Copies of such orders shall be forwarded to the governor or the city or municipal mayor, as the case may be, within three (3) days from their issuance. In all instances of review, the local chief executive concerned shall ensure that such executive orders are within the powers granted by law and in conformity with provincial, city, or municipal ordinances.
- (b) If the governor or the city or municipal mayor fails to act on said executive orders within thirty (30) days after their submission, the same shall be deemed consistent with law and

therefore valid.

- (c) Copies of all executive issuances shall be furnished to the MILG, through the Local Government Operations Officer (LGOO) assigned in the concerned constituent local government unit.

**SEC. 36. *Submission of Municipal Questions to the Provincial Legal Officer or Prosecutor.***

– In the absence of a municipal legal officer, the municipal government may secure the opinion of the provincial legal officer or, in the absence of the latter, that of the provincial prosecutor on any legal question affecting the municipality.

**SEC. 37. *City and Municipal Supervision over Their Respective Barangays.*** – The city or municipality, through the mayor concerned, shall exercise general supervision over component barangays to ensure that said barangays act within the scope of their prescribed powers and functions.

**SEC. 38. *Cooperative Undertakings Among Constituent Local Government Units.*** – Constituent local government units may, through appropriate ordinances, group themselves, consolidate, or coordinate their efforts, services, and resources for purposes commonly beneficial to them. In support of such undertakings, the local government units involved may, upon approval by the sanggunian concerned after a public hearing conducted for the purpose, contribute funds, real estate, equipment, and other kinds of property, and appoint or assign personnel under such terms and conditions as may be agreed upon by the participating local units through a memorandum of agreement.

## CHAPTER IV

### RELATIONS WITH PEOPLE'S AND NON-GOVERNMENTAL ORGANIZATIONS

**SEC. 39. *Role of People's and Non-governmental Organizations.*** – Local government units shall promote the establishment and operation of independent people's and non-governmental organizations representing such sectors like women, youth, workers, persons with disabilities, indigenous cultural communities, and the like to become active partners in the pursuit of local autonomy.

**SEC. 40. *Linkages with People's and Non-Governmental Organizations.*** – Constituent local government units may enter into joint ventures and such other cooperative arrangements with people's and non-governmental organizations to engage in the delivery of certain basic services, capability-building, and livelihood projects, and to develop local enterprises designed to improve productivity and income, diversify agriculture, spur rural industrialization, promote ecological balance, and enhance the economic and social well-being of the people.

**SEC. 41. *Assistance to People's and Non-governmental Organizations.*** – A constituent local government unit may, through its local chief executive and with the concurrence of its sanggunian, provide assistance, financial or otherwise, to such people's and non-governmental organizations for economic, socially-oriented, environmental, or cultural projects to be implemented within its territorial jurisdiction.

## TITLE II

### ELECTIVE OFFICIALS

#### CHAPTER V

#### QUALIFICATIONS AND ELECTION

**SEC. 42. *Qualifications.*** –

- (a) An elective local official must be a citizen of the Philippines; a registered voter in the barangay, municipality, city, or province or, in the case of a member of the sangguniang panlalawigan, sangguniang panlungsod, or sangguniang bayan, the district where he/she intends to be elected; a resident therein for at least one (1) year immediately preceding the day of the election; and able to read and write Filipino or any other local language or dialect.
- (b) Candidates for the position of governor, vice governor, or member of the sangguniang panlalawigan, or mayor, vice mayor, or member of the sangguniang panlungsod of highly urbanized cities must be at least twenty-three (23) years of age on election day.
- (c) Candidates for the position of mayor or vice mayor of independent component cities, component cities, and municipalities must be at least twenty-one (21) years of age on election day.
- (d) Candidates for the position of member of the sangguniang panlungsod or sangguniang bayan must be at least eighteen (18) years of age on election day.
- (e) Candidates for the position of punong barangay or member of the sangguniang barangay must be at least eighteen (18) years of age on election day.
- (f) Candidates for the sangguniang kabataan must be at least eighteen (18) years of age but not more than twenty-four (24) years of age on election day, and a qualified voter of the Katipunan ng Kabataan.

**SEC. 43. *Mandatory Training and Capacity Development.*** – All newly elected local officials shall, upon assumption to office, undergo an eight (8) hour mandatory onboarding training program undertaken by the Bangsamoro Local Government Academy (BLGA), or any service provider accredited by the MILG: *Provided*, That for officials of sangguniang kabataan, the mandatory training and capacity development shall be in accordance with Sections 469 and 470 of Book III hereof.

In addition, during his/her incumbency and within the first two years thereof, he/she shall attend continuing skills training programs to enhance his/her capability to perform the official duties and functions concomitant to his/her elective position.

Deliberate failure to attend the said training programs shall constitute sufficient ground for disciplinary actions under Chapter IX hereof, and disqualification for the immediately succeeding



election. Such disqualification shall continue until he/she has undergone such training programs.

**SEC. 44. *Components of the Mandatory and Continuing Training Programs.*** – The MILG, the Development Academy of the Bangsamoro (DAB), the BLGA, the Mindanao State University (MSU), and in consultation with stakeholders, shall jointly design and implement a thirty-two (32) hour mandatory and continuing training programs.

The mandatory and continuing training programs shall include, among others, the following components:

- (a) The Bangsamoro culture, history, and autonomy;
- (b) Capability building on leadership, local legislation, programs and project development, sustainability, financial literacy and management, and accountability and transparency;
- (c) Updates on regional governance, legislation, and other issuances; and
- (d) Conflict-sensitivity and peacebuilding.

**SEC. 45. *Disqualifications.*** – The following persons are disqualified from running for any elective local position:

- (a) Those sentenced by final judgment for an offense involving moral turpitude or for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;
- (b) Those removed from office as a result of an administrative case;
- (c) Those convicted by final judgment for violating the oath of allegiance to the Republic;
- (d) Those with dual citizenship;
- (e) Fugitives from justice in criminal or nonpolitical cases here or abroad;
- (f) Permanent residents in a foreign country or those who have acquired the right to reside abroad and continue to avail of the same right after the effectivity of this Code;
- (g) Those who are related within the second civil degree of consanguinity or affinity, whether full or half-blood, legitimate or illegitimate, to any incumbent local official running for an elective position, including the spouses, are disqualified to be candidates in the same election for: (i) any provincial elective position in the same province; (ii) any city elective position in the same city; (iii) any municipal elective position in the same municipality; and (iv) any barangay elective position in the same barangay.

Any candidate for the local election must declare in their certificate of candidacy (COC) the following statement:

*“The candidate is not related within the second civil degree of consanguinity or affinity to any incumbent local official running for an elective position in the same province/municipality/barangay where the candidate seeks to be elected.”*

In case where none of the candidates is related to an incumbent local elective official but are related to each other within the second degree of consanguinity or affinity, or, where they are all incumbents, but are related to one another within the said prohibited degree, the following rules shall apply:

1. For candidates running for different positions, the candidate or candidates seeking a lower office shall be disqualified from holding or running for any local elective office within the same province, city, municipality, or barangay as the case may be in the same election; and
  2. For candidates running for the same position, the BEO, through the appropriate office of the provincial election supervisor, shall determine, by drawing of lots, the candidate eligible to run for the said position. The election supervisor shall notify the candidates to appear before them for the drawing of lots within forty-eight (48) hours after the period fixed by the COMELEC for filing of candidacy;
- (h) Incumbent local elective officials shall not be qualified to run in the next succeeding election for any elective office in a local government unit outside the jurisdiction of his/her current local government unit: *Provided*, That this shall not apply to officials running for office in the higher local government unit to which the local government unit of his/her incumbent position belongs or in a constituent local government unit thereof;
- (i) Those incumbent chief executive officials who seek to be elected to the immediately-lower position;
- (j) Those incumbent elective officials who fail to comply with the requirements of Section 43 hereof; and
- (k) Any person who has been declared by competent authority insane.

In the case of elective positions in the sangguniang kabataan, in addition to the foregoing qualifications and disqualifications, candidates must not be related within the second civil degree of consanguinity or affinity to any incumbent elected national official or to any incumbent elected regional, provincial, city, municipal, or barangay official, in the locality where he or she seeks to be elected, and must not have been convicted by final judgment of any crime involving moral turpitude, in conformity with Section 10 of R.A. No. 10742, otherwise known as the *“Sangguniang Kabataan Reform Act (SKRA) of 2015.”*

**SEC. 46. Manner of Election. –**

- (a) The governor, vice governor, city mayor, city vice mayor, municipal mayor, municipal vice mayor, and punong barangay shall be elected at large in their respective units by the

qualified voters therein. However, the sangguniang kabataan chairperson for each barangay shall be elected by the registered voters of the katipunan ng kabataan, as provided in this Code.

- (b) The regular members of the sangguniang panlalawigan, sangguniang panlungsod, and sangguniang bayan shall be elected by district, as may be provided for by law. Sangguniang barangay members shall be elected at large. The presidents of the leagues of sanggunian members of component cities and municipalities shall serve as *ex officio* members of the sangguniang panlalawigan concerned. The presidents of the liga ng mga barangay and the pederasyon ng mga sangguniang kabataan elected by their respective chapters, as provided in this Code, shall serve as *ex officio* members of the sangguniang panlalawigan, sangguniang panlungsod, and sangguniang bayan.
- (c) In addition thereto, there shall be one (1) sectoral representative from the women, one (1) from the workers, and one (1) from any of the following sectors: the urban poor, indigenous cultural communities, persons with disabilities, or any other sector as may be determined by the sanggunian concerned in an ordinance it shall pass governing the election of sectoral representatives within ninety (90) days prior to the holding of the next local elections, as may be provided for by law: *Provided*, That the manner of selecting the third sectoral representative shall be consistent with Sections 488, 508, and 520 of Book III of this Code. The COMELEC shall promulgate the rules and regulations to effectively provide for the election of such sectoral representatives.

**SEC. 47. *Date of Election.*** – Unless otherwise provided by law, the elections for local officials shall be held every three (3) years on the second Monday of May.

**SEC. 48. *Term of Office.*** –

- (a) The term of office of all local elective officials shall be three (3) years, starting from noon of June 30, 2022, immediately following the local elections. For barangay and sangguniang kabataan elective officials, the start and duration of their terms of office shall coincide with that of their counterparts outside the region.
- (b) No local elective official shall serve for more than three (3) consecutive terms in the same position. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official concerned was elected.

## CHAPTER VI

### VACANCIES AND SUCCESSION

**SEC. 49. *Permanent Vacancies in the Offices of the Governor, Vice Governor, Mayor, Vice mayor, and Punong Barangay.*** –

- (a) If a permanent vacancy occurs in the office of the governor or mayor, the vice governor or vice mayor concerned shall become the governor or mayor. In the event that the vice governor or vice mayor is permanently unable to succeed such office, the highest ranking

sanggunian member or, in case of his/her permanent inability, the second highest ranking sanggunian member, shall become the governor or mayor, as the case may be.

If permanent vacancy occurs in the office of the vice governor or the vice mayor, the highest ranking sanggunian member or, in case of his/her permanent inability, the second highest ranking sanggunian member, shall become the vice governor or vice mayor, as the case may be. Subsequent vacancies in the said office shall be filled automatically by the other sanggunian members according to their ranking as defined herein.

- (b) If a permanent vacancy occurs in the office of the punong barangay, the highest ranking sangguniang barangay member or, in case of his/her permanent inability, the second highest ranking sanggunian member, shall become the punong barangay.
- (c) In case the next highest ranking sanggunian member who should assume the office under paragraph a or b unjustly refuses to assume office, he/she shall be subject to disciplinary action and the provisions in Section 52 of this Code shall apply.
- (d) A tie between or among the highest ranking sanggunian members shall be resolved by the drawing of lots.
- (e) The successors as defined herein shall serve only the unexpired terms of their predecessors. For purposes of this Chapter, a permanent vacancy arises when an elective local official fills a higher vacant office, refuses to assume office, fails to qualify, dies, is removed from office, voluntarily resigns, or is otherwise permanently incapacitated to discharge the functions of his/her office.

For purposes of succession as provided in this Chapter, ranking in the sanggunian shall be determined on the basis of the proportion of votes obtained by each winning candidate to the total number of registered voters in each district in the immediately preceding local election.

**SEC. 50. *Permanent Vacancies in the Sangguniang Panlalawigan, Panlungsod, and Bayan.***

- (a) Permanent vacancies in the sanggunian where automatic successions provided above do not apply shall be filled by appointment in the following manner:
  - 1. By the Chief Minister, in the case of the sangguniang panlalawigan and the sangguniang panlungsod of a highly urbanized city or independent component city;
  - 2. By the governor, in the case of the sangguniang panlungsod of component cities and the sangguniang bayan; and
  - 3. By the city or municipal mayor, in the case of sangguniang barangay, upon recommendation of the sangguniang barangay concerned.
- (b) Except for the sangguniang barangay, only the nominee of the political party under which the sanggunian member concerned had been elected and whose elevation to the position

next higher in rank created the last vacancy in the sanggunian shall be appointed in the manner hereinabove provided. The appointee shall come from the same political party as that of the sanggunian member who caused the vacancy and shall serve the unexpired term of the vacant office. In the appointment herein mentioned, a nomination and a certificate of membership of the appointee from the highest official of the political party concerned are conditions *sine qua non*, and any appointment without such nomination and certification shall be null and *void ab initio* and shall be a ground for administrative action against the official responsible therefor.

- (c) In case the permanent vacancy is caused by a sanggunian member who does not belong to any political party. The vacancy shall be filled, upon recommendation of the sanggunian concerned, by:
  - 1. The Chief Minister for a sangguniang panlalawigan or a sangguniang panlungsod of a highly urbanized city or independent component city; and
  - 2. The governor for a sangguniang panlungsod of a component city or a sangguniang bayan.
- (d) In case of vacancy in the representation of the youth and the barangay in the sanggunian, said vacancy shall be filled automatically by the official next in rank of the organization concerned.
- (e) Except for barangay elections, no candidate who lost in any election shall, within one (1) year after such election, be appointed to the vacant position hereunder: *Provided*, That the appointee shall possess all the qualifications and none of the disqualifications prescribed for the corresponding elective office.

**SEC. 51. *Temporary Vacancy in the Office of the Local Chief Executive.*** – When the governor, city or municipal mayor, or punong barangay is temporarily incapacitated to perform his/her duties for physical reasons such as, but not limited to, leave of absence, domestic travel outside the territorial jurisdiction of the local government unit, and international travel, he/she may designate in writing the officer-in-charge who will temporarily perform limited powers which are confined to functions of administration and ensuring that the office continues its usual activities: *Provided*, That in no case shall such designation exceed three (3) days.

If there is temporary incapacity due to any legal reason including suspension from office, and there is no designation, or when the designation of an officer-in-charge exceeds three (3) days, the vice governor, city or municipal vice mayor, or in their absence the highest ranking sanggunian member, as the case may be, shall automatically exercise the powers and perform the duties and functions of the local chief executive concerned, except the power to appoint, suspend, or dismiss employees which can only be exercised if the period of temporary incapacity exceeds thirty (30) working days. The vice governor, city or municipal vice mayor, or the highest ranking sanggunian member, as the case may be, shall have the right to assume the powers, duties, and functions of the said office on the fourth (4<sup>th</sup>) day of absence of the local chief executive.

**SEC. 52. *Other Permanent Vacancies.*** – Where despite the modes of succession described above, certain local elective positions remain vacant for at least thirty (30) days and the operations of the local government unit are effectively hampered, appointment to such positions shall be made by:

- (a) The Chief Minister for members of the sangguniang panlalawigan or sangguniang panlungsod of a highly urbanized city or independent component city: *Provided*, That if the member of the sanggunian which caused the vacancy belongs to and ran under a political party, the appointment shall be made from among the qualified members of the same political party;
- (b) The Chief Minister, upon the recommendation of the MILG, for members of the sangguniang panlungsod of a component city and sangguniang bayan: *Provided*, That if the member of the sanggunian which caused the vacancy belongs to and ran under a political party, the appointment shall be made from among the qualified members of the same political party; or
- (c) The MILG for the barangay chairperson and the members of the sangguniang barangay.

*Provided*, That except for barangay elections, no candidate who lost in any election shall, within one (1) year after such election, be appointed to the vacant position and that *Provided further*, That he/she shall possess all the qualifications and none of the disqualifications prescribed for the corresponding elective office.

In case of multiple vacancies, the Chief Minister and the Minister of the MILG may make simultaneous appointments: *Provided*, That the rules set forth in the preceding paragraph shall be strictly observed.

**SEC. 53. *Prohibited Appointments.*** – The rules of succession in Section 49 and appointment in Section 52 shall not be circumvented by the resignation and subsequent appointment of a local elective official to the same position within the same term.

**SEC. 54. *Temporary Vacancy Due to Failure of Elections.*** –

- (a) In case of vacancy due to failure of elections in a province, city, or municipality that goes beyond noon of June 30 of the election year, the Chief Minister shall designate an officer-in-charge from among the local appointive officials of the same local government unit until a qualified, duly elected official shall have been proclaimed and assumes office.
- (b) In the case of barangay officials, the Minister of the MILG shall designate an officer-in-charge from among the local appointive officials of the same local government unit until a qualified, duly elected one shall have been proclaimed and assumes office.
- (c) The selection of the local appointive official who shall be designated as the officer-in-charge shall be based on the principle of merit and fitness, subject to the limitations on appointments under Sections 90 and 106 of this Code.

**SEC. 55. *Approval of Leaves of Absence.* –**

- (a) Leaves of absence of local elective officials shall be approved as follows:
1. Leaves of absence of the governor and the mayor of a highly urbanized city or an independent component city shall be approved by the Chief Minister or his/her duly authorized representative;
  2. Leaves of absence of a vice governor or a city or municipal vice mayor shall be approved by the local chief executive concerned: *Provided*, That the leaves of absence of the members of the sanggunian and its employees shall be approved by the vice governor or city or municipal vice mayor concerned;
  3. Leaves of absence of the component city or municipal mayor shall be approved by the governor; and
  4. Leaves of absence of a punong barangay shall be approved by the city or municipal mayor: *Provided*, That leaves of absence of sangguniang barangay members shall be approved by the punong barangay.
- (b) Whenever the application for leave of absence hereinabove specified is not acted upon within five (5) working days after receipt thereof, the application for leave of absence shall be deemed approved.

In all cases, application for leave of absence shall be furnished to the MILG.

## **CHAPTER VII**

### **LOCAL LEGISLATION**

**SEC. 56. *Local Legislative Power.* –** Local legislative power shall be exercised by the sangguniang panlalawigan for the province; the sangguniang panlungsod for the city; the sangguniang bayan for the municipality; and the sangguniang barangay for the barangay.

**SEC. 57. *Presiding Officer.* –**

- (a) The vice governor shall be the presiding officer of the sangguniang panlalawigan; the city vice mayor, of the sangguniang panlungsod; the municipal vice mayor of the sangguniang bayan; and the punong barangay of the sangguniang barangay. The presiding officer shall vote only to break a tie.
- (b) Unless otherwise provided in the sanggunian rules, in the event of the inability of the regular presiding officer to preside at a sanggunian session, and he/she has not designated a temporary presiding officer, the members present and constituting a quorum shall elect from among themselves a temporary presiding officer. He/She shall certify within ten (10) days from the passage of ordinances enacted and resolutions adopted by the sanggunian in the session over which he/she temporarily presided.

- (c) The vice governor, the city vice mayor, or the municipal vice mayor shall not be allowed to chair any of the regular standing committees of the sanggunian concerned.

**SEC. 58. *Internal Rules of Procedure.* –**

- (a) Within ninety days following the election of its members, every sanggunian shall adopt or update its existing rules of procedure.
- (b) The rules of procedure shall provide for the following:
  - 1. The organization of the sanggunian and the election of its officers as well as the creation of standing committees which shall include, but shall not be limited to, the committees on appropriations, women and family, human rights, youth and sports development, environmental protection, and cooperatives; the general jurisdiction of each committee; and the election of the chairperson and members of each committee;
  - 2. The order and calendar of business for each session;
  - 3. The legislative process;
  - 4. The parliamentary procedures which include the conduct of members during sessions;
  - 5. The discipline of members for disorderly behavior and absences without justifiable cause for four (4) consecutive sessions, for which they may be censured, reprimanded, excluded from the session, suspended for not more than sixty (60) days, or expelled: *Provided*, That the penalty of suspension or expulsion shall require the concurrence of at least two-thirds (2/3) vote of all the sanggunian members: *Provided, further*, That a member convicted by final judgment to imprisonment of at least one (1) year for any crime involving moral turpitude shall be automatically expelled from the sanggunian;
  - 6. Rules of procedure for hearings and investigations conducted under Section 70; and
  - 7. Such other rules as the sanggunian may adopt.

**SEC. 59. *Full Disclosure of Financial and Business Interests of Sanggunian Members.* –**

- (a) Every sanggunian member shall, upon assumption to office, make full disclosure of his/her business and financial interests. He/She shall also disclose any business, financial, or professional relationship or any relation by affinity or consanguinity within the fourth civil degree, which he/she may have with any person, firm, or entity affected by any ordinance or resolution under consideration by the sanggunian of which he/she is a member, which relationship may result in conflict of interest. Such relationship shall include:
  - 1. Ownership of stock or capital, or investment, in the entity or firm to which the ordinance or resolution may apply; and



2. Contracts or agreements with any person or entity which the ordinance or resolution under consideration may affect.

In the absence of a specific constitutional or statutory provision applicable to this situation, “*conflict of interest*” refers in general to one where it may be reasonably deduced that a member of a sanggunian may not act in the public interest due to some private, pecuniary, or other personal considerations that may tend to affect his/her judgment to the prejudice of the service or the public.

- (b) The disclosure required under this Code shall be made in writing and submitted to the secretary of the sanggunian or the secretary of the committee of which he/she is a member. The disclosure shall, in all cases, form part of the record of the proceedings and shall be made in the following manner:
  1. Disclosure shall be made before the member participates in the deliberations on the ordinance or resolution under consideration: *Provided*, That if the member did not participate during the deliberations, the disclosure shall be made before voting on the ordinance or resolution on second and third readings; and
  2. Disclosure shall be made when a member takes a position or makes a privilege speech on a matter that may affect the business interest, financial connection, or professional relationship described herein.

**SEC. 60. Sessions.** –

- (a) On the first day of the session immediately following the election of its members, the sanggunian shall, by resolution, fix the day, time, and place of its regular sessions. The minimum number of regular sessions shall be once a week for the sangguniang panlalawigan, sangguniang panlungsod, and sangguniang bayan, and twice a month for the sangguniang barangay.
- (b) When public interest so demands, special sessions may be called by the local chief executive or by a majority of the members of the sanggunian.
- (c) All sanggunian 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. No two (2) sessions, regular or special, may be held in a single day.
- (d) In the case of special sessions of the sanggunian, a written notice containing a specific agenda to the members shall be served personally at the member’s usual place of residence at least twenty-four (24) hours before the special session is held. 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.
- (e) The sanggunian may use a local language in conducting regular and special sessions,

provided that the minutes of the proceedings shall be translated by the secretary to the sanggunian in the English or Tagalog language.

- (f) Each sanggunian shall keep a journal and record of its proceedings which may be published upon resolution of the sanggunian concerned.

**SEC. 61. *Quorum.*** –

- (a) A majority of all the members of the sanggunian who have been elected and qualified, including the sectoral and *ex officio* members, shall constitute a quorum to transact official business. The vice governor, vice mayor, and punong barangay, as the case may be, shall be considered a member of the sanggunian for this purpose. Should a question of quorum be raised during a session, the presiding officer shall immediately proceed to call the roll of the members and thereafter announce the results.
- (b) Where there is no quorum, the presiding officer may declare a recess until such time as a quorum is constituted, or a majority of the members present may adjourn from day to day and may compel the immediate attendance of any member absent without justifiable cause by designating a member of the sanggunian, to be assisted by a member or members of the police force assigned in the territorial jurisdiction of the local government unit concerned, to arrest the absent member and present him/her at the session.
- (c) If there is still no quorum despite the enforcement of the immediately preceding subsection, no business shall be transacted. The presiding officer, upon proper motion duly approved by the members present, shall then declare the session adjourned for lack of quorum.
- (d) Sanggunian members who fail to attend four (4) consecutive regular or special sessions without justifiable reason and those who are subject to preventive suspension following the provisions of Section 75 hereof shall not be taken into account in the determination of quorum.

**SEC. 62. *Approval of Ordinances.*** –

- (a) Every ordinance enacted by the sangguniang panlalawigan, sangguniang panlungsod, or sangguniang bayan shall, before it becomes a law, be presented to the provincial governor or city or municipal mayor, as the case may be. If the local chief executive concerned approves the same, he/she shall affix his/her signature on each and every page thereof; otherwise, he/she shall veto it and return the same with his/her objections to the sanggunian, which may proceed to reconsider the same. The sanggunian concerned may override the veto of the local chief executive by a two-thirds (2/3) vote of all its members, thereby making the ordinance or resolution effective for all legal intents and purposes.
- (b) The local chief executive concerned shall approve the ordinance, or have his/her veto thereon communicated to the concerned sanggunian, within fifteen (15) days in the case of a province, and ten (10) days in the case of a city or a municipality; otherwise, the ordinance shall be deemed approved as if he/she had signed it.

- (c) Ordinances enacted by the sangguniang barangay shall, upon approval by the majority of all its members, be signed by the punong barangay.

**SEC. 63. Veto Power of the Local Chief Executive. –**

- (a) The local chief executive may veto any ordinance of the sangguniang panlalawigan, sangguniang panlungsod, or sangguniang bayan on the ground that it is *ultra vires* or prejudicial to the public welfare, stating his/her reasons therefor in writing.
- (b) The local chief executive, except the punong barangay, shall have the power to veto any particular item or items of an appropriations 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 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 herein provided; otherwise, the item or items in the appropriations ordinance of the previous year corresponding to those vetoed, if any, shall be deemed reenacted.
- (c) The local chief executive may veto an ordinance or resolution only once. The sanggunian may override the veto of the local chief executive concerned by a two-thirds (2/3) vote of all its members, thereby making the ordinance effective even without the approval of the local chief executive concerned.

**SEC. 64. Review of Component City and Municipal Ordinances or Resolutions by the Sangguniang Panlalawigan. –**

- (a) Within three (3) days after approval, the secretary to the sangguniang panlungsod or sangguniang bayan shall forward to the sangguniang panlalawigan for review, copies of approved ordinances and the resolutions approving the local development plans and public investment programs formulated by the local development councils.
- (b) Within thirty (30) days after receipt of copies of such ordinances and resolutions, the sangguniang panlalawigan shall examine the documents or transmit them to the provincial attorney, or if there be none, to the provincial prosecutor for prompt examination. The provincial attorney or provincial prosecutor shall, within a period of ten (10) days from receipt of the documents, inform the sangguniang panlalawigan in writing of his/her comments or recommendations, which may be considered by the sangguniang panlalawigan in making its decision.
- (c) If the sangguniang panlalawigan finds that such an ordinance or resolution is beyond the power conferred upon the sangguniang panlungsod or sangguniang bayan concerned, it shall declare such ordinance or resolution invalid in whole or in part. The sangguniang panlalawigan shall enter its action in the minutes and shall advise the corresponding city or municipal authorities of the action it has taken.
- (d) If no action has been taken by the sangguniang panlalawigan within thirty (30) days after submission of such an ordinance or resolution, the same shall be presumed consistent with law and therefore valid.

- (e) Copies of ordinances and resolutions passed by the above-mentioned sanggunian shall be furnished to the MILG through the municipal LGOO for information and record purposes.

**SEC. 65. *Review of Barangay Ordinances by the Sangguniang Panlungsod or Sangguniang Bayan.*** –

- (a) Within ten (10) days after its enactment, the sangguniang barangay shall furnish copies of all barangay ordinances to the sangguniang panlungsod or sangguniang bayan concerned for review as to whether the ordinance is consistent with law and city or municipal ordinances.
- (b) If the sangguniang panlungsod or sangguniang bayan, as the case may be, fails to take action on barangay ordinances within thirty (30) days from receipt thereof, the same shall be deemed approved.
- (c) If the sangguniang panlungsod or sangguniang bayan, as the case may be, finds the barangay ordinances inconsistent with law or city or municipal ordinances, the sanggunian concerned shall, within thirty (30) days from receipt thereof, return the same with its comments and recommendations to the sangguniang barangay concerned for adjustment, amendment, or modification; in which case, the effectivity of the barangay ordinance is suspended until such time as the revision called for is effected.
- (d) Copies of ordinances and resolutions passed by the above-mentioned sanggunian shall be furnished to the MILG through the municipal/city LGOO for information and record purposes.

**SEC. 66. *Enforcement of Disapproved Ordinances or Resolutions.*** – Any attempt to enforce any ordinance or any resolution approving the local development plan and public investment program, after the disapproval thereof, shall be sufficient ground for the suspension or dismissal of the official or employee concerned.

**SEC. 67. *Effectivity of Ordinances or Resolutions.*** –

- (a) Unless otherwise stated in the ordinance or the resolution approving the local development plan and public investment program, the same shall take effect after ten (10) days from the date a copy thereof is posted on a bulletin board at the entrance of the provincial capitol or city, municipal, or barangay hall, as the case may be, and in at least two (2) other conspicuous places in the local government unit concerned.
- (b) The secretary to the sanggunian concerned shall cause the posting of an ordinance or resolution in the bulletin board at the entrance of the provincial capitol and the city, municipal, or barangay hall in at least two (2) conspicuous places in the local government unit concerned not later than five (5) days after approval thereof.
- (c) The text of the ordinance or resolution shall be disseminated and posted in Filipino or English and in the language or dialect understood by the majority of the people in the local government unit concerned, and the secretary to the sanggunian shall record such fact in

a book kept for the purpose, stating the dates of approval and posting.

- (d) The gist of all ordinances with penal sanctions shall be published in a newspaper of general circulation within the province where the local legislative body concerned belongs. In the absence of any newspaper of general circulation within the province, posting of such ordinances shall be made in all municipalities and cities of the province where the sanggunian of origin is situated.
- (e) In the case of highly urbanized cities, the main features of the ordinance or resolution duly enacted or adopted shall, in addition to being posted, be published once in a local newspaper of general circulation within the city: *Provided*, That in the absence thereof the ordinance, or resolution shall be published in any newspaper of general circulation.

**SEC. 68. *Online Availability of Ordinances or Resolutions.*** – Local government units shall, as far as practicable, maintain an official website and/or official social media accounts for the purpose of, among others, posting all approved ordinances or resolutions, or the gist thereof, of their respective sanggunian.

**SEC. 69. *The Bangsamoro Register of Ordinances.*** – The MILG shall establish and maintain the Bangsamoro Register of Ordinances, which shall be the repository of all ordinances enacted by the sanggunian and filed with the municipal/city LGOO: *Provided*, That the Register shall have digital and online application and operability, and shall be accessible to the public.

## CHAPTER VIII

### DISCIPLINARY ACTIONS

**SEC. 70. *Grounds for Disciplinary Actions.*** – An elective local official may be disciplined, suspended, or removed from office on any of the following grounds:

- (a) Disloyalty to the Republic of the Philippines;
- (b) Culpable violation of the Constitution;
- (c) Dishonesty, oppression, misconduct in office, gross negligence, or dereliction of duty;
- (d) Commission of any offense involving moral turpitude or an offense punishable by at least prision mayor;
- (e) Abuse of authority;
- (f) Unauthorized absence for fifteen (15) consecutive working days, except in the case of members of the sangguniang panlalawigan, sangguniang panlungsod, sangguniang bayan, and sangguniang barangay;
- (g) Application for, or acquisition of, foreign citizenship or residence or the status of an immigrant of another country; and

- (h) Such other grounds as may be provided in this Code and other laws.

An elective local official may be removed from office on the grounds enumerated above by order of the proper court.

**SEC. 71. *Jurisdiction Over Administrative Complaints.*** – An administrative complaint against a local elective official must be verified and filed with:

- (a) The OCM, when the complaint is against any elective official of a province, a highly urbanized city, or an independent component city;
- (b) The sangguniang panlalawigan, when the complaint is against any elective official of a component city or municipality;
- (c) The sangguniang panlungsod or bayan concerned, when the complaint is against any elective barangay official; and
- (d) The OCM, when the complaint is against any local elective officials in the BARMM and there is reasonable ground to believe that a fair and just resolution will not be obtained if it is filed before the sanggunian with jurisdiction, such as when there is conflict of interest or when the case will be rendered moot.

For (a) and (d), the OCM shall issue the rules governing the procedure for administrative complaints filed under this Section.

**SEC. 72. *Notice of Hearing.*** – Within seven (7) days upon the filing of the complaint, the respondent shall be notified of the complaint and required to submit a verified answer within a non-extendible period of fifteen (15) days from receipt thereof. The hearing and investigation shall commence within ten (10) days from receipt of answer of the respondent.

**SEC. 73. *Venue.*** – When the complaint is filed before the OCM, the venue for the hearing and investigation shall be determined by the hearing officer, which shall be within the BARMM.

When the complaint is filed before the sanggunian, the venue shall be the place where the sanggunian concerned is located.

**SEC. 74. *Prohibited Period.*** – No investigation shall be held within ninety (90) days immediately prior to any local election, and no preventive suspension, as provided in the succeeding section, shall be imposed within the said period. If preventive suspension has been imposed prior to the 90-day period immediately preceding local election, it shall be deemed automatically lifted upon the start of the aforesaid period.

**SEC. 75. *Preventive Suspension.*** –

- (a) Preventive suspension may be imposed:

1. By the OCM, if the respondent is an elective official of a province, or a highly urbanized or an independent component city;
  2. By the governor, if the respondent is an elective official of a component city or municipality;
  3. By the mayor, if the respondent is an elective official of the barangay; or
  4. By the OCM, in the exercise of its concurrent jurisdiction if the complaint is filed in accordance with paragraph (d) of Section 71.
- (b) Preventive suspension may be imposed at any time after the issues are joined, when the evidence of guilt is strong, and given the gravity of the offense, there is a great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence: *Provided*, That any single preventive suspension of local elective officials shall not extend beyond sixty (60) days: *Provided, further*, That in the event that several administrative cases are filed against an elective official, he/she cannot be preventively suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension.
- (c) Upon expiration of the preventive suspension, the suspended elective official shall be deemed reinstated in office without prejudice to the continuation of the proceedings against him/her, which shall be terminated within one hundred twenty (120) days from the time he/she was formally notified of the case against him/her. However, if the delay in the proceedings of the case is due to his/her fault, neglect, or request, other than the appeal duly filed, the duration of such delay shall not be counted in computing the time of termination of the case.
- (d) Any abuse of the exercise of the power of preventive suspension shall be penalized as an abuse of authority.

**SEC. 76. Salary of Respondent Pending Suspension.** – The respondent official preventively suspended from office shall receive no salary or compensation during such suspension. But, upon subsequent exoneration and reinstatement, he/she shall be paid full salary or compensation including such emoluments accruing during such suspension.

**SEC. 77. Rights of Respondent.** – The respondent shall be accorded full opportunity to appear and defend himself/herself in person or by counsel, to confront and cross-examine the witnesses against him/her, and to require the attendance of witnesses and the production of documentary evidence in his/her favor through the compulsory process of *subpoena* or *subpoena duces tecum*.

**SEC. 78. Form and Notice of Decision.** –

- (a) The investigation of the case shall be terminated within ninety (90) days from the start thereof. Within thirty (30) days after the end of the investigation, the OCM or the sanggunian concerned shall render a decision in writing stating clearly and distinctly the

facts and the reasons for such decision. Copies of said decision shall immediately be furnished to the respondent and all interested parties.

- (b) The penalty of suspension shall not exceed the unexpired term of the respondent or a period of six (6) months for every administrative offense, nor shall said penalty be a bar to the candidacy of the respondent so suspended as long as he/she meets the qualifications required for the office.
- (c) The penalty of removal from office as a result of an administrative investigation shall be considered a bar to the candidacy of the respondent for any elective position.

**SEC. 79. *Administrative Appeals.*** – Decisions in administrative cases may, within thirty (30) days from receipt thereof, be appealed to the following:

- (a) The sangguniang panlalawigan, in the case of decisions of the sangguniang panlungsod of component cities and the sangguniang bayan; and
- (b) The OCM, in the case of decisions of the sangguniang panlalawigan and the sangguniang panlungsod of highly urbanized cities and independent component cities. Decisions of the OCM shall be final and executory.

**SEC. 80. *Execution Pending Appeal.*** – An appeal shall not prevent a decision from becoming executory. The respondent shall be considered as having been placed under preventive suspension during the pendency of an appeal in the event he/she wins such appeal. In the event the appeal results in an exoneration, he/she shall be paid his/her salary and such other emoluments during the pendency of the appeal.

## **CHAPTER IX**

### **RECALL**

**SEC. 81. *By Whom Exercised.*** – The power of recall for loss of confidence shall be exercised by the registered voters of a local government unit to which the local elective official subject to such recall belongs.

**SEC. 82. *Initiation of the Recall Process.*** –

- (a) The recall of any elective provincial, city, municipal, or barangay official shall be commenced by a petition of a registered voter in the local government unit concerned and supported by the registered voters in the local government unit concerned during the election in which the local official sought to be recalled was elected subject to the following percentage requirements:
  1. At least twenty-five percent (25%) in the case of local government units with a voting population of less than twenty thousand (20,000);
  2. At least twenty percent (20%) in the case of local government units with a voting



population of at least twenty thousand (20,000) but not more than seventy-five thousand (75,000): *Provided*, That in no case shall the required petitioners be less than five thousand (5,000);

3. At least fifteen percent (15%) in the case of local government units with a voting population of more than seventy-five thousand (75,000) but not more than three hundred thousand (300,000): *Provided, however*, That in no case shall the required number of petitioners be less than fifteen thousand (15,000); and
  4. At least ten percent (10%) in the case of local government units with a voting population of over three hundred thousand (300,000): *Provided, however*, That in no case shall the required petitioners be less than forty-five thousand (45,000).
- (b) The process of recall shall be effected in accordance with the following procedure:
1. A written petition for recall duly signed by the representatives of the petitioners before the election registrar or his/her representative, shall be filed with the COMELEC through the BEO in the local government unit concerned;
  2. The petition to recall shall contain the following:
    - i. The names and addresses of the petitioners written in legible form and their signatures;
    - ii. The barangay, city or municipality, local legislative district, and the province to which the petitioners belong;
    - iii. The name of the official sought to be recalled; and
    - iv. A brief narration of the reasons and justifications therefor.
  3. The COMELEC through the BEO shall, within fifteen (15) days from the filing of the petition, certify to the sufficiency of the required number of signatures. Failure to obtain the required number of signatures automatically nullifies the petition;
  4. If the petition is found to be sufficient in form, the COMELEC through the BEO shall, within three (3) days from the issuance of the certification, provide the official sought to be recalled a copy of the petition, cause its publication in a national newspaper of general circulation and a newspaper of general circulation in the locality, once a week for three (3) consecutive weeks at the expense of the petitioners and at the same time post copies thereof in public and conspicuous places for a period of not less than ten (10) days nor more than twenty (20) days, for the purpose of allowing interested parties to examine and verify the validity of the petition and the authenticity of the signatures contained therein;
  5. The COMELEC, through the BEO shall, upon issuance of certification, proceed independently with the verification and authentication of the signatures of the petitioners and registered voters contained therein. Representatives of the petitioners

and the official sought to be recalled shall be duly notified and shall have the right to participate therein as mere observers. The filing of any challenge or protest shall be allowed within the period provided in the immediately preceding paragraph and shall be ruled upon with finality within fifteen (15) days from the date of filing of such protest or challenge; and

6. Upon the lapse of the aforesaid period, the COMELEC through the BEO shall announce the acceptance of candidates to the position and thereafter prepare the list of candidates which shall include the name of the official sought to be recalled.

**SEC. 83. *Election on Recall.*** – Upon the filing of a valid petition for recall with the BEO, the COMELEC or BEO shall set the date of the election on recall, which shall not be later than thirty (30) days upon the completion of the procedure outlined in the preceding article, in the case of the barangay, city, or municipal officials, and forty-five (45) days in the case of provincial officials. The official or officials sought to be recalled shall automatically be considered as duly registered candidate or candidates to the pertinent positions and like other candidates, shall be entitled to be voted upon.

**SEC. 84. *Effectivity of Recall.*** – The recall of an elective local official shall be effective only upon the election and proclamation of a successor in the person of the candidate receiving the highest number of votes cast during the election on recall. Should the official sought to be recalled receive the highest number of votes, confidence in him/her is thereby affirmed, and he/she shall continue in office.

**SEC. 85. *Prohibition from Resignation.*** – The elective local official sought to be recalled shall not be allowed to resign while the recall process is in progress.

**SEC. 86. *Limitations on Recall.*** –

- (a) Any elective local official may be the subject of a recall election only once during his/her term of office for loss of confidence.
- (b) No recall shall take place within one (1) year from the date of the official's assumption to office or one (1) year immediately preceding a regular local election.

### **TITLE III**

#### **HUMAN RESOURCES AND DEVELOPMENT**

**SEC. 87. *Organizational Structure and Staffing Pattern.*** – Every local government unit shall design and implement its own organizational structure and staffing pattern taking into consideration its service requirements and financial capability, subject to the minimum standards and guidelines prescribed by the Civil Service Commission (CSC).

**SEC. 88. *Responsibility for Human Resources and Development.*** – The chief executive of every local government unit shall be responsible for human resources and development in his/her unit and shall take all personnel actions in accordance with the Constitutional provisions on civil service, pertinent laws, and rules and regulations thereon, including such policies, guidelines, and standards as the Parliament may establish such as those provided in the BCSC: *Provided*, That the local chief

executive may employ emergency or casual employees or laborers paid on a daily wage or piecework basis and hired through job orders for local projects authorized by the sanggunian concerned, without need of approval or attestation by the CSC: *Provided, further,* That the period of employment of emergency or casual laborers as provided in this Section shall not exceed six (6) months.

**SEC. 89. *Civil Service Law, Rules and Regulations, and Other Related Issuances.*** – All matters pertinent to human resources and development in local government units shall be governed by the national civil service law, the BCSC, and such rules and regulations and other issuances promulgated pursuant thereto, unless otherwise specified in this Code.

**SEC. 90. *Limitation on Appointments.*** – No person shall be appointed in the career service of the local government if he/she is related within the fourth (4<sup>th</sup>) civil degree of consanguinity or affinity to the appointing or recommending authority.

**SEC. 91. *Public Notice of Vacancy; Personnel Selection Board.*** –

- (a) Whenever a local chief executive decides to fill a vacant career position, there shall be posted notices of the vacancy in at least three (3) conspicuous public places in the local government unit concerned for a period of not less than fifteen (15) days.
- (b) There shall be established in every province, city, or municipality a personnel selection board to assist the local chief executive in the judicious and objective selection of personnel for employment as well as for promotion, and in the formulation of such policies as would contribute to employee welfare.
- (c) The personnel selection board shall be headed by the local chief executive, and its members shall be determined by resolution of the sanggunian concerned. A representative of the CSC, if any, and the personnel officer of the local government unit concerned shall be *ex officio* members of the board.

**SEC. 92. *Recruitment and Selection.*** – Opportunity for employment or appointment in the local government units shall be open to all qualified citizens: *Provided,* That preference shall be given to *bona fide* residents of the locality where the employment is situated.

**SEC. 93. *Compensation of Local Officials and Employees.*** – The compensation of local officials and personnel shall be in accordance with the national laws on compensation and position classification system in the government.

**SEC. 94. *Resignation of Elective Local Officials.*** –

- (a) Resignations by elective local officials shall be deemed effective only upon acceptance by the following authorities:
  - 1. The Chief Minister, in the case of governors and vice governors, and mayors and vice mayors of highly urbanized cities and independent component cities;
  - 2. The governor, in the case of municipal mayors, municipal vice mayors, city mayors,

and city vice mayors of component cities;

3. The sanggunian concerned, in the case of sanggunian members; and
  4. The city or municipal mayor, in the case of barangay officials.
- (b) Copies of the resignation letters of elective local officials, together with the action taken by the aforesaid authorities, shall be furnished to the MILG and the Office of the President.
  - (c) The resignation shall be deemed accepted if not acted upon by the authority concerned within fifteen (15) working days from receipt thereof.
  - (d) Irrevocable resignations by sanggunian members shall be deemed accepted upon presentation before an open session of the sanggunian concerned and duly entered in its records: *Provided, however,* That this subsection does not apply to sanggunian members who are subject to recall elections or to cases where existing laws prescribe the manner of acting upon such resignations.

**SEC. 95. *Grievance Procedure.*** – In every local government unit, the local chief executive shall establish a procedure to inquire into, act upon, resolve, or settle complaints and grievances presented by local government employees.

**SEC. 96. *Administrative Discipline.*** – Investigation and adjudication of administrative complaints against appointive local officials and employees as well as their suspension and removal shall be in accordance with the BCSC, civil service law and rules, and other pertinent laws. The results of such administrative investigations shall be reported to the CSC.

**SEC. 97. *Preventive Suspension of Appointive Local Officials and Employees.*** –

- (a) The local chief executives may preventively suspend for a period not exceeding sixty (60) days any subordinate official or employee under his/her authority pending investigation if the charge against such official or employee involves dishonesty, oppression, or grave misconduct or neglect in the performance of duty, or if there is reason to believe that the respondent is guilty of the charges which would warrant his/her removal from the service.
- (b) Upon expiration of the preventive suspension, the suspended official or employee shall be automatically reinstated in office without prejudice to the continuation of the administrative proceedings against him/her until its termination. If the delay in the proceedings of the case is due to the fault, neglect, or request of the respondent, the time of the delay shall not be counted in computing the period of suspension herein provided.

**SEC. 98. *Administrative Investigation.*** – In any local government unit, administrative investigation may be conducted by a person or a committee duly authorized by the local chief executive. Said person or committee shall conduct hearings on the cases brought against appointive local officials and employees and submit their findings and recommendations to the local chief executive concerned within fifteen (15) days from the conclusion of the hearings. The administrative cases herein mentioned shall be decided within ninety (90) days from the time the respondent is formally notified of the charges.

**SEC. 99. *Disciplinary Jurisdiction.*** – Except as otherwise provided by law, the local chief executive may impose the penalty of removal from service, demotion in rank, suspension for not more than one (1) year without pay, fine in an amount not exceeding six (6) months' salary, or reprimand and otherwise discipline subordinate officials and employees under his/her jurisdiction. If the penalty imposed is suspension without pay for not more than thirty (30) days, his/her decision shall be final. If the penalty imposed is heavier than suspension of thirty (30) days, the decision shall be appealable to the CSC, which shall decide the appeal within thirty (30) days from receipt thereof.

**SEC. 100. *Execution Pending Appeal.*** – An appeal shall not prevent the execution of a decision of removal or suspension of a respondent-appellant. In case the respondent-appellant is exonerated, he/she shall be reinstated to his/her position with all the rights and privileges appurtenant thereto from the time he/she had been deprived thereof.

**SEC. 101. *Prohibited Business and Pecuniary Interest.*** –

- (a) It shall be unlawful for any local government official or employee, directly or indirectly, to:
1. Engage in any business transaction with the local government unit in which he/she is an official or employee or over which he/she has the power of supervision, or with any of its authorized boards, officials, agents, or attorneys, whereby money is to be paid, or property or any other thing of value is to be transferred, directly or indirectly, out of the resources of the local government unit to such person or firm;
  2. Hold such interests in any cockpit or other games licensed by a local government unit;
  3. Purchase any real estate or other property forfeited in favor of such local government unit for unpaid taxes or assessment, or by virtue of a legal process at the instance of the said local government unit;
  4. Be a surety for any person contracting or doing business with the local government unit for which a surety is required; and
  5. Possess or use any public property of the local government unit for private purposes.

Commission of any of the prohibited acts as enumerated above shall be a sufficient ground for disciplinary action as provided in Section 70 of this Code, without prejudice to criminal charges that may arise out of the act.

- (b) All other prohibitions governing the conduct of national public officers relating to prohibited business and pecuniary interest so provided for under R.A. No. 6713 otherwise known as the “*Code of Conduct and Ethical Standards for Public Officials and Employees*” and other laws shall also be applicable to local government officials and employees.

**SEC. 102. *Practice of Profession.*** –

- (a) All governors, city, and municipal mayors are prohibited from practicing their profession or engaging in any occupation other than the exercise of their functions as local chief executives.
- (b) Sanggunian members may practice their professions, engage in any occupation, or teach in schools except during session hours: *Provided*, That sanggunian members who are also members of the bar shall not:
  - 1. Appear as counsel before any court in any civil case wherein a local government unit or any office, agency, or instrumentality of the government is the adverse party;
  - 2. Appear as counsel in any criminal case wherein an officer or employee of the national or local government is accused of an offense committed in relation to his/her office;
  - 3. Collect any fee for their appearance in administrative proceedings involving the local government unit of which he/she is an official; and
  - 4. Use property and personnel of the government except when the sanggunian member concerned is defending the interest of the government.

Doctors of medicine may practice their profession even during official hours of work only on occasions of emergency: *Provided*, That the officials concerned do not derive monetary compensation therefrom.

**SEC. 103. *Statement of Assets and Liabilities.*** – Officials and employees of local government units shall file sworn statements of assets, liabilities, and net worth, lists of relatives within the fourth (4<sup>th</sup>) civil degree of consanguinity or affinity in government service, financial and business interests, and personnel data sheets as required by law.

**SEC. 104. *Oath or Affirmation of Office and Oath of Moral Governance.*** – All elective and appointive local officials and employees shall, upon assumption to office, subscribe to an oath or affirmation of office in the prescribed form. He/She may take his/her oath or affirmation of office before the holy book of his/her religious affiliation.

The oath or affirmation of office shall be filed with the office of the local chief executive concerned. A copy of the oath or affirmation of office of all elective and appointive local officials and employees shall be preserved in the individual personal records file under the custody of the personnel office, division, or section of the local government unit concerned.

He/She shall likewise take the oath of moral governance in accordance with BAA No. 13, otherwise known as the “*Bangsamoro Administrative Code (BAC)*.”

**SEC. 105. *Partisan Political Activity.*** – No local official or employee in the career civil service shall engage, directly or indirectly, in any partisan political activity or take part in any election,

initiative, referendum, plebiscite, or recall, except to vote, nor shall he/she use his/her official authority or influence to cause the performance of any political activity by any person or body. He/She may, however, express his/her views on current issues, or mention the names of certain candidates for public office whom he/she supports:

*Provided*, That local officials or employees in the career service who are nominated as party representatives as provided in BAA No. 35, otherwise known as the “*Bangsamoro Electoral Code (BEC)*”, shall be deemed to have taken a leave upon his/her nomination and thereafter be exempt from the above prohibition.

Elective local officials may take part in partisan political and electoral activities, but it shall be unlawful for them to solicit contributions from their subordinates or subject these subordinates to any of the prohibited acts under the Omnibus Election Code or the BEC.

**SEC. 106. *Appointment of Elective and Appointive Local Officials; Candidates Who Lost in Election.*** – Unless otherwise allowed by law or by the primary functions of his/her position, no elective or appointive local official shall hold any other office or employment in the government or any subdivision, agency, or instrumentality thereof, including GOCCs or their subsidiaries.

Except for barangay elections, no candidate who lost in any election shall, within one (1) year after such election, be appointed to any office in the government or any GOCCs or in any of their subsidiaries: *Provided*, That this shall not apply to nominees of regional political parties for party representatives who fail to secure the needed votes to qualify for a seat in the Parliament as provided in Article VI, Section 8 of the BEC.

**SEC. 107. *Additional or Double Compensation.*** – No elective or appointive local official or employee shall receive additional, double, or indirect compensation, unless specifically authorized by law, nor accept without the consent of Parliament, any present, emoluments, office, or title of any kind from any foreign government. Pensions or gratuities shall not be considered as additional, double, or indirect compensation.

**SEC. 108. *Permission to Leave Station.*** –

- (a) Provincial, city, municipal, and barangay appointive officials going on official travel shall apply and secure written permission from their respective local chief executives before departure. The application shall specify the reasons for such travel, and the permission shall be given or withheld based on considerations of public interest, financial capability of the local government unit concerned, and urgency of the travel.
- (b) Should the local chief executive concerned fail to act upon such application within four (4) working days from receipt thereof, it shall be deemed approved.
- (c) Mayors of component cities and municipalities shall secure the permission of the governor concerned for any travel outside the province.

- (d) Local government officials traveling abroad shall notify their respective sanggunian: *Provided*, That when the period of travel extends to more than three (3) months, or is to be performed during periods of emergency or crisis, or when the travel involves the use of public funds, permission from the OCM, through the MILG shall be secured.
- (e) Field officers of national and regional agencies or offices assigned in provinces, cities, and municipalities shall not leave their official stations without giving prior written notice to the local chief executive concerned. Such notice shall state the duration of travel and the name of the officer whom he/she shall designate to act for and on his/her behalf during his/her absence.

**SEC. 109. Annual Report.** – On or before March 31 of each year, every local chief executive shall submit an annual report to the sanggunian concerned and to the MILG on the socio-economic, political, and peace and order conditions, and other matters concerning the local government unit, which shall cover the immediately preceding calendar year. Component cities and municipalities shall provide the sangguniang panlalawigan copies of their respective annual reports.

#### TITLE IV

#### LOCAL SCHOOL BOARDS

**SEC. 110. Creation, Composition, and Compensation.** –

- (a) There shall be established in every province, city, or municipality a provincial, city, or municipal school board, respectively.
- (b) The composition of local school boards shall be as follows:
  1. The provincial school board shall be composed of the governor and the division superintendent of schools as co-chairpersons; the *Madaris* division superintendent, the chairperson of the education committee of the sangguniang panlalawigan, the provincial treasurer, the representative of the pederasyon ng mga sangguniang kabataan in the sangguniang panlalawigan, the duly elected president of the provincial federation of parents-teachers association, the duly elected representative of the teachers' organization in the province, and the duly elected representative of the non-academic personnel of public schools in the province, as members;
  2. The city school board shall be composed of the city mayor and the city superintendent of schools as co-chairpersons; the *Madaris* division superintendent of the city, the chairperson of the education committee of the sangguniang panlungsod, the city treasurer, the representative of the pederasyon ng mga sangguniang kabataan in the sangguniang panlungsod, the duly elected president of the city federation of parents-teachers associations, the duly elected representative of the teachers' organizations in the city, and the duly elected representative of the non-academic personnel of public schools in the city, as members; and
  3. The municipal school board shall be composed of the municipal mayor and a representative of the Ministry of Basic, Higher and Technical Education (MBHTE)



at the municipal level designated by the Minister thereof as co-chairpersons; the chairperson of the education committee of the sangguniang bayan, the municipal treasurer, the representative of the pederasyon ng mga sangguniang kabataan in the sangguniang bayan, the duly elected president of the municipal federation of parents-teachers associations, the duly elected representative of the teachers' organizations in the municipality, the duly elected representative of the non-academic personnel of public schools in the city, and a representative of *Madaris* from the public school system in the municipal level, as members.

- (c) In the event that a province or city has two (2) or more school superintendents, the MBHTE shall designate the co-chairperson for the provincial and city school boards.
- (d) The performance of the duties and responsibilities of the abovementioned officials in their respective local school boards shall not be delegated.
- (e) As far as practicable, the student councils/governments under basic or *Madaris* education shall be represented in the local school boards. For this purpose, the MBHTE shall provide guidelines for the federation of the student councils/governments of the public schools in the different levels of local government units.

**SEC. 111. *Functions of Local School Boards.*** – The provincial, city, or municipal school board shall:

- (a) Determine, in accordance with the criteria set by the MBHTE, the annual supplementary budgetary needs for the operation and maintenance of public schools within the province, city, or municipality, as the case may be, and the supplementary local cost of meeting such needs, which shall be reflected in the form of an annual school board budget corresponding to its share in the proceeds of the special levy on real property constituting the Special Education Fund (SEF) and such other sources of revenue as this Code and other laws or ordinances may provide;
- (b) Authorize the provincial, city, or municipal treasurer, as the case may be, to disburse funds from the SEF pursuant to the budget prepared and in accordance with existing rules and regulations;
- (c) Serve as an advisory committee to the sanggunian concerned on educational matters such as, but not limited to, the necessity for and the uses of local appropriations for educational purposes;
- (d) Recommend changes in the names of public schools within the territorial jurisdiction of the local government unit for enactment by the sanggunian concerned; and
- (e) Be consulted by the MBHTE on the appointment of division superintendents, school principals, and other school official.

**SEC. 112. *Meetings and Quorum; Budget.*** –

- (a) The local school board shall meet at least once every quarter or as often as may be

necessary.

- (b) Any of the co-chairpersons may call a meeting. A majority of all its members shall constitute a quorum. However, when both co-chairpersons are present in a meeting, the local chief executive concerned, as a matter of protocol, shall be given preference to preside over the meeting. The division superintendent, city superintendent, or the representative of the MBHTE at the municipal level, as the case may be, shall prepare the budget of the school board concerned. Such budget shall be supported by programs, projects, and activities of the school board for the ensuing fiscal year. The affirmative vote of the majority of all its members shall be necessary to approve the budget.
  
- (c) The annual school board budget shall give priority to the following:
  - 1. Construction, repair, and maintenance of school buildings and other facilities of public elementary and secondary schools, including those under the *Madaris*;
  - 2. Establishment and maintenance of extension classes where necessary;
  - 3. Sports activities at the division, district, municipal, and barangay level;
  - 4. Educational trainings and exposure for teachers and students;
  - 5. Funding for the Early Childhood Care and Development (ECCD) program;
  - 6. Funding for feeding and nutrition program for undernourished children in public day care centers, kindergarten, and elementary schools;
  - 7. Funding for programs that promote the physical and mental well-being of students; and
  - 8. Funding for special education programs of people with special needs to support education of learners with disability.

Such other matters as may be prescribed by the local government unit concerned, and the MBHTE.

**SEC. 113. *Compensation and Remuneration.*** – The co-chairpersons and members of the provincial, city, or municipal school board shall perform their duties as such without compensation or remuneration. Members thereof who are not government officials or employees shall be entitled to necessary traveling expenses and allowances chargeable against funds of the local school board concerned, subject to existing accounting and auditing rules and regulations.

## TITLE V

### LOCAL HEALTH BOARDS

#### **SEC. 114. *Creation and Composition.* –**

- (a) There shall be established a local health board in every province, city, or municipality. The composition of the local health boards shall be as follows:
1. The provincial health board shall be headed by the governor as chairperson, the provincial health officer as vice chairperson, and the chairperson of the committee on health of the sangguniang panlalawigan, a representative from the private sector or non-governmental organizations involved in health services, and a representative of the Ministry of Health (MOH) in the province, as members;
  2. The city health board shall be headed by the city mayor as chairperson, the city health officer as vice chairperson, and the chairperson of the committee on health of the sangguniang panlungsod, a representative from the private sector or non-governmental organizations involved in health services, and a representative of the MOH in the city, as members;
  3. The municipal health board shall be headed by the municipal mayor as chairperson, the municipal health officer as vice chairperson, and the chairperson of the committee on health of the sangguniang bayan, a representative from the private sector or non-governmental organizations involved in health services, and a representative of the MOH in the municipality, as members; and
  4. For local government units whose devolved powers over health services are not being fully exercised, the concerned local chief executive and the highest health official assigned by the MOH in the locality shall sit as co-chairpersons of the local health board.
- (b) The functions of the local health board shall be:
1. To propose to the sanggunian concerned, in accordance with standards and criteria set by the MOH, annual budgetary allocations for the operation and maintenance of health facilities and services within the municipality, city, or province, as the case may be;
  2. To serve as an advisory committee to the sanggunian concerned on health matters such as, but not limited to, the necessity for, and application of, local appropriations for public health purposes;
  3. To create, consistent with the technical and administrative standards of the MOH, committees which shall advise local health agencies on matters such as, but not limited to, personnel selection and promotion, bids and awards, grievances and complaints, personnel discipline, budget review, operations review and similar functions; and

4. In the case of a local government unit whose health services are not fully devolved, the board shall serve as a planning body in determining appropriate support health programs to be funded by the concerned local government unit.

**SEC. 115. *Meetings and Quorum.*** –

- (a) The board shall meet at least once every quarter or as often as may be necessary.
- (b) A majority of the members of the board shall constitute a quorum, but the chairperson or the co-chairpersons and the vice chairperson, as the case may be, must be present during meetings where budgetary proposals are being prepared or considered. The affirmative vote of a majority of the members is required to approve such proposals.

**SEC. 116. *Compensation and Remuneration.*** – The chairperson or the co-chairpersons, and vice chairperson, as the case may be, and members of the provincial, city, or municipal health board shall perform their duties as such without additional compensation or remuneration. Members thereof who are not government officials or employees shall be entitled to necessary traveling expenses and allowances chargeable against the funds of the local health board concerned, subject to existing accounting and auditing rules and regulations.

**SEC. 117. *Direct Regional Supervision and Control by the Minister of the Ministry of Health.*** – In cases of epidemics, pestilence, and other widespread public health dangers, the Minister of the MOH may, upon the direction of the Chief Minister and in consultation with the local government unit concerned, temporarily assume direct supervision and control over health operations in any local government unit for the duration of the emergency, but in no case exceeding a cumulative period of six (6) months. With the concurrence of the local government unit concerned, the period for such direct regional control and supervision may be further extended.

In cases where widespread public health dangers are so severe that regional resources are insufficient to contain them, the Bangsamoro Government may request the national government to temporarily assume direct supervision and control over the health operations in the affected localities.

## TITLE VI

### LOCAL DEVELOPMENT COUNCILS

**SEC. 118. *Local Development Councils.*** – Each local government unit shall have a comprehensive multi-sectoral development plan such as physical framework plan, comprehensive development plan, and its investment program, to be initiated by its development council and approved by its sanggunian. For this purpose, the development council at the provincial, city, municipal, or barangay level, shall assist the corresponding sanggunian in setting the direction of economic and social development, and coordinating development efforts within its territorial jurisdiction.

**SEC. 119. *Composition of Local Development Councils.*** – The composition of the local development council shall be as follows:

- (a) The barangay development council shall be headed by the punong barangay and shall be composed of the following members:
1. Members of the sangguniang barangay;
  2. Representatives of non-governmental organizations operating in the barangay, who shall constitute not less than one fourth (1/4) of the members of the fully organized council;
  3. A representative of the member of Congress of the legislative district; and
  4. A representative of a member of the Parliament;
- (b) The city or municipal development council shall be headed by the mayor and shall be composed of the following members:
1. All punong barangays in the city or municipality;
  2. The chairperson of the committee on appropriations of the sangguniang panlungsod or sangguniang bayan concerned;
  3. The member of Congress of the legislative district or his/her representative;
  4. Representatives of non-governmental organizations operating in the city or municipality, as the case may be, who shall constitute not less than one-fourth (1/4) of the members of the fully organized council; and
  5. A member of the Parliament or his/her representative;
- (c) The provincial development council shall be headed by the governor and shall be composed of the following members:
1. All mayors of component cities and municipalities;
  2. The chairperson of the committee on appropriations of the sangguniang panlalawigan;
  3. The member of Congress of the legislative district or his/her representative;
  4. Representatives of non-governmental organizations operating in the province, who shall constitute not less than one-fourth (1/4) of the members of the fully organized council; and
  5. A member of the Parliament or his/her representative;
- (d) The local development councils may call upon any local official concerned or any official of the Bangsamoro ministries, offices, or agencies in the local government unit to assist in the formulation of their respective development plans and public investment programs;

- (e) The Bangsamoro Planning and Development Authority (BPDA) and the MILG shall provide planning guidelines to ensure harmonization of regional and local development plans. Failure to formulate and approve such mandated plans shall subject the local chief executive to such criminal and administrative penalties as provided for under this Code and other applicable laws;
- (f) The local development councils shall, as far as practicable, ensure that at least forty percent (40%) of its members are women; and
- (g) When at least five percent (5%) of the population of the local government unit, but not more than fifty percent (50%) of its local elective officials is composed of indigenous peoples (IPs), or when a native title recognized by the Ministry of Indigenous Peoples' Affairs (MIPA) is situated within the local government unit, a representative of the IPs shall be a mandatory member of the council. Selection of the member shall be in accordance with the guidelines issued by the MIPA which shall respect and uphold their respective indigenous customs, traditions, and norms.

**SEC. 120. Representation of Non-Governmental Organizations.** – Within a period of sixty (60) days from the start of organization of local development councils, the non-governmental organizations shall choose from among themselves their representatives to said councils. The local sanggunian concerned shall accredit non-governmental organizations subject to the guidelines that shall be issued by the MILG.

**SEC. 121. Functions of Local Development Councils.** –

- (a) The provincial, city, and municipal development councils shall exercise the following functions:
  1. Formulate long-term, medium-term, and annual socio-economic development plans and policies;
  2. Formulate the medium-term and annual public investment programs;
  3. Appraise and prioritize socio-economic development programs and projects;
  4. Formulate local investment incentives to promote the inflow and direction of private investment capital;
  5. Coordinate, monitor, and evaluate the implementation of development programs and projects; and
  6. Perform such other functions as may be provided by law or competent authority.
- (b) The barangay development council shall exercise the following functions:
  1. Mobilize people's participation in local development efforts;

2. Prepare barangay development plans based on local requirements;
3. Monitor and evaluate the implementation of national, regional, and local programs and projects;
4. Act as the barangay Disaster Risk Reduction and Management Council (DRRMC), in accordance with R.A. No. 10121, otherwise known as the “*Philippine Disaster Risk Reduction and Management Act of 2010*”; and
5. Perform such other functions as may be provided by law or competent authority.

**SEC. 122. Meetings and Quorum.** – The local development council shall meet at least once every six (6) months or as often as may be necessary.

**SEC. 123. Executive Committee.** –

- (a) Each local development council shall create an executive committee to represent it and act in its behalf when it is not in session. The composition of the executive committee shall be as follows:
  1. The executive committee of the provincial development council shall be composed of the governor as chairperson, the representative of component city and municipal mayors to be chosen from among themselves, the chairperson of the committee on appropriations of the sangguniang panlalawigan, the president of the provincial league of barangays, and a representative of non-governmental organizations that are represented in the council, as members;
  2. The executive committee of the city or municipal development council shall be composed of the mayor as chairperson, the chairperson of the committee on appropriations of the sangguniang panlalawigan, the president of the city or municipal league of barangays, and a representative of non-governmental organizations that are represented in the council, as members; and
  3. The executive committee of the barangay development council shall be composed of the punong barangay as chairperson, a representative of the sangguniang barangay to be chosen from among its members, and a representative of non-governmental organizations that are represented in the council, as members.
- (b) The executive committee shall exercise the following powers and functions:
  1. Ensure that the decisions of the council are faithfully carried out and implemented;
  2. Act on matters requiring immediate attention or action by the council;
  3. Formulate policies, plans, and programs based on the general principles laid down by the council; and

4. Act on other matters that may be authorized by the council.

**SEC. 124. Sectoral or Functional Committees.** – The local development councils may form sectoral or functional committees to assist them in the performance of their functions. The sectoral committees may include but are not limited to:

1. Institutional or Development Administration Committee;
2. Social Development Committee;
3. Economic Development Committee;
4. Environmental Management Committee;
5. Infrastructure Committee; and
6. Culture and Peace Committee:

*Provided,* That a local nutrition sub-committee shall be part of the Social Development Committee.

*Provided, further,* That in the case of the barangay development council, one of its regular committees shall be the barangay Disaster Risk Reduction and Management (DRRM) Committee.

**SEC. 125. Secretariat.** – There is hereby constituted for each local development council a secretariat which shall be responsible for providing technical support, documentation of proceedings, preparation of reports and such other assistance as may be required in the discharge of its functions. The local development council may avail of the services of any non-governmental organization or educational or research institution for this purpose.

The secretariats of the provincial, city, and municipal development councils shall be headed by their respective planning and development coordinators to be assisted by the treasurer, accountant, and budget officer. The secretariat of the barangay development council shall be headed by the barangay secretary who shall be assisted by the city or municipal planning and development coordinator concerned.

**SEC. 126. Relation of Local Development Councils to the Sanggunian and the Bangsamoro Economic and Development Council.** –

- (a) The policies, programs, and projects proposed by local development councils shall be submitted to the sanggunian concerned for appropriate action. The local development plans approved by their respective sanggunian shall be integrated in the development plans of the next higher level of local development council.
- (b) The approved development plans of provinces, highly-urbanized cities, and independent component cities shall be submitted to the BEDC, through the BPDA which shall be integrated into the Bangsamoro Development Plan (BDP).

**SEC. 127. Budget Information.** – The Ministry of Finance, and Budget and Management (MFBM) shall furnish the various local development council information on financial resources and



budgetary allocations from the Bangsamoro and national governments applicable to the constituent local government units to guide them in their planning functions.

## TITLE VII

### LOCAL PEACE AND ORDER COUNCIL

**SEC. 128. *Organization.*** – There is hereby established in every province, city, and municipality a local peace and order council, pursuant to E.O. No. 309, series of 1988 (*Reorganizing the Peace and Order Council*), as amended by E.O. No. 773, series of 2009. The local peace and order councils shall have the same composition and functions as those prescribed by the said executive order.

In addition, local peace and order councils may create *ad hoc* bodies to settle disputes or *ridos* within their respective local government units. The body shall be composed of respected members of the community, such as traditional leaders, religious leaders, women, and other individuals whose involvement will increase the likelihood of settlement.

## TITLE VIII

### LOCAL DISASTER RISK REDUCTION AND MANAGEMENT COUNCIL

**SEC. 129. *Organization.*** – There is hereby established in every province, city, and municipality a local DRRMC pursuant to R.A. No. 10121. The local DRRMC shall have the same composition and functions as those prescribed by the said law and as far as practicable, shall have at least forty percent (40%) women in its membership.

## TITLE IX

### OTHER LOCAL COUNCILS

**SEC. 130. *Establishment of Other Local Councils.*** – There shall also be established and organized in every province, city, and municipality, and as far as practicable, in the barangay, the following local councils pursuant to applicable national and regional laws and the provisions of this Code:

1. Council for the Protection of Children;
2. Anti-Drug Abuse Council;
3. Youth Development Council;
4. Women’s Development Council;
5. Culture and Arts Council;
6. Council for the Elderly;
7. Council for Persons with Disabilities (PWDs); and
8. Council for Internally Displaced Persons (IDPs):

*Provided,* That for the establishment of a women’s development council, the composition, functions, and other matters on its organization shall be provided in a law to be enacted by the

Parliament on gender and development.

*Provided, further,* That for the establishment of a council for IDPs, the composition, functions, and other matters on its organization shall be provided in a law to be enacted by the Parliament on the rights of IDPs.

## TITLE X

### AUTONOMOUS SPECIAL ECONOMIC ZONE

**SEC. 131. *Establishment of Autonomous Special Economic Zones.*** – The establishment by law of autonomous special economic zones in selected areas of the BARMM shall be subject to concurrence by the local government units included therein.

## TITLE XI

### PROVISIONS COMMON TO ALL LOCAL BODIES

**SEC. 132. *Mandatory Representation of Indigenous Peoples.*** – The mandatory representation of IPs in the local policy making bodies of local government units in the Bangsamoro shall be guaranteed when at least five percent (5%) of the population of the local government unit, but not more than fifty percent (50%) of its local elective officials is composed of IPs, or when a native title recognized by the MIPA is situated within the local government unit. The selection thereof shall be in accordance with the guidelines jointly issued by the MIPA and the MILG which shall respect and uphold their respective indigenous customs, traditions, and norms.

**SEC. 133. *Mandatory Representation of Settler Communities.*** – The mandatory representation of settler communities in the local policy making bodies of local government units in the Bangsamoro shall be guaranteed when at least five percent (5%) of the population of the local government unit, but not more than fifty percent (50%) of its local elective officials is composed of settler communities. The selection thereof shall be in accordance with the guidelines issued by the MILG.

**SEC. 134. *Other Members of the Special Bodies.*** – The local bodies can add members as they deem fit. Members who are not mandated by this Code shall not be entitled to receive amounts for their necessary travelling expenses and allowances.

## TITLE XII

### OTHER PROVISIONS APPLICABLE TO LOCAL GOVERNMENT UNITS

## CHAPTER X

### SETTLEMENT OF BOUNDARY DISPUTES

**SEC. 135. *Jurisdictional Responsibility for Settlement of Boundary Dispute.*** – Boundary

disputes between and among local government units shall, as much as possible, be settled amicably. To this end:

- (a) Boundary disputes involving two (2) or more barangays in the same city or municipality shall be referred for settlement to the sangguniang panlungsod or sangguniang bayan concerned;
- (b) Boundary disputes involving two (2) or more barangays located in different cities or municipalities within the same province shall be referred for settlement to the sangguniang panlalawigan concerned;
- (c) Boundary disputes involving two (2) or more barangays located in different cities or municipalities of different provinces shall be jointly referred for settlement to the sangguniang bayan or panlungsod of the cities or municipalities concerned;
- (d) Boundary disputes involving a barangay, on one hand, and a city or municipality, on the other, all located within the same province shall be referred for settlement to the sangguniang panlalawigan of the province concerned;
- (e) Boundary disputes involving a barangay, on one hand, and a city or municipality, on the other, located in different provinces shall be jointly referred for settlement to the sangguniang panlalawigan of the provinces concerned;
- (f) Boundary disputes involving a barangay or a component city or municipality of one province on one hand, and another province on the other shall be jointly referred for settlement to the sangguniang panlalawigan of the provinces concerned;
- (g) Boundary disputes involving two (2) or more municipalities within the same province shall be referred for settlement to the sangguniang panlalawigan concerned;
- (h) Boundary disputes involving municipalities or component cities of different provinces shall be jointly referred for settlement to the sanggunian of the provinces concerned;
- (i) Boundary disputes involving a component city or municipality on the one hand and a highly urbanized city on the other, or two (2) or more highly urbanized cities, shall be jointly referred for settlement to the respective sanggunians of the parties;
- (j) Boundary disputes involving provinces, and those involving an independent component city or highly urbanized city, on one hand, and a province, on the other, shall be jointly referred for settlement to the sanggunian of the province and city concerned; and
- (k) Boundary disputes involving any local government unit in the BARMM on one hand and any local government unit outside the region on the other shall be referred for joint settlement to the respective higher constituent sanggunian of the local government units concerned: *Provided*, That the sanggunian shall be at the same level; *Provided further*, That, where amicable settlement is not possible, recourse to the courts shall be allowed.

**SEC. 136. Procedures for Joint Settlement.** – Sanggunians of different local government units

shall include in their internal rules the procedures and mechanisms for settling boundary disputes.

When the boundary dispute settlement necessitates the involvement of two or more sanggunians, they shall be represented by an equal number of delegates throughout the joint proceedings. The venue for the proceedings shall be agreed upon by the sanggunians or, in the absence thereof, shall be held alternately between the sanggunians. The costs for the settlement proceedings and the enforcement of the settlement or decision shall be borne equally by the sanggunians, unless otherwise agreed.

In the event of failure or refusal to comply with the settlement, the enforcement thereof shall be borne by the local government unit that fails or refuses to comply.

**SEC. 137. *Failure To Arrive at an Amicable Settlement.*** – In the event the sanggunian fails to arrive at an amicable settlement within sixty (60) days from the date the dispute was referred thereto, it shall issue a certification to that effect. Thereafter, the dispute shall be formally tried by the sanggunian concerned which shall decide the issue within sixty (60) days from the date of the certification referred to above.

**SEC. 138. *Appeal.*** – Within the time and manner prescribed by the Rules of Court, any party may elevate the decision of the sanggunian concerned to the proper regional trial court having jurisdiction over the area in dispute. The regional trial court shall decide the appeal within one (1) year from the filing thereof. Pending final resolution of the disputed area, the status quo prior to the dispute shall be maintained and continued for all legal purposes.

## CHAPTER XI

### LOCAL INITIATIVE AND REFERENDUM

**SEC. 139. *Local Initiative Defined.*** – Local initiative is the legal process whereby the registered voters of a local government unit may directly propose, enact, or amend any ordinance.

**SEC. 140. *Who May Exercise.*** – The power of local initiative and referendum may be exercised by all registered voters of the provinces, cities, municipalities, and barangays.

**SEC. 141. *Procedure in Local Initiative.*** –

- (a) Not less than one thousand (1,000) registered voters in case of provinces and cities, one hundred (100) in case of municipalities, and fifty (50) in the case of barangays, may file a petition with the sanggunian concerned proposing the adoption, enactment, repeal, or amendment of an ordinance.
- (b) If no favorable action thereon is taken by the sanggunian concerned within thirty (30) days from its presentation, the proponents, through their duly authorized and registered representatives, may invoke their power of initiative, giving notice thereof to the sanggunian concerned.

- (c) The proposition shall be numbered serially starting from Roman numeral one (I). The COMELEC, through the BEO, shall extend assistance in the formulation of the proposition.
- (d) Two (2) or more propositions may be submitted in an initiative.
- (e) Proponents shall have ninety (90) days in the case of provinces and cities, sixty (60) days in the case of municipalities, and thirty (30) days in the case of barangays, from notice mentioned in subsection (b) hereof to collect the required number of signatures.
- (f) The petition shall be signed before the election registrar, or his/her designated representatives, in the presence of a representative of the proponent, and a representative of the sanggunian concerned in a public place in the local government unit, as the case may be. Stations for collecting signatures may be established in as many places as may be warranted.
- (g) Upon the lapse of the period herein provided, the COMELEC, through the BEO, shall certify as to whether or not the required number of signatures has been obtained. Failure to obtain the required number defeats the proposition.

**SEC. 142. *Effectivity of Local Propositions.*** – If the proposition is approved by a majority of the votes cast, it shall take effect fifteen (15) days after certification by the COMELEC as if affirmative action thereon had been made by the sanggunian and local chief executive concerned. If it fails to obtain said number of votes, the proposition is considered defeated.

**SEC. 143. *Limitations on Local Initiatives.*** –

- (a) The power of local initiative shall not be exercised more than once a year.
- (b) Initiative shall extend only to subjects or matters which are within the legal powers of the sanggunians to enact.
- (c) If at any time before the initiative is held, the sanggunian concerned adopts in to the proposition presented and the local chief executive approves the same, the initiative shall be canceled. However, those against such action may, if they so desire, apply for initiative in the manner herein provided.

**SEC. 144. *Limitations Upon Sanggunian.*** – Any proposition or ordinance approved through the system of initiative and referendum as herein provided shall not be repealed, modified, or amended by the sanggunian concerned within six (6) months from the date of the approval thereof, and may be amended, modified or repealed by the sanggunian within three (3) years thereafter by a vote of three-fourths (3/4) of all its members: *Provided*, That in case of barangays, the period shall be eighteen (18) months after the approval thereof.

**SEC. 145. *Local Referendum Defined.*** – Local referendum is the legal process whereby the registered voters of the local government units may approve, amend, or reject any ordinance enacted by the sanggunian. The local referendum shall be held under the control and direction of the COMELEC

through the BEO within sixty (60) days in the case of provinces and cities, forty-five (45) days in the case of municipalities, and thirty (30) days in the case of barangays. The COMELEC, through the BEO, shall certify and proclaim the results of the said referendum.

**SEC. 146. *Authority of Courts.*** – Nothing in this Chapter shall prevent or preclude the proper courts from declaring null and void any proposition approved pursuant to this Chapter for violation of the Constitution or want of capacity of the sanggunian concerned to enact the said measure.

## **BOOK II**

### **LOCAL TAXATION AND FISCAL MATTERS**

#### **TITLE I**

#### **LOCAL GOVERNMENT TAXATION**

##### **CHAPTER I**

##### **GENERAL PROVISIONS**

**SEC. 147. *Scope.*** – The provisions herein shall govern the exercise by the constituent local government units of the BARMM of their taxing powers and other revenue-raising powers.

**SEC. 148. *Power to Create Sources of Revenue.*** – Each local government unit shall have the power to create its own sources of revenue and to levy taxes, fees, and charges subject to the provisions of the BOL and consistent with the principles embodied therein on equalization, equity, accountability, administrative simplicity, harmonization and economic efficiency, and fiscal autonomy. Such taxes, fees, and charges shall accrue exclusively to the local government units.

**SEC. 149. *Local Economic Development.*** – To achieve equity, social justice, and economic development, the local government units shall encourage and support the building up of entrepreneurial capability within their territorial jurisdiction and shall recognize, promote, protect, and support the development of cooperatives, economic enterprises, and other medium, small, and micro-enterprises.

The local government units shall adopt and implement local economic development plans, policies, and programs that will increase local revenues, improve the purchasing capacity of its constituents, promote positive social, economic, and environmental impact, and the empowerment of women.

For this purpose, the local government units shall continue to maintain the economic base profile, which shall include sex-disaggregated data, strengthen partnership relations, embrace measures that will attract potential investors for the utilization of local resources, and enact or revisit their existing local economic policies that will cope with the current and future demand.

**SEC. 150. *Tax Information Campaign and Tax Mapping System.*** – There shall be a regular tax information campaign about tax ordinances enacted by the sanggunian concerned to continue educating the local constituents on the importance of paying taxes as an obligation and how it will contribute to the betterment of the community.

To ensure compliance with local revenue ordinances, the local government units may develop a tax mapping system that will identify the businesses in the locality, other taxable entities, economic activities, and other information that is relevant to the exercise of their revenue collection powers.

**SEC. 151. *Streamlined Process for Issuing Licenses, Permits, and Other Documents.*** – The local government units shall streamline their processes and procedures to ensure facility and expedition in business and non-business transactions made by the public for obtaining permits, licenses, clearances, certifications, and other material documents from the local government unit. For this purpose, the local government shall comply with national and regional laws on efficiency in government service delivery.

In implementing this provision, the local government units shall establish a Business One-Stop Shop and adopt simplified requirements and procedures that will reduce red tape and expedite business and non-business related transactions in the government. It shall develop a standardized business permit and licensing system that can be used by its constituents.

**SEC. 152. *Fundamental Principles.*** – The following fundamental principles shall govern the exercise of the taxing and other revenue-raising powers of the constituent local government units of the BARMM:

- (a) It shall observe the principles of uniformity and equity in taxation;
- (b) Taxes, fees, charges, and other impositions shall:
  - 1. Be equitable and as far as practicable, consider the taxpayer's ability to pay as well as the avoidance of direct duplicate taxation;
  - 2. Be levied and collected only for public purposes;
  - 3. Not be unjust, excessive, oppressive, or confiscatory;
  - 4. Not be contrary to law, public policy, national economic policy, or in restraint of trade; and
  - 5. Take into consideration the principles of *Shari'ah* as may be relevant to the imposition of local taxes;
- (c) The collection of local taxes, fees, charges, or other impositions shall in no case be let or delegated to any private person;
- (d) The revenue collected pursuant to the provisions of this Code shall inure solely to the benefit of, and be subject to disposition by, the local government unit levying the tax, fee,

charge, or other imposition unless otherwise specifically provided herein;

- (e) Each local government unit shall, as far as practicable, evolve a progressive, responsive, and culture-sensitive system of taxation; and
- (f) Each local government unit shall observe the principles of sound taxation including administrative feasibility such that tax laws and regulations must be effectively administered and enforced with the least inconvenience to the taxpayers.

**SEC. 153. *Avoidance of Riba.*** – In lieu of the relevant provisions of this Book, the local sanggunian may pursue *Shari'ah*-compliant policies to govern unpaid and/or late payments of taxes, fees, charges, and other revenues.

**SEC. 154. *Definition of Terms.*** – When used in this Title, the term:

- (a) “*Agricultural and Aquatic Products*” include the yield of the soil, such as corn, rice wheat, rye, hay, coconuts, sugarcane, tobacco, root crops, vegetables, fruits, flowers, and their by-products, ordinary salt, all kinds of fish, poultry, and livestock and animal products, whether in their original form or not.

The phrase “*whether in their original form or not*” refers to the transformation of said products by the farmer, fisher, producer, or owner through the application of processes to preserve or otherwise prepare said products for the market, such as freezing, drying, salting, smoking, or stripping for purposes of preserving or otherwise preparing said products for the market;

- (b) “*Amusement*” is a pleasurable diversion and entertainment. It is synonymous to relaxation, avocation, pastime, or fun;
- (c) “*Amusement places*” include theaters, cinemas, concert halls, circuses, country and sports clubs, recreation parks, and other places of amusement where one seeks admission to entertain oneself by seeing or viewing the shows or performances;
- (d) “*Business*” means trade or commercial activity regularly engaged in as a means of livelihood or with a view to profit;
- (e) “*Banks and other financial institutions*” include non-bank financial intermediaries, lending investors, finance and investment companies, pawnshops, money shops, insurance companies, stock markets, stockbrokers, and dealers in securities and foreign exchange, as defined under applicable laws, rules, and regulations thereunder;
- (f) “*Barangay Micro Business Enterprise*” or BMBE refers to any business entity or enterprise registered under the provisions of R.A. No. 9178, otherwise known as the “*Barangay Micro Business Enterprises (BMBEs) Act of 2002*;”



- (g) “*Capital Investment*” is the capital which a person employs in any undertaking, or which he/she contributes to the capital of a partnership, corporation, any other juridical entity, or association in a particular taxing jurisdiction;
- (h) “*Charges*” refer to liabilities for services rendered or conveniences provided by the local government units, the amount of which may be commensurate to such services and capital recovery which ensures continued delivery;
- (i) “*Contractor*” includes persons, natural or juridical, not subject to professional tax under Section 163 of this Code, whose activity consists essentially of the sale of kinds of services for a fee, regardless of whether or not the performance of the service calls for the exercise or use of the physical or mental faculties of such contractor or his/her employees.

As used in this Section, the term “*contractor*” shall include general engineering, general building, and specialty contractors as defined under applicable laws; filling, demolition, and salvage works contractors; proprietors or operators of mine-drilling apparatus; proprietors or operators of dockyards; persons engaged in the installation of water system, gas or electric light, heat, or power; proprietors or operators of smelting plants, engraving, plating, and plastic lamination establishments; proprietors or operators of establishments for repairing, repainting, upholstering, washing or greasing of vehicles, heavy equipment, vulcanizing, recapping, and battery charging; proprietors or operators of furniture shops and establishments for planning or surfacing and recutting of lumber, and sawmills under contract to saw or cut logs belonging to others; proprietors or operators of dry-cleaning or dyeing establishments, steam laundries, and laundries using washing machines; proprietors or owners of shops for the repair of any kind of mechanical and electrical devices, instruments, apparatus, or furniture, and shoe repairing by machine or any mechanical contrivance; proprietors or operators of establishments or lots for parking purposes; proprietors or operators of tailor shops, dress shops, milliners and hatters, beauty parlors, barbershops, massage clinics, sauna, Turkish and Swedish baths, slenderizing and building salons and similar establishments; photographic studios; funeral parlors; proprietors or operators of hotels, motels, and lodging houses; proprietors or operators of arrastre and stevedoring, warehousing, or forwarding establishments; master plumbers, smiths, and house or sign painters; printers, bookbinders, lithographers; publishers except those engaged in the publication or printing of any newspaper, magazine, review, or bulletin which appears at regular intervals with fixed prices for subscription and sale and which is not devoted principally to the publication of advertisements; business agents, private detective, watchperson agencies, commercial and immigration brokers, and cinematographic film owners, lessors, and distributors;

- (j) “*Corporation*” includes partnerships, no matter how created or organized, joint-stock companies, joint accounts (*cuentas en participacion*), associations, or insurance companies but does not include general professional partnerships and a joint venture or consortium formed for the purpose of undertaking construction projects or engaging in petroleum, coal, geothermal, and other energy operations pursuant to an operating or consortium agreement under a service contract with the government. General professional partnerships are partnerships formed by persons for the sole purpose of exercising their

common profession, no part of the income of which is derived from engaging in any trade or business.

The term “*resident foreign*” when applied to a corporation means a foreign corporation not otherwise organized under the laws of the Philippines but engaged in trade or business within the Philippines;

- (k) “*Countryside and barangay business enterprise*” refers to any business entity, association, or cooperative registered under the provisions of R.A. No. 6810, otherwise known as the “*Magna Carta for Countryside and Barangay Business Enterprises (Kalakalan 20)*;”
- (l) “*Dealer*” means one whose business is to buy and sell merchandise, goods, and chattels as a merchant. He/She stands immediately between the producer or manufacturer and the consumer, and depends for his/her profit not upon the labor he/she bestows upon his/her commodities but upon the skill and foresight with which he/she watches the market;
- (m) “*Fees*” refer to liabilities imposed for the regulation or inspection of a business or activity;
- (n) “*Fisheries and Aquatic Resources Management Council (FARMC)*” pertains to the entity formed by fisherfolk organizations/cooperatives and non-government organizations in the locality, as established under R.A. No. 8550 otherwise known as “*The Philippine Fisheries Code of 1998*;”
- (o) “*Franchise*” is a right or privilege affected with public interest, which is conferred upon private persons or corporations, under such terms and conditions as the government and its political subdivisions may impose in the interest of public welfare, security, and safety;
- (p) “*Gross sales or receipts*” include the total amount of money or its equivalent representing the contract price, compensation or service fee, including the amount charged or materials supplied with the services and deposits or advance payments actually or constructively received during the taxable quarter for the services performed or to be performed for another person excluding discounts if determinable at the time of sales, sales return, excise tax, and value-added tax (VAT);
- (q) “*Manufacturer*” includes every person who, by physical or chemical process, alters the exterior texture, form, or inner substance of any raw material or manufactured or partially manufactured product in such manner as to prepare it for special use or uses to which it could not have been put in its original condition, or who by any such process alters the quality of any such raw material or manufactured or partially manufactured products so as to reduce it to marketable shape or prepare it for any use of industry, or who, by any such process, combines any such raw material or manufactured products with other materials or products of the same or of different kinds and in such manner that the finished products of such process or manufacture can be put to a special use or uses to which such raw material or manufactured or partially manufactured products in their original condition could not have been put, and who in addition, alters such raw material or manufactured or partially manufactured products, or combines the same to produce such

finished products for the purpose of their sale or distribution to others and not for his/her own use or consumption;

- (r) “*Marginal farmer or fisherfolk*” refers to an individual engaged in subsistence farming or fishing which shall be limited to the sale, barter or exchange of agricultural or marine products produced by himself/herself and his/her immediate family;
- (s) “*Maximum sustainable yield*” refers to the largest average quantity of fish that can be harvested from fish stocks or resource within a period of time on a sustainable basis under existing environmental conditions;
- (t) “*Motor vehicle*” means any vehicle propelled by any power other than muscular power using the public roads, but excluding road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, fork-lifts, amphibian trucks, and cranes if not used on public roads, vehicles which run only on rails or tracks, and tractors, trailers, and traction engines of all kinds used exclusively for agricultural purposes;
- (u) “*Municipal waters*” include not only streams, lakes, and tidal waters within the municipality, which are not included within the protected areas as defined under R.A. No. 7586, otherwise known as the “*National Integrated Protected Areas System Act of 1992*” (NIPAS Law) or laws that may be enacted by the Parliament, not being the subject of private ownership and not comprised within the national parks, public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two lines drawn perpendicularly to the general coastline from the low water-mark of the coasts that are part of the Bangsamoro territorial jurisdiction up to fifteen (15) kilometers. If it extends up to nineteen (19) kilometers, it shall form part of the regional waters of the BARMM.

Where a constituent local government unit of the BARMM and an adjoining local government unit are so situated on opposite shores such that there is thirty (30) kilometers of waters or less between them, a line equally distant from the opposite shores shall be drawn to demarcate the Bangsamoro waters and the municipal waters of the adjoining local government unit.

In case the constituent local government unit of the BARMM and an adjoining local government unit are so situated in opposite shores that there is more than thirty (30) kilometers but less than thirty-four (34) kilometers of waters between them, a line shall be drawn at the edge of the fifteen-kilometer municipal waters of the adjoining local government unit to demarcate it from the Bangsamoro waters;

- (v) “*Operator*” includes the owner, manager, administrator, or any other person who operates or is responsible for the operation of a business establishment or undertaking;
- (w) “*Other impositions*” refer to liabilities collected by the local government units not otherwise contemplated in charges, fees, and taxes, consistent with the fundamental principles in this Code;

- (x) “*Peddler*” means any person who, either for himself/herself or on commission, travels from place to place and sells his/her goods or offers to sell and deliver the same. Whether a peddler is a wholesale peddler or a retail peddler of a particular commodity shall be determined from the definition of wholesale dealer or retail dealer as provided in this Title;
- (y) “*Persons*” mean every natural or juridical being, susceptible of rights and obligations or of being the subject of legal relations;
- (z) “*Residents*” refer to natural persons who have their habitual residence in the province, city, or municipality where they exercise their civil rights and fulfill their civil obligations, and to juridical persons for whom the law or any other provision creating or recognizing them fixes their residence in a particular province, city, or municipality. In the absence of such law, juridical persons are residents of the province, city, or municipality where they have their legal residence or principal place of business or where they conduct their principal business or occupation;
- (aa) “*Retail*” means a sale where the purchaser buys the commodity for his/her own consumption, irrespective of the quantity of the commodity sold;
- (bb) “*Riba*” is any prohibited increase in a financial obligation as defined by the *Shari’ah*;
- (cc) “*Tax*” is an imposition, charge, or burden upon persons, property, or property rights for the use and support of the local government unit to enable it to discharge its appropriate functions;
- (dd) “*Total allowable catch*” refers to the maximum harvest allowed to be taken during a given period of time from any fishery area, or from any or group of fishery species, or a combination of area and species that would not exceed the maximum sustainable yield;
- (ee) “*Vessel*” includes every type of boat, craft, or other artificial contrivance used, or capable of being used, as a means of transportation on water;
- (ff) “*Wharfage*” means a fee assessed against the cargo of a vessel engaged in foreign or domestic trade based on quantity, weight, or measure received and/or discharged by vessel; and
- (gg) “*Wholesale*” means a sale where the purchaser buys or imports the commodities for resale to persons other than the end user regardless of the quantity of the transaction.

**SEC. 155. Local Taxing Authority.** – The power to impose a tax, fee, or charge, or to generate revenue under this Code shall be exercised by the sanggunian of the local government units through an appropriate ordinance.

**SEC. 156. Common Limitation on the Taxing Powers of Constituent Local Government Units.** – Unless otherwise provided herein, the exercise of taxing powers of local government units shall not extend to the levy of the following:

- (a) Income tax, except when levied on banks and other financial institutions;

- (b) Documentary stamp tax;
- (c) Taxes on estates, inheritance, gifts, legacies, and other acquisitions mortis causa, except as otherwise provided herein;
- (d) Capital gains tax;
- (e) Donor's tax;
- (f) Customs duties, registration fees of vessel and wharfage on wharves, tonnage dues, and all other kinds of customs fees, charges, and dues except wharfage on wharves constructed and maintained by the local government unit concerned;
- (g) Taxes, fees, and charges, and other impositions upon goods carried into or out of, or passing through, the territorial jurisdictions of local government units in the guise of charges for wharfage, tolls for bridges or otherwise, or other taxes, fees, or charges in any form whatsoever upon such goods or merchandise;
- (h) Taxes, fees, or charges on agricultural and aquatic products when sold by marginal farmers or fishers;
- (i) Taxes on business enterprises certified to by Bangsamoro Board of Investments (BBOI) as pioneer or non-pioneer for a period of six (6) and four (4) years, respectively, from the date of registration;
- (j) Excise taxes on articles enumerated under PD 1158, otherwise known as the "*National Internal Revenue Code of 1997*" (NIRC), as amended by Republic Act 8424 and other issuances and laws, and taxes, fees, or charges on petroleum products;
- (k) Percentage or VAT on sales, barter or exchanges, or similar transactions on goods or services except as otherwise provided herein;
- (l) Taxes on gross receipts of transportation contractors and persons engaged in the transportation of passengers or freight by hire, and common carriers by air, land, or water, except as provided in this Code;
- (m) Taxes on premiums paid by way of reinsurance or retrocession;
- (n) Taxes, fees, or charges for the registration of motor vehicles and for the issuance of all kinds of licenses or permits for the driving thereof, except tricycles;
- (o) Taxes, fees, or charges on Philippine products actually exported, except as otherwise provided herein;
- (p) Taxes, fees, or charges on Countryside and Barangay Business Enterprises and cooperatives duly registered under R.A. No. 6810, and R.A. No. 6938, as amended, otherwise known as the "*Cooperative Code of the Philippines*"; and

- (q) Taxes, fees, or charges of any kind on the national government and BARMM, their agencies and instrumentalities, and local government units.

## CHAPTER II

### SPECIFIC PROVISIONS ON THE TAXING AND OTHER REVENUE RAISING POWERS OF LOCAL GOVERNMENT UNITS

#### ARTICLE I

#### PROVINCES

**SEC. 157. *Scope of Taxing Powers.*** – Except as otherwise provided in this Code, the province may levy only the taxes, fees, or charges as provided in this Article.

**SEC. 158. *Tax on Transfer of Real Property Ownership.*** –

- (a) The province may impose a tax on the sale, donation, barter, or on any other mode of transferring ownership or title of real property at the rate of not more than fifty percent (50%) of one percent (1%) of the total consideration involved in the acquisition of the property or of the fair market value in case the monetary consideration involved in the transfer is not substantial, whichever is higher. The sale, transfer, or other disposition of real property pursuant to R.A. No. 6657, as amended, otherwise known as the “*Comprehensive Agrarian Reform Law of 1988*” shall be exempt from this tax.
- (b) For this purpose, the Register of Deeds of the province concerned shall, before registering any deed, require the presentation of the evidence of payment of this tax. The provincial assessor shall likewise make the same requirement before canceling an old tax declaration and issuing a new one in place thereof. Notaries public shall furnish the provincial treasurers with a copy of any deed transferring ownership or title to any real property within thirty (30) days from the date of notarization.

It shall be the duty of the seller, donor, transferor, executor, or administrator to pay the tax herein imposed within sixty (60) days from the date of the execution of the deed or from the date of the decedent’s death.

**SEC. 159. *Tax on Business of Printing and Publication.*** – The province may impose a tax on the business of persons engaged in the printing and/or publication of books, cards, posters, leaflets, handbills, certificates, receipts, pamphlets, and other of similar nature, at a rate not exceeding fifty percent (50%) of one percent (1%) of the gross annual receipts for the preceding calendar year.

In the case of a newly started business, the tax shall not exceed one-twentieth (1/20) of one percent (1%) of the capital investment. In the succeeding calendar year, regardless of when the business started to operate, the tax shall be based on the gross receipts for the preceding calendar year, or any fraction thereof, as provided herein.

The receipts from the printing and/or publishing of books or other reading materials prescribed by the MBHTE as school texts or reference shall be exempt from the tax herein imposed.

**SEC. 160. *Franchise Tax.*** – Notwithstanding any exemption granted by any law, the province may impose a tax on business enjoying a franchise at a rate not exceeding fifty percent (50%) of one percent (1%) of the gross annual receipts for the preceding calendar year based on the incoming receipt, or realized, within its territorial jurisdiction.

In the case of a newly started business, the tax shall not exceed one-twentieth (1/20) of one percent (1%) of the capital investment. In the succeeding calendar year, regardless of when the business started to operate, the tax shall be based on the gross receipts for the preceding calendar year, or any fraction thereof, as provided herein.

**SEC. 161. *Permit for Tax on Sand, Gravel, and Other Quarry Resources.*** – The imposition and issuance of permit to extract sand, gravel, and other quarry resources covering an area of not more than five (5) hectares shall be issued exclusively by the provincial governor upon the recommendation of the city or municipal mayor where the resources will be extracted and pursuant to an ordinance of the sangguniang panlalawigan. The term of the permit is for a period of five (5) years from the date of issuance thereof, renewable for like periods but not to exceed a total term of twenty-five (25) years.

For extraction, removal, and disposal of quarry resources covering an area more than five (5) hectares but not to exceed twenty (20) hectares at any one time for a term of five (5) years from the issuance thereof, renewable for like period but not to exceed a total term of twenty-five (25) years, the permit shall be issued by the MENRE.

Existing quarry permits issued prior to the enactment of this Code shall remain valid until expiration.

**SEC. 162. *Tax on Sand, Gravel, and Other Quarry Resources.*** – When the permit was issued by the province in relation to the preceding section, the province may levy and collect not more than ten percent (10%) of fair market value in the locality per cubic meter of ordinary stones, sand, gravel, earth, and other quarry resources, as defined under the NIRC, as amended, extracted from public lands or from the beds of seas, lakes, rivers, streams, creeks, and other public waters within its territorial jurisdiction.

The proceeds thereof shall be distributed as follows:

- (a) Thirty percent (30%) to the province;
- (b) Thirty percent (30%) to the component city or municipality where the sand, gravel, and other quarry resources are extracted; and
- (c) Forty percent (40%) to the barangay where the sand, gravel, and other quarry resources are extracted.

When the area of the sand, gravel, or quarry is located in two or more barangays, component cities, or municipalities, the share above shall be divided in accordance with the formula in Section 312 of this Code.

**SEC. 163. Professional Tax. –**

- (a) The province may levy an annual professional tax on each person engaged in the exercise or practice of his/her profession requiring government examination in such amount and reasonable classification as the sangguniang panlalawigan may determine but shall in no case exceed One Thousand Three Hundred Pesos (Php 1,300.00). The sangguniang panlalawigan may increase the ceiling on the professional tax once every three (3) years based on the past three (3)-year average of the consumer price index as officially published by the PSA.
- (b) Every person legally authorized to practice his/her profession shall pay the professional tax to the province where he/she practices his/her profession or where he/she maintains his/her principal office in case his/her practices his/her profession in several places: *Provided, however,* That, such person who has paid the corresponding professional tax shall be entitled to practice his/her profession in any part of the Philippines without being subjected to any other national or local tax, license, or free for the practice of such profession.
  - 1. Any individual or corporation employing a person subject to professional tax shall require payment by that person of the tax on his/her profession before employment and annually thereafter.
  - 2. The professional tax shall be payable annually on or before the thirty-first (31<sup>st</sup>) day of January. Any person first beginning to practice a profession after the month of January must, however, pay the full tax before engaging therein. A line of profession does not become exempt even if conducted with some other profession for which the tax has been paid. Professionals exclusively employed in the government shall be exempt from the payment of this tax.
  - 3. Any person subject to the professional tax shall write in deeds, receipts, prescriptions, reports, books of account, plans and designs, surveys and maps, as the case may be, the number of the official receipt issued to him/her.

**SEC. 164. Amusement Tax. –**

- (a) The province may levy an amusement tax to be collected from the proprietors, lessees, or operators of theaters, cinemas, concert halls, circuses, boxing stadia, and other places of amusement at a rate of not more than ten percent (10%) of the gross receipts from admission fees.
- (b) In the case of theaters or cinemas, the tax shall first be deducted and withheld by their proprietors, lessees, or operators and paid to the provincial treasurer before the gross



receipts are divided between said proprietors, lessees, or operators and the distributors of the cinematographic films.

- (c) The holding of operas, concerts, dramas, recitals, painting and art exhibitions, flower shows, musical programs, literary and oratorical presentations, except pop, rock, or similar concerts shall be exempt from the payment of the tax herein imposed.
- (d) The sangguniang panlalawigan may prescribe the time, manner, terms, and conditions for the payment of tax. In case of fraud or failure to pay the tax, the sangguniang panlalawigan may impose such surcharges, interests, and penalties as it may deem appropriate.
- (e) The proceeds from the amusement tax shall be shared equally by the province and the municipality where such amusement places are located.

**SEC. 165. *Annual Fixed Tax for Every Delivery Truck or Van of Manufacturers or Producers, Wholesalers of, Dealers, or Retailers in, Certain Products.*** – The province may levy an annual fixed tax for every truck, van or any vehicle used by manufacturers, producers, wholesalers, dealers, or retailers in the delivery or distribution of, of sweetened beverages, tobacco products, and other products as may be determined by the sangguniang panlalawigan, to sales outlets, consumers, whether directly or indirectly, within the province in an amount not exceeding Two Thousand Two Hundred Pesos (Php 2,200.00).

The manufacturers, producers, wholesalers, dealers, and retailers referred to in the immediately preceding paragraph shall be exempt from the tax on peddlers prescribed elsewhere in this Code.

On the other hand, the province may levy a higher fixed tax for every truck, van or any vehicle used by manufacturers, producers, wholesalers, dealers, or retailers in the delivery or distribution of alcohol products such as distilled spirits, wines, and fermented liquors in an amount not exceeding Six Thousand Six Hundred Pesos (Php 6,600.00), whether the truck, van, or vehicle exclusively or partially carries such alcohol products.

The sangguniang panlalawigan may increase the annual fixed tax for every truck, car, or any vehicle used by manufacturers, producers, wholesales, dealers, or retailers in the delivery or distribution of distilled spirits, fermented liquors, soft drinks, cigars and cigarettes, and other products to sales outlets, or consumers, whether directly or indirectly, once every three (3) years, based on guidelines issued by the MFBM utilizing the consumer price index as the basis in increasing the ceiling of the aforementioned annual fixed tax.

## **ARTICLE II**

### **MUNICIPALITIES**

**SEC. 166. *Scope of Taxing Powers.*** – Except as otherwise provided in this Code, municipalities may levy taxes, fees, or charges not otherwise levied by provinces.

**SEC. 167. Tax on Business.** – The municipality may impose taxes on the following businesses:

- (a) On manufacturers, assemblers, repackers, processors, brewers, distillers, rectifiers, and compounders of liquors, distilled spirits, and wines or manufacturers of any article of commerce of whatever kind or nature, in accordance with the following schedule:

| <u>With gross sales or receipts for the preceding calendar year in the amount of:</u> |              | <u>Amount of Tax Per Annum</u> |
|---|--------------|--------------------------------|
| Less than Php 10,000.00   |              | Php 165.00                     |
| Php 10,000.00 or more but less than   | 15,000.00    | 220.00                         |
| 15,000.00 or more but less than   | 20,000.00    | 302.00                         |
| 20,000.00 or more but less than   | 30,000.00    | 440.00                         |
| 30,000.00 or more but less than   | 40,000.00    | 660.00                         |
| 40,000.00 or more but less than   | 50,000.00    | 825.00                         |
| 50,000.00 or more but less than   | 75,000.00    | 1,320.00                       |
| 75,000.00 or more but less than   | 100,000.00   | 1,650.00                       |
| 100,000.00 or more but less than  | 150,000.00   | 2,200.00                       |
| 150,000.00 or more but less than  | 200,000.00   | 2,750.00                       |
| 200,000.00 or more but less than  | 300,000.00   | 3,850.00                       |
| 300,000.00 or more but less than  | 500,000.00   | 5,500.00                       |
| 500,000.00 or more but less than  | 750,000.00   | 8,000.00                       |
| 750,000.00 or more but less than  | 1,000,000.00 | 10,000.00                      |
| 1,000,000.00 or more but less than  | 2,000,000.00 | 13,750.00                      |

| <u>With gross sales or receipts for the preceding calendar year in the amount of:</u> |  | <u>Amount of Tax Per Annum</u> |
|---|--|--------------------------------|
| 2,000,000.00 or more but less than  | 3,000,000.00   | 16,500.00                      |
| 3,000,000.00 or more but less than  | 4,000,000.00   | 19,800.00                      |
| 4,000,000.00 or more but less than  | 5,000,000.00   | 23,100.00                      |
| 5,000,000.00 or more but less than  | 6,500,000.00   | 24,375.00                      |
| 6,500,000.00 or more  | at a rate not exceeding thirty-seven and a half percent (37½%) of one percent (1%) |                                |

- (b) On wholesalers, distributors, or dealers in any article of commerce of whatever kind or nature in accordance with the following schedule:

| <u>With gross sales or receipts for the preceding calendar year in the amount of:</u> |           | <u>Amount of Tax Per Annum</u> |
|---|-----------|--------------------------------|
| Less than Php 1,000.00  |           | Php 18.00                      |
| Php 1,000.00 or more but less than  | 2,000.00  | 33.00                          |
| 2,000.00 or more but less than  | 3,000.00  | 50.00                          |
| 3,000.00 or more but less than  | 4,000.00  | 72.00                          |
| 4,000.00 or more but less than  | 5,000.00  | 100.00                         |
| 5,000.00 or more but less than  | 6,000.00  | 121.00                         |
| 6,000.00 or more but less than  | 7,000.00  | 143.00                         |
| 7,000.00 or more but less than  | 8,000.00  | 165.00                         |
| 8,000.00 or more but less than  | 10,000.00 | 187.00                         |
| 10,000.00 or more but less than   | 15,000.00 | 220.00                         |

| <u>With gross sales or receipts for the preceding calendar year in the amount of:</u> |   | <u>Amount of Tax Per Annum</u> |
|---|---|--------------------------------|
| 15,000.00 or more but less than   | 20,000.00   | 275.00                         |
| 20,000.00 or more but less than   | 30,000.00   | 330.00                         |
| 30,000.00 or more but less than   | 40,000.00   | 440.00                         |
| 40,000.00 or more but less than   | 50,000.00   | 660.00                         |
| 50,000.00 or more but less than   | 75,000.00   | 990.00                         |
| 75,000.00 or more but less than   | 100,000.00  | 1,320.00                       |
| 100,000.00 or more but less than  | 150,000.00  | 1,870.00                       |
| 150,000.00 or more but less than  | 200,000.00  | 2,420.00                       |
| 200,000.00 or more but less than  | 300,000.00  | 3,300.00                       |
| 300,000.00 or more but less than  | 500,000.00  | 4,400.00                       |
| 500,000.00 or more but less than  | 750,000.00  | 6,600.00                       |
| 750,000.00 or more but less than  | 1,000,000.00  | 8,800.00                       |
| 1,000,000.00 or more but less than  | 2,000,000.00  | 10,000.00                      |
| 2,000,000.00 or more  | at a rate not exceeding fifty percent (50%) of one percent (1 %). |                                |

(c) On exporters, and on manufacturers, millers, producers, wholesalers, distributors, dealers, or retailers of essential commodities enumerated hereunder at a rate not exceeding one-half (½) of the rates prescribed under subsections (a), (b), and (d) of this Section:

1. Rice and corn;
2. Wheat or cassava flour, meat, dairy products, locally manufactured, processed or preserved food, sugar, salt and other agricultural, marine, and fresh water products, whether in their original state or not;
3. Cooking oil and cooking gas;
4. Laundry soap, detergents, and medicine;
5. Agricultural implements, equipment and post-harvest facilities, fertilizers, pesticides, insecticides, herbicides, and other farm inputs;
6. Poultry feeds and other animal feeds;
7. School supplies; and
8. Cement;

(d) On retailers:

| <u>With gross sales or receipts for the preceding calendar year of:</u> | <u>Rate of Tax Per Annum</u> |
|---|------------------------------|
| Php 400,000.00 or less  | 2%                           |
| more than Php 400,000.00  | 1%                           |

*Provided, however,* That, barangays shall have the exclusive power to levy taxes, as provided under Section 175 hereof, on gross sales or receipts of the preceding calendar year of Eighty Thousand Pesos (Php 80,000.00) or less, in the case of cities, and Fifty Thousand Pesos (Php 50,000.00) or less, in the case of municipalities;

(e) On contractors and other independent contractors, in accordance with the following schedule:

| <u>With gross receipts for the preceding calendar year in the amount of:</u> |   | <u>Amount of Tax Per Annum</u> |
|--|---|--------------------------------|
| Less than Php 5,000.00   |   | Php 27.50                      |
| Php 5,000.00 or more but less than   | 10,000.00   | 61.60                          |
| 10,000.00 or more but less than  | 15,000.00   | 104.50                         |
| 15,000.00 or more but less than  | 20,000.00   | 165.00                         |
| 20,000.00 or more but less than  | 30,000.00   | 275.00                         |
| 30,000.00 or more but less than  | 40,000.00   | 385.00                         |
| 40,000.00 or more but less than  | 50,000.00   | 550.00                         |
| 50,000.00 or more but less than  | 75,000.00   | 880.00                         |
| 75,000.00 or more but less than  | 100,000.00  | 1,320.00                       |
| 100,000.00 or more but less than   | 150,000.00  | 1,980.00                       |
| 150,000.00 or more but less than   | 200,000.00  | 2,640.00                       |
| 200,000.00 or more but less than   | 250,000.00  | 3,630.00                       |
| 250,000.00 or more but less than   | 300,000.00  | 4,620.00                       |
| 300,000.00 or more but less than   | 400,000.00  | 6,160.00                       |
| 400,000.00 or more but less than   | 500,000.00  | 8,250.00                       |
| 500,000.00 or more but less than   | 750,000.00  | 9,250.00                       |
| 750,000.00 or more but less than   | 1,000,000.00  | 10,250.00                      |
| 1,000,000.00 or more but less than   | 2,000,000.00  | 11,500.00                      |
| 2,000,000.00 or more   | at a rate not exceeding fifty percent (50%) of one percent (1%) |                                |

- (f) On banks and other financial institutions, excluding duly registered Islamic banks, at a rate not exceeding fifty percent (50%) of one percent (1%) on the gross receipts of the preceding calendar year derived from interest, commissions and discounts from lending activities, income from financial leasing, dividends, rentals on property and profit from exchange or sale of property, insurance premium;

- (g) On peddlers engaged in the sale of any merchandise or article of commerce, at a rate not exceeding Fifty Pesos (Php 50.00) per peddler annually; and
- (h) On any business, not otherwise specified in the preceding paragraphs, which the sanggunian concerned may deem proper to tax: *Provided*, That on any business subject to the excise, VAT, or percentage tax under the NIRC, as amended, the rate of tax shall not exceed two percent (2%) of gross sales or receipts of the preceding calendar year.

The sanggunian concerned may prescribe a schedule of graduated tax rates but in no case to exceed the rates prescribed herein.

**SEC. 168. Retirement of Business.** – A business subject to tax pursuant to the preceding sections shall, upon termination thereof, submit a sworn statement of its gross sales or receipts for the current year. If the tax was paid during the year, the difference shall be paid before the business is considered officially retired.

**SEC. 169. Payment of Business Taxes.** –

- (a) The taxes imposed under Section 166 shall be payable for every separate or distinct establishment or place where business subject to the tax is conducted and one line of business does not become exempt by being conducted with some other businesses for which such tax has been paid. The tax on a business must be paid by the person conducting the same.
- (b) In cases where a person conducts or operates two (2) or more businesses which are subject to the same rate of tax, the tax shall be computed on the combined total gross sales or receipts of the said two (2) or more related businesses.
- (c) In cases where a person conducts or operates two (2) or more businesses which are subject to different rates of tax, the gross sales or receipts of each business shall be separately reported for the purpose of computing the tax due from each business.

**SEC. 170. Fees and Charges.** – The municipality may impose and collect such reasonable fees and charges on business and occupation and except as reserved to the province in Section 163 of this Code, on the practice of any profession or calling, commensurate with the cost of regulation, inspection and licensing before any person may engage in such business or occupation, or practice such profession or calling.

**SEC. 171. Fees for Sealing and Licensing of Weights and Measures.** –

- (a) The municipality may levy fees for the sealing and licensing of weights and measures at such reasonable rates as shall be prescribed by the sangguniang bayan.
- (b) The sangguniang bayan shall prescribe the necessary regulations for the use of such weights and measures, subject to such guidelines as may be prescribed by the Ministry of

Science and Technology (MOST). The sanggunian concerned shall, by appropriate ordinance, penalize fraudulent practices and unlawful possession or use of instruments of weights and measures and prescribe the criminal penalty therefore in accordance with the provisions of this Code: *Provided, however*, That the sanggunian concerned may authorize the municipal treasurer to settle an offense not involving the commission of fraud before a case therefor is filed in court, upon payment of a compromise penalty as prescribed by the sanggunian but not less than One Thousand Pesos (Php 1,000.00).

**SEC. 172. Fishery Rentals, Fees, and Charges. –**

- (a) Municipalities shall have the exclusive authority to grant fishery privileges in the municipal waters and impose rentals, fees or charges therefore in accordance with the provisions of this Section: *Provided*, That the license fees shall be determined in consultation with the existing regional regulating offices and the FARMCs under Muslim Mindanao Autonomy Act (MMAA) No. 86, otherwise known as the “*ARMM Aquatic and Fisheries Code of 1999.*”
- (b) The sangguniang bayan may:
1. Grant fishery privileges to erect fish corrals, oysters, mussels or other aquatic beds or bangus fry areas within a definite zone of the municipal waters, as determined by it: *Provided, however*, That, duly registered organizations and cooperatives of marginal fishers shall have the preferential right to such fishery privileges: *Provided, further*, That, the sangguniang bayan may require a public bidding in conformity with and pursuant to an ordinance for the grant of such privileges: *Provided, finally*, That, in the absence of such organizations and cooperatives or their failure to exercise their preferential right, other parties may participate in the public bidding in conformity with the above cited procedure;
  2. Grant the privilege to gather, take or catch bangus fry, prawn fry or *kawag-kawag* or fry of other species and fish from the municipal waters by nets, traps or other fishing gears including traditional modes of fishing such as *payao* to marginal fishers free of any rental, fee, charge or any other imposition whatsoever; and
  3. Issue licenses for the operation of fishing vessels of three (3) tons or less for which purpose the sangguniang bayan shall promulgate rules and regulations regarding the issuances of such licenses to qualified applicants under existing laws: *Provided*, That for fishing vessels operating exclusively within BARMM, the municipality may only issue said licenses if the registration was granted by the Ministry of Transportation and Communications (MOTC) in accordance with the BAC: *Provided, further*, That, the total number of licenses issued is in consonance with the total allowable catch as determined by the sanggunian concerned, in consultation with FARMC: *Provided, finally*, That, the issuance of licenses shall consider the closed season established by the local government unit in consultation with said Council.



**SEC. 173. *Situs of the Tax.* –**

- (a) For purposes of collection of the taxes under Section 167 of this Code, manufacturers, assemblers, repackers, brewers, distillers, rectifiers, and compounders of liquor, distilled spirits and wines, millers, producers, exporters, wholesalers, distributors, dealers, contractors, banks, and other financial institutions, and other businesses maintaining or operating branch or sales outlet elsewhere shall record the sale in the branch or sales outlet making the sale or transaction, and the tax thereon shall accrue and shall be paid to the municipality where such branch or sales outlet is located. In cases where there is no such branch or sales outlet in the city or municipality where the sale or transaction is made, the sale shall be duly recorded in the principal office and the taxes due shall accrue and shall be paid to such city or municipality.
- (b) The following sales allocation shall apply to manufacturers, assemblers, contractors, producers, and exporters with factories, project offices, plants, and plantations in the pursuit of their business:
  - 1. Thirty percent (30%) of all sales recorded in the principal office shall be taxable by the city or municipality where the principal office is located; and
  - 2. Seventy percent (70%) of all sales recorded in the principal office shall be taxable by the city or municipality where the factory, project office, plant, or plantation is located.
- (c) In case of a plantation located at a place other than the place where the factory is located, said seventy percent (70%) mentioned in subparagraph (b) of subsection 2 above shall be divided as follows:
  - 1. Sixty percent (60%) to the city or municipality where the factory is located; and
  - 2. Forty percent (40%) to the city or municipality where the plantation is located.
- (d) In cases where a manufacturer, assembler, producer, exporter or contractor has two (2) or more factories, project offices, plants, or plantations located in different localities, the seventy percent (70%) sales allocation mentioned in subparagraph (b) of subsection 2 above shall be prorated among the localities where the factories, project offices, plants, and plantations are located in proportion to their respective volumes of production during the period for which the tax is due.
- (e) The foregoing sales allocation shall be applied irrespective of whether or not sales are made in the locality where the factory, project office, plant, or plantation is located.

## ARTICLE III

### CITIES

**SEC. 174. *Scope of Taxing Powers.*** – Except as otherwise provided in this Code, the city, may levy the taxes, fees, or charges which the province or municipality may impose: *Provided, however,* That, the taxes, fees, or charges levied and collected by highly urbanized and independent component cities shall accrue to them and distributed in accordance with the provisions of this Code.

The rates of taxes that the city may levy may exceed the maximum rates allowed for the province or municipality by not more than fifty percent (50%) except the rates of professional and amusement taxes.

## ARTICLE IV

### BARANGAYS

**SEC. 175. *Scope of Taxing Powers.*** – The barangays may levy taxes, fees, or charges as provided in this Article, which shall exclusively accrue to them:

- (a) Taxes – On stores or retailers with fixed business establishments with gross sales or receipts of the preceding calendar year of Fifty Thousand Pesos (Php 50,000.00) or less, in the case of cities and Thirty Thousand Pesos (Php 30,000.00) or less, in the case of municipalities, at a rate not exceeding one percent (1%) on such gross sales or receipts;
- (b) Service fees or charges – barangays may collect reasonable fees or charges for services rendered in connection with the regulation or the use of barangay-owned properties or service facilities such as palay, copra, or tobacco dryers;
- (c) Barangay clearance – No city or municipality may issue any license or permit for any business or activity unless a clearance is first obtained from the barangay where such business or activity is located or conducted. For such clearance, the sangguniang barangay may impose a reasonable fee. The application for clearance shall be acted upon within seven (7) working days from the filing thereof. In the event that the clearance is not issued within the said period, the city or municipality may issue the said license or permit; and
- (d) Other fees and charges – The barangay may levy reasonable fees and charges:
  1. On commercial breeding of fighting;
  2. On the establishment, ownership, operation, and management of cockpits and holding of cockfights;
  3. On places of recreation which charge admission fees;
  4. On billboards, signboards, neon signs, and outdoor advertisements; and

5. On the conduct of other activities and the ownership, operation, or management of other establishments inimical to public morals.

## ARTICLE V

### COMMON REVENUE-RAISING POWERS

**SEC. 176. *Service Fees and Charges.*** – Local government units may impose and collect such reasonable fees and charges for services rendered.

**SEC. 177. *Public Utility Charges.*** – Local government units may fix the rates for the operation of public utilities owned, operated, and maintained by them within their jurisdiction.

**SEC. 178. *Toll Fees or Charges.*** – The sanggunian concerned may prescribe the terms and conditions and fix the rates for the imposition of toll fees or charges for the use of any public road, pier or wharf, waterway, bridge, ferry, or telecommunication system funded and constructed by the local government unit concerned: *Provided*, That no such toll fees or charges shall be collected from officers and enlisted men of the Armed Forces of the Philippines (AFP) and members of the Philippine National Police on mission, post office personnel delivering mail, physically-handicapped, and disabled citizens who are sixty-five (65) years or older: *Provided, further*, That, public emergency vehicles including ambulances, fire trucks, and emergency response vehicles, while responding to emergency situations shall likewise be exempted.

When public safety and welfare so requires, the sanggunian concerned may discontinue the collection of the tolls, and thereafter the said facility shall be free and open for public use.

## ARTICLE VI

### COMMUNITY TAX

**SEC. 179. *Community Tax.*** – Cities or municipalities may levy a community tax in accordance with the provisions of this Article.

**SEC. 180. *Individuals Liable to Community Tax.*** – Every inhabitant of the local government unit eighteen (18) years of age or over who has been regularly employed on a wage or salary basis for at least thirty (30) consecutive working days during any calendar year, or who is engaged in business or occupation, or who owns real property with an aggregate assessed value of One Thousand Pesos (Php 1,000.00) or more, or who is required by law to file an income tax return shall pay an annual community tax of Twenty Pesos (Php 20.00) and an annual additional tax of One Peso (Php 1.00) for every One Thousand Pesos (Php 1,000.00) of income, regardless of whether from business, exercise of profession, or from property, which in no case shall exceed Five Thousand Pesos (Php 5,000.00).

In the case of husband and wife, the additional tax herein imposed shall be based upon the total property owned by them and the total gross receipts or earnings derived by them.

**SEC. 181. *Juridical Persons Liable to Community Tax.*** – Every corporation no matter how created or organized, whether domestic or resident foreign, engaged in or doing business in the Philippines shall pay an annual community tax of One Thousand Pesos (Php 1,000.00) and an annual additional tax, which in no case, shall exceed Ten Thousand Pesos (Php 10,000.00) in accordance with the following schedule:

- (a) For every Five Thousand Pesos (Php 5,000.00) worth of real property in the Philippines owned by it during the preceding year based on the valuation used for the payment of the real property tax under existing laws, found in the assessment rolls of the city or municipality where the real property is situated – Five Pesos (Php 5.00); and
- (b) For every Five Thousand Pesos (Php 5,000.00) of gross receipts or earnings derived by it from its business in the Philippines during the preceding year – Five Pesos (Php 5.00).

The dividends received by a corporation from another corporation however shall, for the purpose of the additional tax, be considered as part of the gross receipts or earnings of said corporation.

**SEC. 182. *Exemptions.*** – The following are exempt from the community tax:

- (a) Diplomatic and consular representatives; and
- (b) Transient visitors when their stay in the Philippines does not exceed three (3) months.

**SEC. 183. *Place of Payment.*** – The community tax shall be paid in the place of residence of the individual, or in the place where the principal office of the juridical entity is located.

**SEC. 184. *Time for Payment; Penalties for Delinquency.*** –

- (a) The community tax shall accrue on the first (1<sup>st</sup>) day of January of each year which shall be paid not later than the last day of February of each year. If a person reaches the age of eighteen (18) years or otherwise loses the benefit of exemption on or before the last day of June, he/she shall be liable for the community tax on the day he/she reaches such age or upon the day the exemption ends. However, if a person reaches the age of eighteen (18) years or loses the benefit of exemption on or before the last day of March, he/she shall have twenty (20) days to pay the community tax without becoming delinquent.

Persons who come to reside in the Philippines or reach the age of eighteen (18) years on or after the first (1<sup>st</sup>) day of July of any year, or who cease to belong to an exempt class on or after the same date, shall not be subject to the community tax for that year.

- (b) Corporations established and organized on or before the last day of June shall be liable for the community tax for that year. But corporations established and organized on or before the last day of March shall have twenty (20) days within which to pay the community tax without becoming delinquent. Corporations established and organized on or after the first day of July shall not be subject to the community tax for that year.

If the tax is not paid within the time prescribed above, there shall be added to the unpaid amount an interest of twenty-four percent (24%) per annum from the due date until it is paid.

**SEC. 185. *Community Tax Certificate.*** – A community tax certificate shall be issued to every person or corporation upon payment of the community tax. A community tax certificate may also be issued to any person or corporation not subject to the community tax upon payment of One Peso (Php 1.00).

**SEC. 186. *Presentation of Community Tax Certificate on Certain Occasions.*** –

- (a) When an individual subject to the community tax acknowledges any document before a notary public, takes the oath of office upon election or appointment to any position in the government service; receives any license, certificate, or permit from any public authority; pays any tax or fee; receives any money from any public fund; transacts other official business; or receives any salary or wage from any person or corporation, it shall be the duty of any person, officer, or corporation with whom such transaction is made or business done or from whom any salary or wage is received to require such individual to exhibit the community tax certificate.

The presentation of a community tax certificate shall not be required in connection with the registration of a voter.

- (b) When, through its authorized officers, any corporation subject to the community tax receives any license, certificate, or permit from any public authority, pays any tax or fee, receives money from public funds, or transacts other official business, it shall be the duty of the public official with whom such transaction is made or business done, to require such corporation to exhibit the community tax certificate.
- (c) The community tax certificate required in the two preceding paragraphs shall be the one issued for the current year, except for the period from January until the fifteenth (15<sup>th</sup>) of April each year, in which case, the certificate issued for the preceding year shall suffice.

**SEC. 187. *Printing of Community Tax Certificates and Distribution of Proceeds.*** –

- (a) The Bangsamoro Revenue Office (BRO) shall cause the printing of community tax certificates and distribute the same to the cities and municipalities through the city and municipal treasurers in accordance with prescribed regulations.

The proceeds of the tax shall accrue to the general funds of the cities, municipalities, and barangays except a portion thereof which shall accrue to the general fund of the Bangsamoro Government to cover the actual cost of printing and distribution of the forms and other related expenses. The city or municipal treasurer concerned shall remit to the Bangsamoro Treasury Office the said share of the Bangsamoro Government in the proceeds of the tax within ten (10) days after the end of each quarter.

- (b) The city or municipal treasurer shall deputize the barangay treasurer to collect the community tax in their respective jurisdictions: *Provided, however,* That, said barangay treasurer shall be bonded in accordance with existing laws.
- (c) The proceeds of the community tax actually and directly collected by the city or municipal treasurer shall accrue entirely to the general fund of the city or municipality concerned. However, proceeds of the community tax collected through the barangay treasurers shall be apportioned as follows:
  - 1. Fifty percent (50%) shall accrue to the general fund of the city or municipality concerned; and
  - 2. Fifty percent (50%) shall accrue to the barangay where the tax is collected.

### CHAPTER III

#### COLLECTION OF TAXES

**SEC. 188. *Tax Period and Manner of Payment.*** – Unless otherwise provided in this Code, the tax period of all local taxes, fees, or charges shall be the calendar year. Such taxes, fees, or charges may be paid in quarterly installments.

**SEC. 189. *Accrual of Tax.*** – Unless otherwise provided in this Code, all local taxes, fees, or charges shall accrue on the first (1<sup>st</sup>) day of January of each year. However, new taxes, fees, or charges, or changes in the rates thereof, shall accrue on the first (1<sup>st</sup>) day of the quarter next following the effectivity of the ordinance imposing such new levies or rates.

**SEC. 190. *Time of Payment.*** – Unless otherwise provided in this Code, all local taxes, fees, or charges shall be paid within the first twenty (20) days of January or of each subsequent quarter, as the case may be. The sanggunian concerned may, for a justifiable reason or cause, extend the time of payment of such taxes, fees, or charges without surcharges or penalties, but only for a period not exceeding six (6) months.

**SEC. 191. *Surcharges and Penalties on Unpaid Taxes, Fees, or Charges.*** – The sanggunian may impose a surcharge not exceeding twenty-five percent (25%) of the amount of taxes, fees, or charges not paid on time and an interest at the rate not exceeding two percent (2%) per month of the unpaid taxes, fees, or charges including surcharges, until such amount is fully paid but in no case shall the total interest on the unpaid amount or portion thereof exceed thirty-six (36) months.

**SEC. 192. *Interests on Other Unpaid Revenues.*** – Where the amount of any other revenue due a local government unit, except voluntary contributions or donations, is not paid on the date fixed in the ordinance, or in the contract, expressed or implied, or upon the occurrence of the event which has given rise to its collection, there shall be collected as part of that amount an interest thereon at the rate

not exceeding two percent (2%) per month from the date it is due until it is paid, but in no case shall the total interest on the unpaid amount or a portion thereof exceed thirty-six (36) months.

**SEC. 193. *Collection of Local Revenues by Treasurer.*** – All local taxes, fees, or charges shall be collected by the provincial, city, municipal, or barangay treasurer, or their duly authorized deputies.

The provincial, city or municipal treasurer may designate the barangay treasurer as his/her deputy to collect local taxes, fees, or charges. In case a bond is required for the purpose, the provincial, city, or municipal government shall pay the premiums thereon in addition to the premiums of bond that may be required under this Code.

**SEC. 194. *Examination of Books of Accounts and Pertinent Records of Businessmen by Local Treasurer.*** – The provincial, city, municipal, or barangay treasurer may, by himself/herself or through any of his/her deputies duly authorized in writing, examine the books, accounts, and other pertinent records of any person, partnership, corporation, or association subject to local taxes, fees, or charges in order to ascertain, assess, and collect the correct amount of the tax, fee, or charge. Such examination shall be made during regular business hours, only once for every tax period, and shall be certified to by the examining official. Such certificate shall be made of record in the books of accounts of the taxpayer examined.

In case the examination herein authorized is made by a duly authorized deputy of the local treasurer, the written authority of the deputy concerned shall specifically state the name, address, and business of the taxpayers whose books, accounts, and pertinent records are to be examined, the date and place of such examination, and the procedure to be followed in conducting the same.

For this purpose, the records of the revenue district office of the Bureau of Internal Revenue shall be made available to the local treasurer, his/her deputy or duly authorized representative.

## CHAPTER IV

### DEPUTIZATION IN THE COLLECTION OF REGIONAL TAXES, FEES, AND CHARGES

**SEC. 195. *Collection of Regional Taxes, Fees, and Charges.*** – Upon coordination with the BLGF, the provincial, municipal, and city treasurers shall be deputized to collect and remit payments for regional taxes, fees, and charges as specified in the Bangsamoro Revenue Code to be enacted by the Parliament and other relevant regional revenue generation laws, regulations, and issuances. The provincial, municipal, and city treasurers shall submit a report on their collections to the MFBM in the form and manner prescribed therefor.

**SEC. 196. *Assistance in the Enforcement and Monitoring of Revenue Laws and Regulations.*** – To ensure optimization of revenue collection, all local government units shall provide assistance to the Bangsamoro Government in enforcing, monitoring, and implementing the Bangsamoro Revenue Code to be enacted by the Parliament and other relevant regional revenue generation laws, regulations, and issuances.

## CHAPTER V

### CIVIL REMEDIES FOR COLLECTION OF REVENUES

**SEC. 197. *Application of Chapter.*** – The provisions of this Chapter and the remedies provided herein may be availed of for the collection of any delinquent local taxes, fees, or charges, or other revenues.

**SEC. 198. *Local Government's Lien.*** – Local taxes, fees, charges, and other revenues constitute a lien, superior to all liens, charges or encumbrances in favor of any person, enforceable by appropriate administrative or judicial action, not only upon any property or rights therein which may be subject to the lien but also upon property used in business, occupation, practice of profession or calling, or exercise of privilege with respect to which the lien is imposed. The lien may only be extinguished upon full payment of the delinquent local taxes, fees, or charges including related surcharges and interest.

**SEC. 199. *Civil Remedies.*** – The civil remedies for the collection of local taxes, fees, or charges, and related surcharges and interest resulting from delinquency shall be:

- (a) By administrative action thru distraint of goods, chattels, or effects, and other personal property of whatever character, including stocks and other securities, debts, credits, bank accounts, and interest in and rights to personal property, and by levy upon real property and interest in or rights to real property; and
- (b) By judicial action.

Either of these remedies or both may be pursued concurrently or simultaneously at the discretion of the local government unit concerned.

**SEC. 200. *Distraint of Personal Property.*** – The remedy by distraint shall proceed as follows:

- (a) Seizure – Upon failure of the person owing any local taxes, fees, or charges to pay the same at the time required, the local treasurer or his/her deputy may, upon written notice, seize or confiscate any personal property belonging to that person or any personal property subject to the lien in sufficient quantity to satisfy the tax, fee, or charge in question, together with any increment thereto incident to delinquency and the expenses of seizure. In such case, the local treasurer or his/her deputy shall issue a duly authenticated certificate based upon the records of his/her office showing the fact of delinquency and the amounts of the tax, fee, or charge and penalty due. Such certificate shall serve as sufficient warrant for the distraint of personal property aforementioned, subject to the taxpayer's right to claim exemption under the provisions of existing laws. Distrained personal property shall be sold at public auction in the manner herein provided for;
- (b) Accounting of distrained goods – The officer executing the distraint shall make or cause to be made an account of the goods, chattels or effects distrained, a copy of which signed by himself/herself shall be either with the owner or person from whose possession the goods, chattels, or effects are taken, or at the dwelling or place of business of that person



and with someone of suitable age and discretion, to which list shall be added a statement of the sum demanded and a note of the time and place of sale;

- (c) Publication – The officer shall forthwith cause a notification to be exhibited in not less than three (3) public and conspicuous places in the territory of the local government unit where the distraint is made, specifying the time and place of sale, and the articles distrained. The time of sale shall not be less than twenty (20) days after notice to the owner or possessor of the property as above specified and the publication or posting of the notice. One place for the posting of the notice shall be at the office of the chief executive of the local government unit in which the property is distrained;
- (d) Release of distrained property upon payment prior to sale – If at any time prior to the sale, all the proper charges are paid to the officer conducting the sale, the goods or effects distrained shall be restored to the owner;
- (e) Procedure of sale – At the time and place fixed in the notice, the officer conducting the sale shall sell the goods or effects so distrained at public auction to the highest bidder for cash. Within five (5) days after the sale, the local treasurer shall make a report of the proceedings in writing to the local chief executive concerned.

Should the property distrained be not disposed of within one hundred and twenty (120) days from the date of distraint, the same shall be considered as sold to the local government unit concerned for the amount of the assessment made thereon by the Committee on Appraisal and to the extent of the same amount, the tax delinquencies shall be canceled.

Said Committee on Appraisal shall be composed of the city or municipal treasurer as chairperson, with a representative of the Commission on Audit (COA) and the city or municipal assessor as members; and

- (f) Disposition of proceeds – The proceeds of the sale shall be applied to satisfy the tax, including the surcharges, interest, and other penalties incident to delinquency, and the expenses of the distraint and sale. The balance over and above what is required to pay the entire claim shall be returned to the owner of the property sold. The expenses chargeable upon the seizure and sale shall embrace only the actual expenses of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the local officer or his/her deputy. Where the proceeds of the sale are insufficient to satisfy the claim, other property may, in like manner, be distrained until the full amount due, including all expenses, is collected.

**SEC. 201. Levy on Real Property.** – After the expiration of the time required to pay the delinquent taxes, fees, or charges, real property may be levied on before, simultaneously, or after the distraint of personal property belonging to the delinquent taxpayer. To this end, the provincial, city, or municipal treasurer, as the case may be, shall prepare a duly authenticated certificate showing the name of the taxpayer and the amount of the tax, fee, or charge, and penalty due from him/her. Said certificate shall operate with the force of a legal execution throughout the Philippines. Levy shall be effected by writing upon said certificate the description of the property upon which levy is made. At the same time,

written notice of the levy shall be mailed to or served upon the assessor and the Registrar of Deeds of the province or city where the property is located who shall annotate the levy on the tax declaration and certificate of title of the property, respectively, and the delinquent taxpayer or, if he/she be absent from the Philippines, to his/her agent or the manager of the business in respect to which the liability arose, or if there be none, to the occupant of the property in question. In case the levy on real property is not issued before or simultaneously with the warrant of distraint on personal property, and the personal property of the taxpayer is not sufficient to satisfy his/her delinquency, the provincial, city, or municipal treasurer, as the case may be, shall within thirty (30) days after execution of the distraint, proceed with the levy on the taxpayer's real property. A report on any levy shall, within ten (10) days after receipt of the warrant, be submitted by the levying officer to the sanggunian concerned.

**SEC. 202. *Penalty for Failure to Issue and Execute Warrant.*** – Without prejudice to criminal prosecution under the Revised Penal Code and other applicable laws, any local treasurer who fails to issue or execute the warrant of distraint or levy after the expiration of the time prescribed, or who is found guilty of abusing the exercise thereof by competent authority shall be automatically dismissed from the service after due notice and hearing.

**SEC. 203. *Advertisement and Sale.*** – Within thirty (30) days after levy, the local treasurer shall proceed to publicly advertise for sale or auction the property or a usable portion thereof as may be necessary to satisfy the claim and cost of sale; and such advertisement shall cover a period of at least thirty (30) days. It shall be effected by posting a notice at the main entrance of the municipal building or city hall, and in a public and conspicuous place in the barangay where the real property is located, and by publication once a week for three (3) weeks in a newspaper of general circulation in the province, city, or municipality where the property is located. The advertisement shall contain the amount of taxes, fees, or charges, and penalties due thereon, the time and place of sale, the name of the taxpayer against whom the taxes, fees, or charges are levied, and a short description of the property to be sold. At any time before the date fixed for the sale, the taxpayer may stay the proceedings by paying the taxes, fees, charges, penalties, and interests. If he/she fails to do so, the sale shall proceed and shall be held either at the main entrance of the provincial, city, or municipal building, on the property to be sold, or at any other place as determined by the local treasurer conducting the sale and specified in the notice of sale.

Within thirty (30) days after the sale, the local treasurer or his/her deputy shall make a report of the sale to the sanggunian concerned, and which shall form part of his/her records. After consultation with the sanggunian, the local treasurer shall make and deliver to the purchaser a certificate of sale, showing the proceedings of the sale, describing the property sold, stating the name of the purchaser, and setting out the exact amount of all taxes, fees, charges, and related surcharges, interests, or penalties: *Provided, however,* That any excess in the proceeds of the sale over the claim and cost of sales shall be turned over to the owner of the property.

The local treasurer may, by ordinance duly approved, advance an amount sufficient to defray the costs of collection by means of the remedies provided for in this Title, including the preservation or transportation in case of personal property, and the advertisement and subsequent sale, in cases of personal and real property including improvements thereon.

**SEC. 204. *Redemption of Property Sold.*** – Within one (1) year from the date of sale, the delinquent taxpayer or his/her representative shall have the right to redeem the property upon payment to the local treasurer of the total amount of taxes, fees, or charges, and related surcharges, interests, or penalties from the date of delinquency to the date of sale, plus interest of not more than two percent (2%) per month on the purchase price from the date of purchase to the date of redemption. Such payment shall invalidate the certificate of sale issued to the purchaser and the owner shall be entitled to a certificate of redemption from the provincial, city, or municipal treasurer or his/her deputy.

The provincial, city, or municipal treasurer or his/her deputy, upon surrender by the purchaser of the certificate of sale previously issued to him/her, shall forthwith return to the latter the entire purchase price paid by him/her plus the interest of not more than two percent (2%) per month herein provided for, the portion of the cost of sale and other legitimate expenses incurred by him/her, and said property thereafter shall be free from the lien of such taxes, fees, or charges, related surcharges, interests, and penalties.

The owner shall not, however, be deprived of the possession of said property and shall be entitled to the rentals and other income thereof until the expiration of the time allowed for its redemption.

**SEC. 205. *Final Deed to Purchaser.*** – In case the taxpayer fails to redeem the property as provided herein, the local treasurer shall execute a deed conveying to the purchaser so much of the property as has been sold, free from liens of any taxes, fees, charges, related surcharges, interests, and penalties. The deed shall succinctly recite all the proceedings upon which the validity of the sale depends.

**SEC. 206. *Purchase of Property by the Local Government Units for Want of Bidder.*** – In case there is no bidder for the real property advertised for sale as provided herein, or if the highest bid is for an amount insufficient to pay the taxes, fees, or charges, related surcharges, interests, penalties, and costs, the local treasurer conducting the sale shall purchase the property in behalf of the local government unit concerned to satisfy the claim and within two (2) days thereafter shall make a report of his/her proceedings which shall be reflected upon the records of his/her office. It shall be the duty of the Registrar of Deeds concerned upon registration with his/her office of any such declaration of forfeiture to transfer the title of the forfeited property to the local government unit concerned without the necessity of an order from a competent court.

Within one (1) year from the date of such forfeiture, the taxpayer or any of his/her representative, may redeem the property by paying to the local treasurer the full amount of the taxes, fees, charges, and related surcharges, interests, or penalties, and the costs of sale. If the property is not redeemed as provided herein, the ownership thereof shall be fully vested in the local government unit concerned.

**SEC. 207. *Resale of Real Estate Taken for Taxes, Fees, or Charges.*** – The sanggunian may, by ordinance duly approved, and upon notice of not less than twenty (20) days, sell and dispose of the real property acquired under the preceding section at public auction. The proceeds of the sale shall accrue to the general fund of the local government unit concerned.

**SEC. 208. *Collection of Delinquent Taxes, Fees, Charges, or other Revenues through Judicial Action.*** – The local government unit concerned may enforce the collection of delinquent taxes, fees, charges, or other revenues by civil action in any court of competent jurisdiction. The civil action shall be filed by the local treasurer within the period prescribed in Section 219 of this Code.

**SEC. 209. *Further Distraint or Levy.*** – The remedies by distraint and levy may be repeated if necessary until the full amount due, including all expenses, is collected.

**SEC. 210. *Personal Property Exempt from Distraint or Levy.*** – The following property shall be exempt from distraint and the levy, attachment, or execution thereof for delinquency in the payment of any local tax, fee, or charge, including the related surcharge and interest:

- (a) Tools and the implements necessarily used by the delinquent taxpayer in his/her trade or employment;
- (b) One (1) horse, cow, carabao, or other beast of burden, such as the delinquent taxpayer may select, and necessarily used by him/her in his/her ordinary occupation;
- (c) His/her necessary clothing, and that of all his/her family;
- (d) Household furniture and utensils necessary for housekeeping and used for that purpose by the delinquent taxpayer, such as he/she may select, of a value not exceeding Ten Thousand Pesos (Php 10,000.00);
- (e) Provisions, including crops, actually provided for individual or family use sufficient for four (4) months;
- (f) The professional libraries and equipment of doctors, engineers, lawyers, and judges: *Provided*, That the local sanggunian may exempt the effects of other professionals under this provision;
- (g) One fishing boat and net, not exceeding the total value of Ten Thousand Pesos (Php 10,000.00), by the lawful use of which a fisher earns his/her livelihood; and
- (h) Any material or article forming part of a house or improvement of any real property.

## **CHAPTER VI**

### **MISCELLANEOUS PROVISIONS**

**SEC. 211. *Power to Levy Other Taxes, Fees, or Charges.*** – Local government units may exercise the power to levy taxes, fees, charges, or other impositions on any base or subject not otherwise specifically enumerated herein or taxed under the provisions of the NIRC, as amended, or other applicable laws: *Provided*, That the taxes, fees, charges, or other impositions shall not be unjust, excessive, oppressive, confiscatory, or contrary to declared national policy: *Provided, further*, That the

ordinance levying such taxes, fees, charges, or other impositions shall not be enacted without any prior public hearing conducted for the purpose.

**SEC. 212. Procedure for Approval and Effectivity of Tax Ordinances and Revenue Measures; Mandatory Public Hearings.** – The procedure for approval of local tax ordinances and revenue measures shall be in accordance with the provisions of this Code: *Provided*, That public hearings shall be conducted for the purpose prior to the enactment thereof: *Provided, further*, That any question on the constitutionality or legality of tax ordinances or revenue measures may be raised on an appeal within thirty (30) days from the effectivity thereof to the Secretary of Justice who shall render a decision within sixty (60) days from the date of receipt of the appeal: *Provided, however*, That such appeal shall not have the effect of suspending the effectivity of the ordinance and the accrual and payment of the tax, fee, or charge levied therein: *Provided, finally*, That within thirty (30) days after receipt of the decision or the lapse of the sixty-day period without the Secretary of Justice acting upon the appeal, the aggrieved party may file appropriate proceedings with a court of competent jurisdiction.

**SEC. 213. Publication of Tax Ordinances and Revenue Measures.** – Within ten (10) days after their approval, certified true copies of all provincial, city, and municipal tax ordinances or revenue measures shall be published in full for three (3) consecutive days in a newspaper of local circulation: *Provided, however*, That in provinces, cities, and municipalities where there are no newspapers of local circulation, the same may be posted in at least two (2) conspicuous and publicly accessible places.

The same shall be posted on the local government units' websites, or alternative public information online platforms authorized for use by the sanggunian concerned, and through the Bangsamoro Online Register of Ordinances.

No tax ordinance shall be effective until after fifteen (15) days from its publication.

**SEC. 214. Furnishing of Copies of Tax Ordinances and Revenue Measures.** – Copies of all provincial, city, municipal, and barangay tax ordinances and revenue measures shall be furnished to the respective local treasurers for public dissemination.

**SEC. 215. Attempt to Enforce Void or Suspended Tax Ordinances and Revenue Measures.** – The enforcement of any tax ordinance or revenue measure after due notice of the disapproval or suspension thereof shall be sufficient ground for administrative disciplinary action against the local officials and employees responsible therefor.

**SEC. 216. Authority of Local Government Units to Adjust Rates of Tax Ordinances.** – Local government units shall have the authority to adjust the tax rates as prescribed herein not oftener than once every five (5) years, unless otherwise provided in this Code, but in no case shall such adjustment exceed ten percent (10%) of the rates fixed under this Code.

**SEC. 217. Authority to Grant Tax Exemption Privileges.** – Local government units may, through ordinances duly approved, grant tax exemptions, incentives, or reliefs under such terms and conditions, as they may deem necessary.

**SEC. 218. *Withdrawal of Tax Exemption Privileges.*** – Unless otherwise provided in this Code, tax exemptions or incentives granted to, or presently enjoyed by all persons, whether natural or juridical, including GOCCs, except local water districts, cooperatives duly registered under R.A. No. 6938, non-stock and non-profit hospitals and educational institutions, are hereby withdrawn upon the effectivity of this Code.

## CHAPTER VII

### REMEDIES

**SEC. 219. *Periods of Assessment and Collection.*** –

- (a) Local taxes, fees, or charges shall be assessed within five (5) years from the date they became due. No action for the collection of such taxes, fees, or charges, whether administrative or judicial, shall be instituted after the expiration of such period: *Provided*, That taxes, fees, or charges which have accrued before the effectivity of this Code may be assessed within a period of three (3) years from the date they became due.
- (b) In case of fraud or intent to evade the payment of taxes, fees, or charges, the same may be assessed within ten (10) years from discovery of the fraud or intent to evade payment.
- (c) Local taxes, fees, or charges may be collected within five (5) years from the date of assessment by administrative or judicial action. No such action shall be instituted after the expiration of said period: *Provided, however*, That taxes, fees, or charges assessed before the effectivity of this Code may be collected within a period of three (3) years from the date of assessment.
- (d) The running of the periods of prescription provided in the preceding paragraphs shall be suspended for the time during which:
  - 1. The treasurer is legally prevented from making the assessment of collection;
  - 2. The taxpayer requests for a reinvestigation and executes a waiver in writing before expiration of the period within which to assess or collect; and
  - 3. The taxpayer is out of the country or otherwise cannot be located.

**SEC. 220. *Protest of Assessment.*** – When the local treasurer or his/her duly authorized representative finds that correct taxes, fees, or charges have not been paid, he/she shall issue a notice of assessment stating the nature of the taxes, fees, or charges, the amount of deficiency, the surcharges, interests, and penalties. Within sixty (60) days from the receipt of the notice of assessment, the taxpayer may file a written protest with the local treasurer contesting the assessment; otherwise, the assessment shall become final and executory. The local treasurer shall decide the protest within sixty (60) days from the time of its filing. If the local treasurer finds the protest to be wholly or partly meritorious, he/she shall issue a notice canceling wholly or partially the assessment. However, if the local treasurer finds the assessment to be wholly or partly correct, he/she shall deny the protest wholly or partly with notice to the taxpayer. The taxpayer shall have thirty (30) days from the receipt of the denial of the

protest or from the lapse of the sixty (60) day period prescribed herein within which to appeal with the court of competent jurisdiction otherwise the assessment becomes conclusive and unappealable.

**SEC. 221. *Claim for Refund of Tax Credit.*** – No case or proceeding shall be maintained in any court for the recovery of any taxes, fees, or charges erroneously or illegally collected until a written claim for refund or credit has been filed with the local treasurer. No case or proceeding shall be entertained in any court after the expiration of two (2) years from the date of the payment of such taxes, fees, or charges, or from the date the taxpayer is entitled to a refund or credit.

## TITLE II

### REAL PROPERTY TAXATION

#### CHAPTER I

##### GENERAL PROVISIONS

**SEC. 222. *Scope.*** – This Title shall govern the administration, appraisal, assessment, levy, and collection of real property tax.

**SEC. 223. *Fundamental Principles.*** – The appraisal, assessment, levy, and collection of real property tax shall be guided by the following fundamental principles:

- (a) Real property shall be appraised at its current and fair market value;
- (b) Real property shall be classified for assessment purposes on the basis of its actual use;
- (c) Real property shall be assessed on the basis of a uniform classification within each local government unit;
- (d) The appraisal, assessment, levy, and collection of real property tax shall not be let to any private person; and
- (e) The appraisal and assessment of real property shall be equitable.

**SEC. 224. *Definitions.*** – When used in this Title:

- (a) “*Acquisition cost*” for newly-acquired machinery not yet depreciated and appraised within the year of its purchase, refers to the actual cost of the machinery to its present owner, plus the cost of transportation, handling, and installation at the present site;
- (b) “*Actual use*” refers to the purpose for which the property is principally or predominantly utilized by the person in possession thereof;
- (c) “*Ad valorem tax*” is a levy on real property determined on the basis of a fixed proportion of the value of the property;

- (d) “*Agricultural land*” is land devoted principally to the planting of trees, raising of crops, livestock and poultry, dairying, salt making, inland fishing and similar aquacultural activities, and other agricultural activities, and is not classified as mineral, timber, residential, commercial, or industrial land;
- (e) “*Appraisal*” is the act or process of determining the value of property as of a specific date for a specific purpose;
- (f) “*Assessment*” is the act or process of determining the value of a property, or proportion thereof subject to tax, including the discovery, listing, classification, and appraisal of properties;
- (g) “*Assessment level*” is the percentage applied to the fair market value to determine the taxable value the property;
- (h) “*Assessed value*” is the fair market value of the real property multiplied by the assessment level. It is synonymous with taxable value;
- (i) “*Commercial land*” is land devoted principally for the object of profit and is not classified as agricultural, industrial, mineral, timber, or residential land;
- (j) “*Depreciated value*” is the value remaining after deducting depreciation from the acquisition cost;
- (k) “*Economic life*” is the estimated period over which it is anticipated that a machinery or equipment may be profitably utilized;
- (l) “*Fair market value*” is the price at which a property may be sold by a seller who is not compelled to sell and bought by a buyer who is not compelled to buy; and
- (m) “*Improvement*” is a valuable addition made to a property or an amelioration in its condition, amounting to more than a mere repair or replacement of parts involving capital expenditures and labor, which is intended to enhance its value, beauty, or utility, or to adapt it for new or further purposes.

**SEC. 225. Administration of the Real Property Tax.** – The provinces and cities shall be primarily responsible for the proper, efficient, and effective administration of the real property tax.

## CHAPTER II

### APPRAISAL AND ASSESSMENT OF REAL PROPERTY

**SEC. 226. Appraisal of Real Property.** – All real property, whether taxable or exempt, shall be appraised at the current and fair market value prevailing in the locality where the property is situated. The MFBM shall promulgate the necessary rules and regulations for the classification, appraisal, and



assessment of real property pursuant to the provisions of this Code and guided by the standards set by the DOF-BLGF.

**SEC. 227. Declaration of Real Property by the Owner or Administrator.** – It shall be the duty of all persons, natural or juridical, owning or administering real property, including the improvements therein, within a city or municipality, or their duly authorized representative, to prepare, or cause to be prepared, and file with the provincial or city assessor, a sworn statement declaring the true value of their property, whether previously declared or undeclared, taxable or exempt, which shall be the current and fair market value of the property, as determined by the declarant. Such declaration shall contain a description of the property sufficient in detail to enable the assessor or his/her deputy to identify the same for assessment purposes. The sworn declaration of real property herein referred to shall be filed with the assessor concerned once every three (3) years during the period from January first (1<sup>st</sup>) to June thirtieth (30<sup>th</sup>).

**SEC. 228. Duty of Person Acquiring Real Property or Making Improvement Thereon.** – It shall also be the duty of any person, or his/her authorized representative, acquiring at any time real property in any municipality or city or making any improvement on real property, to prepare, or cause to be prepared, and file with the provincial or city assessor, a sworn statement declaring the true value of a subject property, within sixty (60) days after the acquisition of such property or upon completion or occupancy of the improvement, whichever comes earlier.

**SEC. 229. Declaration of Real Property by the Assessor.** – When any person, natural or juridical, by whom real property is required to be declared under Section 227 hereof, refuses or fails for any reason to make such declaration within the time prescribed, the provincial or city assessor shall himself/herself declare the property in the name of the defaulting owner, if known, or against an unknown owner, as the case may be, and shall assess the property for taxation in accordance with the provision of this Title. No oath shall be required of a declaration thus made by the provincial, city, or municipal assessor.

**SEC. 230. Listing of Real Property in the Assessment Rolls.** –

- (a) In every province and city, there shall be prepared and maintained by the provincial or city assessor an assessment roll wherein shall be listed all real property, whether taxable or exempt, located within the territorial jurisdiction of the local government unit concerned. Real property shall be listed, valued, and assessed in the name of the owner or administrator, or anyone having a legal interest in the property.
- (b) The undivided real property of a deceased person may be listed, valued, and assessed in the name of the estate or of the heirs and devisees without designating them individually; and undivided real property other than that owned by a deceased may be listed, valued, and assessed in the name of one or more co-owners: *Provided, however,* That such heir, devisee, or co-owner shall be liable severally and proportionately for all obligations imposed by this Title and the payment of the real property tax with respect to the undivided property.

- (c) The real property of a corporation, partnership, or association shall be listed, valued, and in the same manner as that of an individual.
- (d) Real property owned by the Republic of the Philippines, instrumentalities and political subdivisions, the beneficial use of which has been granted, for consideration or otherwise, to a taxable person, shall be listed, valued, and assessed in the name of the possessor, grantee, or of the public entity if such property has been acquired or held for resale or lease.

**SEC. 231. *Proof of Exemption of Real Property from Taxation.*** – Every person by or for whom real property is declared, who shall claim tax exemption for such property under this Title shall file with the provincial or city assessor within thirty (30) days from the date of the declaration of real property sufficient documentary evidence in support of such claim including corporate charters, title of ownership, articles of incorporation, by-laws, contracts, affidavits, certifications and mortgage deeds, and similar documents. If the required evidence is not submitted within the period herein prescribed, the property shall be listed as taxable in the assessment roll. However, if the property shall be proven to be tax-exempt, the same shall be dropped from the assessment roll.

**SEC. 232. *Real Property Identification System.*** – All declarations of real property made under the provisions of this Title shall be kept and filed under a uniform classification system to be established by the provincial or city assessor.

**SEC. 233. *Notification of Transfer of Real Property Ownership.*** – Any person who shall transfer real property ownership to another shall notify the provincial or city assessor concerned within sixty (60) days from the date of such transfer. The notification shall include the mode of transfer, the description of the property alienated, and the name and address of the transferee.

**SEC. 234. *Duty of Registrar of Deeds to Apprise Assessor of Real Property Listed in Registry.***

- (a) To ascertain whether or not any real property entered in the Registry of Property has escaped discovery and listing for the purpose of taxation, the Registrar of Deeds shall prepare and submit to the provincial or city assessor, within six (6) months from the date of effectivity of this Code and every year thereafter, an abstract of his/her registry, which shall include brief but sufficient description of the real properties entered therein, present owners, and the dates of their most recent transfer or alienation accompanied by copies of corresponding deeds of sale, donation, or partition or other forms of alienation.
- (b) It shall also be the duty of the Registrar of Deeds to require every person who shall present for registration a document of transfer, alienation, or encumbrance of real property to accompany the same with a certificate to the effect that the real property subject of the transfer, alienation, or encumbrance, as the case may be, has been fully paid of all real property taxes due thereon. Failure to provide such certificate shall be a valid cause for the Registrar of Deeds to refuse the registration of the document.

**SEC. 235. *Duty of Official Issuing Building Permit or Certificate of Registration of Machinery to Transmit Copy to Assessor.*** – Any public official or employee who may now or hereafter

be required by law or regulation to issue to any person a permit for the construction, addition, repair, or renovation of a building, or permanent improvement on land, or a certificate of registration for any machinery, including machines, mechanical contrivances, and apparatus attached or affixed on land or to another real property, shall transmit a copy of such permit or certificate within thirty (30) days of its issuance, to the assessor of the province or city where the property is situated.

**SEC. 236. *Duty of Geodetic Engineers to Furnish Copy of Plans to Assessor.*** – It shall be the duty of all geodetic engineers, public or private, to furnish free of charge to the assessor of the province or city where the land is located with a white or blueprint copy of each of all approved original or subdivision plans or maps of surveys executed by them within thirty (30) days from receipt of such plans from the appropriate office under the MENRE, the Land Registration Authority, or the Ministry of Human Settlements and Development (MHSD), as the case may be.

**SEC. 237. *Preparation of Schedule of Fair Market Values.*** – Before any general revision of property assessment is made pursuant to the provisions of this Title, there shall be prepared a schedule of fair market values by the provincial and city assessor for the different classes of real property situated in their respective local government units for enactment by ordinance of the sanggunian concerned. The schedule of fair market values shall be published in a newspaper of general circulation in the province or city concerned, or in the absence thereof, shall be posted in the provincial capitol or city hall and in two (2) other conspicuous public places therein.

**SEC. 238. *Authority of Assessor to Take Evidence.*** – For the purpose of obtaining information on which to base the market value of any real property, the assessor of the province or city or his/her deputy may summon the owners of the properties to be affected or persons having legal interest therein and witnesses, administer oaths, and take deposition concerning the property, its ownership, amount, nature, and value.

**SEC. 239. *Amendment of Schedule of Fair Market Values.*** – The provincial or city assessor may recommend to the sanggunian concerned amendments to correct errors in valuation in the schedule of fair market values. The sanggunian concerned shall, by ordinance, act upon the recommendation within ninety (90) days from receipt thereof.

**SEC. 240. *Classes of Real Property for Assessment Purposes.*** – For purposes of assessment, real property shall be classified as residential, agricultural, commercial, industrial, mineral, or special.

**SEC. 241. *Special Classes of Real Property.*** – All lands, buildings, and other improvements actually, directly, and exclusively used for hospitals, cultural, or scientific purposes, and those owned and used by local water districts, and GOCCs rendering essential public services in the supply and distribution of water and/or generation and transmission of electric power shall be classified as special.

**SEC. 242. *Actual Use of Real Property as Basis for Assessment.*** – Real property shall be classified, valued, and assessed on the basis of its actual use regardless of where located, whoever owns it, and whoever uses it.

**SEC. 243. Assessment Levels.** – The assessment levels to be applied to the fair market value of real property to determine its assessed value shall be fixed by ordinances of the sangguniang panlalawigan or sangguniang panlungsod, at the rates not exceeding the following:

(a) On Lands:

|  | <u>Class</u> | <u>Assessment Levels</u> |
|--|--------------|--------------------------|
|  | Residential  | 20%                      |
|  | Agricultural | 40%                      |
|  | Commercial   | 50%                      |
|  | Industrial   | 50%                      |
|  | Mineral      | 50%                      |
|  | Timberland   | 20%                      |

(b) On Buildings and Other Structures:

1. Residential

| <u>Fair Market Value Over</u> | <u>Not Over</u> | <u>Assessment Levels</u> |
|-------------------------------|-----------------|--------------------------|
|                               | Php 175,000.00  | 0%                       |
| Php 175,000.00                | 300,000.00      | 10%                      |
| 300,000.00                    | 500,000.00      | 20%                      |
| 500,000.00                    | 750,000.00      | 25%                      |
| 750,000.00                    | 1,000,000.00    | 30%                      |
| 1,000,000.00                  | 2,000,000.00    | 35%                      |
| 2,000,000.00                  | 5,000,000.00    | 40%                      |
| 5,000,000.00                  | 10,000,000.00   | 50%                      |
| 10,000,000.00                 |                 | 60%                      |

2. Agricultural

| <u>Fair Market Value Over</u> | <u>Not Over</u> | <u>Assessment Levels</u> |
|-------------------------------|-----------------|--------------------------|
|                               | Php 300,000.00  | 25%                      |

|   |                 |                          |
|---|-----------------|--------------------------|
| Php 300,000.00                          | 500,000.00      | 30%                      |
| 500,000.00                              | 750,000.00      | 35%                      |
| 750,000.00                              | 1,000,000.00    | 40%                      |
| 1,000,000.00                            | 2,000,000.00    | 45%                      |
| 2,000,000.00                            |                 | 50%                      |
| <b>3. <u>Commercial /Industrial</u></b> |                 |                          |
| <u>Fair Market Value Over</u>           | <u>Not Over</u> | <u>Assessment Levels</u> |
|   | Php 300,000.00  | 30%                      |
| Php 300,000.00                          | 500,000.00      | 35%                      |
| 500,000.00                              | 750,000.00      | 40%                      |
| 750,000.00                              | 1,000,000.00    | 50%                      |
| 1,000,000.00                            | 2,000,000.00    | 60%                      |
| 2,000,000.00                            | 5,000,000.00    | 70%                      |
| 5,000,000.00                            | 10,000,000.00   | 75%                      |
| 10,000,000.00                           |                 | 80%                      |
| <b>4. <u>Timberland</u></b>             |                 |                          |
| <u>Fair Market Value Over</u>           | <u>Not Over</u> | <u>Assessment Levels</u> |
|   | Php 300,000.00  | 45%                      |
| Php 300,000.00                          | 500,000.00      | 50%                      |
| 500,000.00                              | 750,000.00      | 55%                      |
| 750,000.00                              | 1,000,000.00    | 60%                      |
| 1,000,000.00                            | 2,000,000.00    | 65%                      |
| 2,000,000.00                            |                 | 70%                      |
| <b><u>(c) On Machineries:</u></b>       |                 |                          |
|   | <u>Class</u>    | <u>Assessment Levels</u> |

|   |   |                         |
|---|---|-------------------------|
|   | Agricultural  | 40%                     |
|   | Residential   | 50%                     |
|   | Commercial  | 80%                     |
|   | Industrial  | 80%                     |
| <u>(d) On Special Classes: The assessment levels for all lands, buildings, machineries, and other improvements:</u> |   |                         |
|   | <u>Actual Use</u>   | <u>Assessment Level</u> |
|   | Cultural  | 15%                     |
|   | Scientific  | 15%                     |
|   | Hospital  | 15%                     |
|   | Local water districts   | 10%                     |
|   | GOCCs engaged in the supply and distribution of water and/or generation and transmission of electric power. | 10%                     |

**SEC. 244. General Revision of Assessments and Property Classification.** – The provincial or city shall undertake a general revision of real property assessments within two (2) years after the effectivity of this Code and every three (3) years thereafter.

**SEC. 245. Valuation of Real Property.** – In cases where (a) real property is declared and listed for taxation purposes for the first time; (b) there is an ongoing general revision of property classification and assessment; or (c) a request is made by the person in whose name the property is declared, the provincial, city, or municipal assessor or his/her duly authorized deputy shall, in accordance with the provisions of this Chapter, make a classification, appraisal, and assessment of the real property listed and described in the declaration irrespective of any previous assessment or taxpayer’s valuation thereon: *Provided, however,* That the assessment of real property shall not be increased oftener than once every three (3) years except in case of new improvements substantially increasing the value of said property or of any change in its actual use.

**SEC. 246. Date of Effectivity of Assessment or Reassessment.** – All assessments or reassessments made after the first (1<sup>st</sup>) day of January of any year shall take effect on the first (1<sup>st</sup>) day of January of the succeeding year: *Provided, however,* That the reassessment of real property due to its partial or total destruction, or to a major change in its actual use, or to any great and sudden inflation or deflation of real property values, or to the gross illegality of the assessment when made, or to any other

abnormal cause, shall be made within ninety (90) days from the date any such cause or causes occurred, and shall take effect at the beginning of the quarter next following the reassessment.

**SEC. 247. *Assessment of Property Subject to Back Taxes.*** – Real property declared for the first time shall be assessed for taxes for the period during which it would have been liable but in no case for more than ten (10) years prior to the date of initial assessment: *Provided, however,* That such taxes shall be computed on the basis of the applicable schedule of values in force during the corresponding period.

If such taxes are paid on or before the end of the quarter following the date the notice of assessment was received by the owner or his/her representative, no interest for delinquency shall be imposed thereon; otherwise, such taxes shall be subject to interest at the rate of two percent (2%) per month or a fraction thereof from the date of the receipt of the assessment until such taxes are fully paid.

**SEC. 248. *Notification of New or Revised Assessment.*** – When real property is assessed for the first time or when an existing assessment is increased or decreased, the provincial, city, or municipal assessor shall within thirty (30) days give written notice of such new or revised assessment to the person in whose name the property is declared. The notice may be delivered personally or by registered mail or through the assistance of the punong barangay to the last known address of the person to be served.

**SEC. 249. *Appraisal and Assessment of Machinery.*** –

- (a) The fair market value of a brand-new machinery shall be the acquisition cost. In all other cases, the fair market value shall be determined by dividing the remaining economic life of the machinery by its estimated economic life and multiplied by the replacement or reproduction cost.
- (b) If the machinery is imported, the acquisition cost includes freight, insurance, bank and other charges, brokerage, arrastre and handling, duties and taxes, plus cost of inland transportation, handling, and installation charges at the present site. The cost in foreign currency of imported machinery shall be converted to peso cost on the basis of foreign currency exchange rates as fixed by the Bangko Sentral ng Pilipinas (BSP).

**SEC. 250. *Depreciation Allowance for Machinery.*** – For purposes of assessment, a depreciation allowance shall be made for machinery at a rate not exceeding five percent (5%) of its original cost or its replacement or reproduction cost, as the case may be, for each year of use: *Provided, however,* That the remaining value for all kinds of machinery shall be fixed at not less than twenty percent (20%) of such original, replacement, or reproduction cost for so long as the machinery is useful and in operation.

### CHAPTER III

#### ASSESSMENT APPEALS

**SEC. 251. *Local Board of Assessment Appeals.*** – Any owner or person having legal interest in the property who is not satisfied with the action of the provincial, city, or municipal assessor in the assessment of his/her property may, within sixty (60) days from the date of receipt of the written notice

of assessment, appeal to the Board of Assessment Appeals of the province or city by filing a petition under oath in the form prescribed for the purpose, together with copies of the tax declarations and such affidavits or documents submitted in support of the appeal.

**SEC. 252. Organizations, Powers, Duties, and Functions of the Local Board of Assessment Appeals.** –

- (a) The Board of Assessment Appeals of the province or city shall be composed of the Registrar of Deeds, as chairperson, the provincial or city prosecutor and the provincial or city architect or provincial or city engineer, whichever is applicable, as members, and the BRO Executive Director or his/her duly authorized representative, who shall serve as such in an *ex officio* capacity without additional compensation.
- (b) The chairperson of the Board shall have the power to designate any employee of the province or city to serve as secretary to the Board also without additional compensation.
- (c) The chairperson and members of the Board of Assessment Appeals of the province or city shall assume their respective positions without need of further appointment or special designation immediately upon effectivity of this Code. They shall take an oath or affirmation of office in the prescribed form.
- (d) In provinces and cities without a provincial or city architect or engineer, the district engineer of the district where the assessed property is located shall serve as member of the Board. In the absence of the Registrar of Deeds, the provincial or city prosecutor, the provincial or city engineer, or the district engineer, the persons performing their duties, whether in an acting capacity or as a duly designated officer-in-charge, shall automatically become the chairperson or member, respectively, of the said Board, as the case may be.

**SEC. 253. Meetings and Expenses of the Local Board of Assessment Appeals.** –

- (a) The Board of Assessment Appeals of the province or city shall meet once a month and as often as may be necessary for the prompt disposition of appealed cases. No member of the Board shall be entitled to *per diems* or traveling expenses for his/her attendance in Board meetings, except when conducting an ocular inspection in connection with a case under appeal.
- (b) All expenses of the Board shall be charged against the general fund of the province or city, as the case may be. The sanggunian concerned shall appropriate the necessary funds to enable the Board in their respective localities to operate effectively.

**SEC. 254. Action by the Local Board of Assessment Appeals.** –

- (a) The Board shall decide the appeal within one hundred twenty (120) days from the date of receipt of such appeal. The Board, after the hearing, shall render its decision based on substantial evidence or such relevant evidence on the record as a reasonable mind might accept as adequate to support the conclusion.



In the exercise of its appellate jurisdiction, the Board shall have the power to summon witnesses, administer oaths, conduct ocular inspections, take depositions, and issue *subpoenas* and *subpoena duces tecum*. The proceedings of the Board shall be conducted solely for the purpose of ascertaining the facts without necessarily adhering to technical rules applicable in judicial proceedings.

- (b) The secretary of the Board shall furnish the owner of the property or the person having legal interest therein and the provincial or city assessor with a copy of the decision of the Board. In case the provincial or city assessor concurs in the revision or the assessment, it shall be his/her duty to notify the owner of the property or the person having legal interest therein of such fact using the form prescribed for the purpose. The owner of the property or the person having legal interest therein or the assessor who is not satisfied with the decision of the Board, may, within thirty (30) days after receipt of the decision of said Board, appeal to the Central Board of Assessment Appeals, as provided in the succeeding section. The decision of the Central Board shall be final and executory.

**SEC. 255. *Central Board of Assessment Appeals.*** – Unless otherwise provided by a law passed by the Parliament, the Central Board of Assessment Appeals created under R.A. No. 7160, as amended shall have appellate jurisdiction over all assessment cases decided by the Local Board of Assessment Appeals.

**SEC. 256. *Effect of Appeal on the Payment of Real Property Tax.*** – Appeal on assessments of real property made under the provisions of this Code shall, in no case, suspend the collection of the corresponding realty taxes on the property involved as assessed by the provincial or city assessor, without prejudice to subsequent adjustment depending upon the final outcome of the appeal.

## CHAPTER IV

### IMPOSITION OF REAL PROPERTY TAX

**SEC. 257. *Power to Levy Real Property Tax.*** – A province or city may levy an annual *ad valorem* tax on real property such as land, building, machinery, and other improvement not hereinafter specifically exempted.

**SEC. 258. *Rates of Levy.*** – A province or city shall fix a uniform rate of basic real property tax applicable to their respective localities as follows:

- (a) In the case of a province, at the rate not exceeding one percent (1%) of the assessed value of real property; and
- (b) In the case of a city, at the rate not exceeding two percent (2%) of the assessed value of real property.

**SEC. 259. *Exemptions from Real Property Tax.*** – The following are exempted from payment of the real property tax:

- (a) Real property owned by the Republic of the Philippines or any of its political subdivisions,

including the BARMM, except when the beneficial use thereof has been granted, for consideration or otherwise, to a taxable person;

- (b) Charitable institutions, churches, parsonages or convents appurtenant thereto, mosques, non-profit or religious cemeteries, and all lands, buildings, and improvements actually, directly, and exclusively used for religious, charitable or educational purposes, including but not limited to, orphanages, *Madaris*, and *Tahfidz Al-Qur'an* institutions;
- (c) All machineries and equipment that are actually, directly, and exclusively used by local water districts and GOCCs engaged in the supply and distribution of water and/or generation and transmission of electric power;
- (d) All real property owned by duly registered cooperatives as provided for under R.A. No. 6938, otherwise known as the "*Cooperative Code of the Philippines*;"
- (e) Machinery and equipment used for pollution control and environmental protection;
- (f) All lands certified to be ancestral domains except such portion of the ancestral domains that are actually used for large-scale agriculture, commercial, forest plantation, and residential purposes, or upon titling by private persons: *Provided*, That all exactions shall be used to facilitate the development and improvement of the ancestral domains; and
- (g) Lands located in areas declared by the Chief Minister or the local sanggunian to be physically or legally inaccessible to the owner by reason of force *majeure*, civil disturbance, natural calamity, and other human-made causes such as armed-conflict: *Provided*, That said declaration shall not be longer than a period of one (1) year, unless otherwise extended.

**SEC. 260. *Real Property Exempt During Internal Displacement.*** – Internally displaced persons or IDPs are exempt from payment of real property taxes and other local assessments relating to properties left behind while in displacement, as may be provided in a law to be passed by the Parliament on the rights of the IDPs.

## CHAPTER V

### SPECIAL LEVIES ON REAL PROPERTY

**SEC. 261. *Additional Levy on Real Property for the Special Education Fund (SEF).*** – A province or city may levy and collect an annual tax of one percent (1%) on the assessed value of real property which shall be in addition to the basic real property tax. The proceeds thereof shall exclusively accrue to the SEF.

**SEC. 262. *Additional Ad Valorem Tax on Idle Lands.*** – A province or city may levy an annual tax on idle lands at the rate not exceeding five percent (5%) of the assessed value of the property which shall be in addition to the basic real property tax.

**SEC. 263. *Idle Lands, Coverage.*** – For purposes of real property taxation, idle lands shall include the following:

- (a) Agricultural lands, more than one (1) hectare in area, suitable for cultivation, dairying, inland fishery, and other agricultural uses, one-half (1/2) of which remain uncultivated or unimproved by the owner of the property or person having legal interest therein;
- (b) Agricultural lands planted to permanent or perennial crops with at least fifty (50) trees to a hectare shall not be considered idle lands. Lands actually used for grazing purposes shall likewise not be considered idle lands; and
- (c) Lands, other than agricultural, located in a city or municipality, more than one thousand (1,000) square meters in area one-half (1/2) of which remain unutilized or unimproved by the owner of the property or person having legal interest therein.

Regardless of land area, this Section shall likewise apply to residential lots in subdivisions duly approved by proper authorities, the ownership of which has been transferred to individual owners, who shall be liable for the additional tax: *Provided, however,* That individual lots of such subdivisions, the ownership of which has not been transferred to the buyer shall be considered as part of the subdivision, and shall be subject to the additional tax payable by the subdivision owner or operator.

**SEC. 264. *Idle Lands Exempt from Tax.*** – A province or city may exempt idle lands from the additional levy by reason of force *majeure*, civil disturbance, natural calamity, or any cause or circumstance which physically or legally prevents the owner of the property or person having legal interest therein from improving, utilizing or cultivating the same.

**SEC. 265. *Listing of Idle Lands by the Assessor.*** – The provincial, or city assessor shall make and keep an updated record of all idle lands located within his/her area of jurisdiction. For purposes of collection, the provincial or city assessor shall furnish a copy thereof to the provincial or city treasurer who shall notify, on the basis of such record, the owner of the property or person having legal interest therein of the imposition of the additional tax.

**SEC. 266. *Special Levy by Local Government Units.*** – A province, city, or municipality may impose a special levy on the lands comprised within its territorial jurisdiction especially benefited by public works projects or improvements funded by the local government unit concerned: *Provided, however,* That the special levy shall not exceed sixty percent (60%) of the actual cost of such projects and improvements, including the costs of acquiring land and such other real property in connection therewith: *Provided, further,* That the special levy shall not apply to lands exempt from basic real property tax and the remainder of the land portions of which have been donated to the local government unit concerned for the construction of such projects or improvements.

**SEC. 267. *Ordinance Imposing a Special Levy.*** – A tax ordinance imposing a special levy shall describe with reasonable accuracy the nature, extent, and location of the public works projects or improvements to be undertaken, state the estimated cost thereof, specify the metes and bounds by monuments and lines, and the number of annual installments for the payment of the special levy which in no case shall be less than five (5) nor more than ten (10) years. The sanggunian concerned shall not

be obliged, in the apportionment and computation of the special levy, to establish a uniform percentage of all lands subject to the payment of the tax for the entire district, but it may fix different rates for different parts or sections thereof, depending on whether such land is more or less benefited by the proposed work.

**SEC. 268. *Publication of Proposed Ordinance Imposing a Special Levy.*** – Before the enactment of an ordinance imposing a special levy, the sanggunian concerned shall conduct a public hearing thereon; notify in writing the owners of the real property to be affected or the persons having legal interest therein as to the date and place thereof, and afford the latter the opportunity to express their positions or objections relative to the proposed ordinance.

**SEC. 269. *Fixing the Amount of Special Levy.*** – The special levy authorized herein shall be apportioned, computed, and assessed according to the assessed valuation of the lands affected as shown by the books of the assessor concerned, or its current assessed value as fixed by said assessor if the property does not appear of record in his/her books. Upon the effectivity of the ordinance imposing a special levy, the assessor concerned shall forthwith proceed to determine the annual amount of special levy assessed against each parcel of land comprised within the area especially benefited and shall send to each landowner a written notice thereof by mail, personal service, or publication in appropriate cases.

**SEC. 270. *Taxpayer's Remedies Against Special Levy.*** – Any owner of real property affected by a special levy or any person having a legal interest therein may, upon receipt of the written notice of assessment of the special levy, avail of the remedies provided for in Chapter III, Title II, Book II of this Code.

**SEC. 271. *Accrual of Special Levy.*** – The special levy shall accrue on the first day of the quarter following the effectivity of the ordinance imposing such levy.

## CHAPTER VI

### COLLECTION OF REAL PROPERTY TAX

**SEC. 272. *Date of Accrual of Tax.*** – The real property tax for any year shall accrue on the first (1<sup>st</sup>) day of January and from that date it shall constitute a lien on the property which shall be superior to any other lien, mortgage, or encumbrance of any kind whatsoever, and shall be extinguished only upon the payment of the delinquent tax.

**SEC. 273. *Collection of Tax.*** – The collection of the real property tax with interest thereon and related expenses, and the enforcement of the remedies provided for in this Title or any applicable laws, shall be the responsibility of the city or municipal treasurer concerned.

The city or municipal treasurer may deputize the barangay treasurer to collect all taxes on real property located in the barangay: *Provided*, That the barangay treasurer is properly bonded for the purpose: *Provided, further*, That the premium on the bond shall be paid by the city or municipal government concerned.

**SEC. 274. Assessor to Furnish Local Treasurer with Assessment Roll.** – The provincial, city, or municipal assessor shall prepare and submit to the treasurer of the local government unit, on or before the thirty-first (31<sup>st</sup>) day of December each year, an assessment roll containing a list of all persons whose real properties have been newly assessed or reassessed and the values of such properties.

**SEC. 275. Notice of Time for Collection of Tax.** – The city or municipal treasurer shall, on or before the thirty-first (31<sup>st</sup>) day of January each year, in the case of the basic real property tax and the additional tax for the SEF, or on any other date to be prescribed by the sanggunian concerned in the case of any other tax levied under this Title, post the notice of the dates when the tax may be paid without interest at a conspicuous and publicly accessible place at the city or municipal hall. Said notice shall likewise be published in a newspaper of general circulation in the locality once a week for two (2) consecutive weeks.

**SEC. 276. Payment of Real Property Taxes in Installments.** – The owner of the real property or the person having legal interest therein may pay the basic real property tax and the additional tax for SEF due thereon without interest in four (4) equal installments: the first installment to be due and payable on or before March thirty-one (31); the second installment, on or before June thirty (30); the third installment, on or before September thirty (30); and the last installment, on or before December thirty-one (31), except the special levy the payment of which shall be governed by ordinance of the sanggunian concerned.

The date for the payment of any other tax imposed under this Title without interest shall be prescribed by the sanggunian concerned.

Payments of real property taxes shall first be applied to prior years of delinquencies, interests, and penalties, if any, and only after said delinquencies are settled may tax payments be credited for the current period.

**SEC. 277. Tax Discount for Advanced Prompt Payment.** – If the basic real property tax and the additional tax accruing to the SEF are paid in advance in accordance with the prescribed schedule of payment as provided under Section 276, the sanggunian concerned may grant a discount not exceeding twenty percent (20%) of the annual tax due.

**SEC. 278. Payment Under Protest.** –

- (a) No protest shall be entertained unless the taxpayer first pays the tax. There shall be annotated on the tax receipts the words “*paid under protest*”. The protest in writing must be filed within thirty (30) days from payment of the tax to the provincial or city treasurer, who shall decide the protest within sixty (60) days from receipt.
- (b) The tax or a portion thereof paid under protest, shall be held in trust by the treasurer concerned.
- (c) In the event that the protest is finally decided in favor of the taxpayer, the amount or portion of the tax protested shall be refunded to the protestant, or applied as tax credit against his/her existing or future tax liability.

- (d) In the event that the protest is denied or upon the lapse of the 60-day period prescribed in subparagraph (a), the taxpayer may avail of the remedies as provided for in Chapter III, Title II, Book II of this Code.

**SEC. 279. *Repayment of Excessive Collections.*** – When an assessment of basic real property tax, or any other tax levied under this Title, is found to be illegal or erroneous and the tax is accordingly reduced or adjusted, the taxpayer may file a written claim for refund or credit for taxes and interests with the provincial or city treasurer within two (2) years from the date the taxpayer is entitled to such reduction or adjustment. The provincial or city treasurer shall decide the claim for tax refund or credit within sixty (60) days from receipt thereof. In case the claim for tax refund or credit is denied, the taxpayer may avail of the remedies as provided in Chapter III, Title II, Book II of this Code.

**SEC. 280. *Notice of Delinquency in the Payment of the Real Property Tax.*** –

- (a) When the real property tax or any other tax imposed under this Title becomes delinquent, the provincial, city, or municipal treasurer shall immediately cause a notice of the delinquency to be posted at the main entrance of the provincial capitol, or city or municipal hall and in a publicly accessible and conspicuous place in each barangay of the local government unit concerned. The notice of delinquency shall also be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the province, city, or municipality.
- (b) Such notice shall specify the date upon which the tax became delinquent and shall state that personal property may be distrained to effect payment. It shall likewise state that at any time before the distraint of personal property, payment of the tax with surcharges, interests, and penalties may be made in accordance with the next following Section, and unless the tax, surcharges, and penalties are paid before the expiration of the year for which the tax is due except when the notice of assessment or special levy is contested administratively or judicially pursuant to the provisions of Chapter III, Title II, Book II of this Code, the delinquent real property will be sold at public auction, and the title to the property will be vested in the purchaser, subject, however, to the right of the delinquent owner of the property or any person having legal interest therein to redeem the property within one (1) year from the date of sale.

**SEC. 281. *Interests on Unpaid Real Property Tax.*** – Failure to pay the basic real property tax or any other tax levied under this Title upon the expiration of the periods as provided in Section 276, or when due, as the case may be, shall subject the taxpayer to the payment of interest at the rate of two percent (2%) per month on the unpaid amount or a fraction thereof, until the delinquent tax shall have been fully paid: *Provided, however,* That in no case shall the total interest on the unpaid tax or portion thereof exceed thirty-six (36) months.

This is without prejudice to the imposition of *Shari'ah*-compliant alternatives to govern unpaid taxes, fees, charges, and other revenues, and/or late payments thereof, as provided in Section 153 hereof.

**SEC. 282. Remedies for The Collection Of Real Property Tax.** – For the collection of the basic real property tax and any other tax levied under this Title, the local government unit concerned may avail of the remedies by administrative action through levy on real property or by judicial action.

**SEC. 283. Local Governments Lien.** – The basic real property tax and any other tax levied under this Title, constitutes a lien on the property subject to tax, superior to all liens, charges, or encumbrances in favor of any person, irrespective of the owner or possessor thereof, enforceable by administrative or judicial action, and may only be extinguished upon payment of the tax and the related interests and expenses.

**SEC. 284. Levy on Real Property.** – After the expiration of the time required to pay the basic real property tax or any other tax levied under this Title, real property subject to such tax may be levied upon through the issuance of a warrant on or before, or simultaneously with, the institution of the civil action for the collection of the delinquent tax. The provincial or city treasurer, as the case may be, when issuing a warrant of levy shall prepare a duly authenticated certificate showing the name of the delinquent owner of the property or person having legal interest therein, the description of the property, the amount of the tax due, and the interest thereon. The warrant shall operate with the force of a legal execution throughout the province or city. The warrant shall be mailed to or served upon the delinquent owner of the real property or person having legal interest therein, or in case he/she is out of the country or cannot be located, to the administrator or occupant of the property. At the same time, written notice of the levy with the attached warrant shall be mailed to or served upon the assessor and the Registrar of Deeds of the province or city where the property is located, who shall annotate the levy on the tax declaration and certificate of title of the property, respectively. The levying officer shall submit a report on the levy to the sanggunian concerned within ten (10) days after receipt of the warrant by the owner of the property or person having legal interest therein.

**SEC. 285. Penalty for Failure to Issue and Execute Warrant.** – Without prejudice to criminal prosecution under the Revised Penal Code and other applicable laws, any local treasurer or his/her deputy who fails to issue or execute the warrant of levy within one (1) year from the time the tax becomes delinquent, or within thirty (30) days from the date of the issuance thereof, or who is found guilty of abusing the exercise thereof in an administrative or judicial proceeding shall be dismissed from the service.

**SEC. 286. Advertisement and Sale.** – Within thirty (30) days after service of the warrant of levy, the local treasurer shall proceed to publicly advertise for sale or auction the property or a usable portion thereof as may be necessary to satisfy the tax delinquency and expenses of sale. The advertisement shall be effected by posting a notice at the main entrance of the provincial, city, or municipal building, and in a publicly accessible and conspicuous place in the barangay where the real property is located, and by publication once a week for two (2) weeks in a newspaper of general circulation in the province, city, or municipality where the property is located. The advertisement shall specify the amount of the delinquent tax, the interest due thereon and expenses of sale, the date and place of sale, the name of the owner of the real property or person having legal interest therein, and a description of the property to be sold. At any time before the date fixed for the sale, the owner of the real property or person having legal interest therein may stay the proceedings by paying the delinquent tax, the interest due thereon, and the expenses of sale. The sale shall be held either at the main entrance

of the provincial, city, or municipal building, or on the property to be sold, or at any other place as specified in the notice of the sale.

Within thirty (30) days after the sale, the local treasurer or his/her deputy shall make a report of the sale to the sanggunian concerned, which shall form part of his/her records. The local treasurer shall likewise prepare and deliver to the purchaser a certificate of sale which shall contain the name of the purchaser, a description of the property sold, the amount of the delinquent tax, the interest due thereon, the expenses of sale, and a brief description of the proceedings: *Provided, however,* That proceeds of the sale in excess of the delinquent tax, the interest due thereon, and the expenses of sale shall be remitted to the owner of the real property or person having legal interest therein.

The local treasurer may, by ordinance duly approved, advance an amount sufficient to defray the costs of collection by means of the remedies provided for in this Title, including the expenses of advertisement and sale.

**SEC. 287. *Redemption of Property Sold.*** – Within one (1) year from the date of sale, the owner of the delinquent real property or person having legal interest therein, or his/her representative, shall have the right to redeem the property upon payment to the local treasurer of the amount of the delinquent tax, including the interest due thereon, and the expenses of sale from the date of delinquency to the date of sale, plus interest of not more than two percent (2%) per month on the purchase price from the date of sale to the date of redemption. Such payment shall invalidate the certificate of sale issued to the purchaser and the owner of the delinquent real property or person having legal interest therein, shall be entitled to a certificate of redemption which shall be issued by the local treasurer or his/her deputy.

From the date of sale until the expiration of the period of redemption, the delinquent real property shall remain in the possession of the owner or person having legal interest therein who shall be entitled to the income and other fruits thereof.

The local treasurer or his/her deputy, upon receipt from the purchaser of the certificate of sale, shall forthwith return to the latter the entire amount paid by him/her plus interest of not more than two percent (2%) per month. Thereafter, the property shall be free from the lien of such delinquent tax, interest due thereon, and expenses of sale.

**SEC. 288. *Final Deed to Purchaser.*** – In case the owner or person having legal interest fails to redeem the delinquent property as provided herein, the local treasurer shall execute a deed conveying to the purchaser said property, free from lien of the delinquent tax, interest due thereon, and expenses of sale. The deed shall briefly state the proceedings upon which the validity of the sale rests.

**SEC. 289. *Purchase of Property by the Local Government Units for Want of Bidder.*** – In case there is no bidder for the real property advertised for sale as provided herein, or if the highest bid is for an amount insufficient to pay the real property tax and the related interest and costs of sale, the local treasurer conducting the sale shall purchase the property in behalf of the local government unit concerned to satisfy the claim and within two (2) days thereafter shall make a report of his/her proceedings which shall be reflected upon the records of his/her office. It shall be the duty of the Registrar of Deeds concerned upon registration with his/her office of any such declaration of forfeiture



to transfer the title of the forfeited property to the local government unit concerned without the necessity of an order from a competent court.

Within one (1) year from the date of such forfeiture, the taxpayer or any of his/her representative, may redeem the property by paying to the local treasurer the full amount of the real property tax and the related interest and the costs of sale. If the property is not redeemed as provided herein, the ownership thereof shall be fully vested in the local government unit concerned.

**SEC. 290. *Resale of Real Estate Taken for Taxes, Fees, or Charges.*** – The sanggunian concerned may, by ordinance duly approved, and upon notice of not less than twenty (20) days, sell and dispose of the real property acquired under the preceding section at public auction. The proceeds of the sale shall accrue to the general fund of the local government unit concerned.

**SEC. 291. *Further Distraint or Levy.*** – Levy may be repeated if necessary until the full amount due, including all expenses, is collected.

**SEC. 292. *Collection of Real Property Tax Through the Courts.*** – The local government unit concerned may enforce the collection of the basic real property tax or any other tax levied under this Title by civil action in any court of competent jurisdiction. The civil action shall be filed by the local treasurer within the period prescribed in Section 296 of this Code.

**SEC. 293. *Action Assailing Validity of Tax Sale.*** – No court shall entertain any action assailing the validity of any sale at public auction of real property or rights therein under this Title until the taxpayer shall have deposited with the court the amount for which the real property was sold, together with interest of two percent (2%) per month from the date of sale to the time of the institution of the action. The amount so deposited shall be paid to the purchaser at the auction sale if the deed is declared invalid but it shall be returned to the depositor if the action fails. Neither shall any court declare a sale at public auction invalid by reason of irregularities or informalities in the proceedings unless the substantive rights of the delinquent owner of the real property or the person having legal interest therein have been impaired.

**SEC. 294. *Payment of Delinquent Taxes on Property Subject of Controversy.*** – In any action involving the ownership or possession of, or succession to, real property, the court may, *motu proprio* or upon representation of the provincial, city, or municipal treasurer or his/her deputy, award such ownership, possession, or succession to any party to the action upon payment to the court of the taxes with interest due on the property and all other costs that may have accrued, subject to the final outcome of the action.

**SEC. 295. *Treasurer to Certify Delinquencies Remaining Uncollected.*** – The provincial, city, or municipal treasurer or their deputies shall prepare a certified list of all real property tax delinquencies which remained uncollected or unpaid for at least one (1) year in his/her jurisdiction, and a statement of the reason or reasons for such non-collection or non-payment, and shall submit the same to the sanggunian concerned on or before December thirty-first (31st) of the year immediately succeeding the year in which the delinquencies were incurred, with a request for assistance in the enforcement of the remedies for collection provided herein.

**SEC. 296. *Periods Within Which to Collect Real Property Taxes.*** – The basic real property tax and any other tax levied under this Title shall be collected within five (5) years from the date they become due. No action for the collection of the tax, whether administrative or judicial, shall be instituted after the expiration of such period. In case of fraud or intent to evade payment of the tax, such action may be instituted for the collection of the same within ten (10) years from the discovery of such fraud or intent to evade payment. The period of prescription within which to collect shall be suspended for the time during which:

- (a) The local treasurer is legally prevented from collecting the tax;
- (b) The owner of the property or the person having legal interest therein requests for reinvestigation and executes a waiver in writing before the expiration of the period within which to collect; and
- (c) The owner of the property or the person having legal interest therein is out of the country or otherwise cannot be located.

## **CHAPTER VII**

### **DISPOSITION OF PROCEEDS**

**SEC. 297. *Distribution of Proceeds.*** – The proceeds of the basic real property tax, including interest thereon, and proceeds from the use, lease or disposition, sale, or redemption of property acquired at a public auction in accordance with the provisions of this Title by the province or city shall be distributed as follows:

- (a) In the case of provinces:
  - 1. Province – Thirty-five percent (35%) shall accrue to the general fund;
  - 2. Municipality – Forty percent (40%) to the general fund of the municipality where the property is located; and
  - 3. Barangay – Twenty-five percent (25%) shall accrue to the barangay where the property is located;
- (b) In the case of cities:
  - 1. City – Seventy percent (70%) shall accrue to the general fund of the city; and
  - 2. Thirty percent (30%) shall be distributed among the component barangays of the cities where the property is located in the following manner:
    - i. Fifty percent (50%) shall accrue to the barangay where the property is located; and

- ii. Fifty percent (50%) shall accrue equally to all component barangays of the city; and
- (c) The share of each barangay shall be released, without need of any further action, directly to the barangay treasurer on a quarterly basis within five (5) days after the end of each quarter and shall not be subject to any lien or holdback for whatever purpose.

**SEC. 298. *Application of Proceeds of the Additional One Percent Special Education Fund Tax.*** – The proceeds of the additional one percent (1%) tax on real property accruing to the SEF shall be automatically released to the local school boards: *Provided*, That in case of provinces, the proceeds shall be divided equally between the provincial and municipal school boards: *Provided, however*, That the proceeds shall be allocated for the operation and maintenance of public schools; construction, repair, and improvement of public school buildings, facilities, and equipment; educational research; purchase of books and periodicals; sports development; supplement for ECCD program; and feeding and nutrition program for undernourished children in public daycare, kindergarten, and elementary schools, as determined and approved by the local school board.

**SEC. 299. *Proceeds of the Tax on Idle Lands.*** – The proceeds of the additional real property tax on idle lands shall accrue to the respective general fund of the province or city where the land is located.

**SEC. 300. *Proceeds of the Special Levy.*** – The proceeds of the special levy on lands benefited by public works, projects, and other improvements shall accrue to the general fund of the local government unit which financed such public works, projects, or other improvements.

## CHAPTER VIII

### SPECIAL PROVISIONS

**SEC. 301. *Condonation or Reduction of Real Property Tax and Interest.*** – In case of a general failure of crops or substantial decrease in the price of agricultural or agri-based products, or calamity in any province, city, or municipality, the sanggunian concerned, by ordinance passed prior to the first (1<sup>st</sup>) day of January of any year and upon recommendation of the Local Disaster Coordinating Council, may condone or reduce, wholly or partially, the taxes and interest thereon for the succeeding year or years in the city or municipality affected by the calamity.

**SEC. 302. *Condonation or Reduction of Tax by the President of the Philippines or the Chief Minister.*** – The President of the Philippines or the Chief Minister may, when public interest so requires, condone, or reduce the real property tax and interest for any year in any province or city.

**SEC. 303. *Duty of Registrar of Deeds and Notaries Public to Assist the Provincial, City, or Municipal Assessor.*** – It shall be the duty of the Registrar of Deeds and notaries public to furnish the provincial, city, or municipal assessor with copies of all contracts selling, transferring, or otherwise conveying, leasing, or mortgaging real property received by, or acknowledged before them.

**SEC. 304. *Insurance Companies to Furnish Information.*** – Insurance companies are hereby required to furnish the provincial, city, or municipal assessor copies of any contract or policy insurance on buildings, structures, and improvements insured by them or such other documents which may be necessary for the proper assessment thereof.

**SEC. 305. *Fees in Court Actions.*** – All court actions, criminal or civil, instituted at the instance of the provincial, city, or municipal treasurer or assessor under the provisions of this Code, shall be exempt from the payment of court and sheriff's fees.

**SEC. 306. *Fees in Registration of Papers or Documents on Sale of Delinquent Real Property to Province, City, or Municipality.*** – All certificates, documents, and papers covering the sale of delinquent property to the province, city, or municipality, if registered in the Registry of Property, shall be exempt from the documentary stamp tax and registration fees.

**SEC. 307. *Real Property Assessment Notices or Owner's Copies of Tax Declarations to be Exempt from Postal Charges or Fees.*** – All real property assessment notices or owner's copies of tax declarations sent through the mail by the assessor shall be exempt from the payment of postal charges or fees.

**SEC. 308. *Sale and Forfeiture Before Effectivity of Code.*** – Tax delinquencies incurred, and sales and forfeitures of delinquent real property effected, before the effectivity of this Code shall be governed by the provisions of applicable laws then in force.

### **TITLE III**

## **SHARES OF LOCAL GOVERNMENT UNITS IN THE PROCEEDS OF NATIONAL TAXES**

### **CHAPTER I**

#### **ALLOTMENT OF NATIONAL TAX**

**SEC. 309. *National Tax Allotment.*** – The share in the national taxes of the local government units in the region shall be in accordance with the Philippine Constitutions, national laws, or any of their subsequent amendments by the Philippine Congress, and their Implementing Rules and Regulations (IRR).

**SEC. 310. *Amount of Share in Exploration, Development, and Utilization of Natural Resources.*** – Government revenues generated from the exploration, development, and utilization of all natural resources in the BARMM, including mines and minerals, shall, except as herein provided, pertain fully to the Bangsamoro Government. In the case of uranium and fossil fuels such as petroleum, natural gas, and coal, the revenues shall be shared equally between the national government and the Bangsamoro Government.

Seventy percent (70%) of the share of the Bangsamoro Government in these revenues shall be apportioned to its constituent local government units following the principle that benefit shall redound to all local government units while giving premium to the location of the natural resource, as provided in the succeeding Sections.

**SEC. 311. *Equal Benefit to All Local Government Units.*** – Fifty percent (50%) of the local government units share shall be allocated as follows:

- (a) Twenty percent (20%) to all the provinces;
- (b) Fifteen percent (15%) to all the cities;
- (c) Twenty percent (20%) to all the municipalities; and
- (d) Fifteen (15%) to all the barangays.

**SEC. 312. *Additional Share for Local Government Units Where the Natural Resources are Located.*** – The remaining fifty percent (50%) of the local government units share in Section 311 shall be distributed in the following manner:

- (a) Where the natural resources are located in the province:
  1. Province – Twenty percent (20%);
  2. Component city/municipality – Forty-five percent (45%); and
  3. Barangay – Thirty-five percent (35%).

*Provided, however,* That where the natural resources are located in two (2) or more provinces, or in two (2) or more component cities or municipalities, or in two (2) or more barangays, their respective shares shall be computed on the basis of:

1. Population – Seventy percent (70%); and
2. Land area – Thirty percent (30%); and

- (b) Where the natural resources are located in a highly urbanized or independent component city:
  1. City – Sixty-five percent (65%); and
  2. Barangay – Thirty-five percent (35%).

*Provided, however,* That where the natural resources are located in two (2) or more cities, or in two (2) or more barangays, the allocation of shares shall be based on the formula on population and land area as specified in paragraph (a) of this Section.

## **CHAPTER II**

### **SHARE FROM NATIONAL GOVERNMENT AGENCIES AND NATIONAL GOVERNMENT-OWNED OR -CONTROLLED CORPORATIONS (GOCC)**

**SEC. 313. *Amount of Share in the National Taxes, Fees, and Charges Collected in the BARMM.*** – The constituent local government units shall receive forty percent (40%) of the share of

the Bangsamoro Government in the national taxes, fees, and charges collected in the Bangsamoro territorial jurisdiction, as provided in Section 13, Article XII of the BOL.

This share shall be distributed as follows:

- (a) Fifty percent (50%) shall be divided among the local government units where the taxes, fees, and charges are collected, and shall be allocated as follows:
  - 1. Province – Forty percent (40%);
  - 2. Municipality – Thirty percent (30%); and
  - 3. Barangay – Thirty percent (30%).

In the case of a city, the share shall be allocated as follows:

- 1. City – Sixty percent (60%); and
- 2. Barangay – Forty percent (40%).

When the barangay or municipality is not part of a province, the share shall be allocated as follows:

- 1. Municipality – Sixty percent (60%); and
- 2. Barangay – Forty percent (40%); and

- (b) Fifty percent (50%) shall be divided among all constituent local government units and shall be allocated as follows:
  - 1. All provinces and cities to share equally in ten percent (10%) thereof;
  - 2. All municipalities to share equally in forty percent (40%) thereof; and
  - 3. All barangays to share equally in fifty percent (50%) thereof.

**SEC. 314. *Share of the Local Governments from any Government Agency or – Owned -or Controlled Corporation.*** – The local government units shall have a share based on the preceding fiscal year from the proceeds derived by any national government agency or any national GOCC engaged in the utilization and development of the national wealth based on the following formula whichever will produce a higher share for the local government unit:

- (a) One percent (1%) of the gross sales or receipts of the preceding calendar year; or
- (b) Forty percent (40%) of the mining taxes, royalties, forestry and fishery charges, and such other taxes, fees, or charges, including related surcharges, interests, or fines the national government agency or national GOCC would have paid if it were not otherwise exempt.

**SEC. 315. *Remittance of the Share of Local Government Units.*** – The share of local government units from the utilization and development of national wealth shall be remitted in accordance with Sections 310 to 312 of this Code: *Provided, however,* That in the case of any national government agency or any national GOCC engaged in the utilization and development of the national wealth, such share shall be directly remitted to the provincial, city, municipal, or barangay treasurer concerned within five (5) days after the end of each quarter.

**SEC. 316. *Development and Livelihood Projects.*** – The proceeds from the share of local government units pursuant to this Chapter shall be appropriated by their respective sanggunian to finance local development and livelihood projects: *Provided, however,* That at least eighty percent (80%) of the proceeds derived from the development and utilization of hydrothermal, geothermal, and other sources of energy shall be applied solely to lower the cost of electricity in the local government unit where such a source of energy is located.

## TITLE V

### CREDIT FINANCING

**SEC. 317. *Scope.*** – This Title shall govern the power of local government units to create indebtedness and to enter into credit and other financial transactions.

**SEC. 318. *General Policy.*** –

- (a) It shall be the basic policy that any local government unit may create indebtedness, and avail of credit facilities to finance local infrastructure and other socio-economic development projects in accordance with the approved local development plan and public investment program.
- (b) A local government unit may avail of credit lines from government or private banks and lending institutions for the purpose of stabilizing local finances.
- (c) If the loan creates a liability or possible expenditure of the Bangsamoro Government, the local government unit shall get clearance from the MFBM. In addition, the Bangsamoro Government shall not provide any direct guarantee on loans incurred by local government units without a favorable recommendation from the MFBM and management and approval from the Chief Minister.

**SEC. 319. *Loans, Credits, and Other Forms of Indebtedness of Local Government Units.*** –

- (a) A local government unit may contract loans, credits, and other forms of indebtedness with any government or domestic private bank and other lending institutions to finance the construction, installation, improvement, expansion, operation, or maintenance of public facilities, infrastructure facilities, housing projects, the acquisition of real properties, and the implementation of other capital investment projects, and for the development and welfare of the people of the Bangsamoro, subject to such terms and conditions as may be agreed upon by the local government unit and the lender. The proceeds from such transactions shall accrue directly to the local government unit concerned.
- (b) A local government unit may likewise secure from any government bank and lending institution short, medium, and long-term loans and advances against security of real estate or other acceptable assets for the establishment, development, or expansion of agricultural,

industrial, commercial, house financing projects, livelihood projects, and other economic enterprises.

- (c) Government financial and other lending institutions are hereby authorized to grant loans, credits, and other forms of indebtedness out of their loanable funds to local government units for purposes specified above.

**SEC. 320. *Regulation and Monitoring of Loans, Credits, and Other Forms of Indebtedness.***

– The local sanggunian shall ensure that any new contracted loan is not covered by augmentation of funds provided by the Bangsamoro Government, as certified by the MFBM.

To ensure compliance with this provision, the MFBM shall coordinate with the BLGF for an alternative mechanism to allow the Bangsamoro Government to provide relevant information prior to the issuance of any certification necessary for the contracting of loans by local government units.

**SEC. 321. *Deferred-Payment and Other Financial Schemes.*** – Provincial, city, and municipal governments may likewise acquire property, plant, machinery, equipment, and such necessary accessories under a supplier’s credit, deferred payment plan, or other financial scheme.

**SEC. 322. *Bonds and Other Long-Term Securities.*** – Subject to the rules and regulations of the BSP and the Securities and Exchange Commission, provinces, cities, and municipalities are hereby authorized to issue bonds, debentures, securities, collaterals, notes, and other obligations to finance self-liquidating, income-producing development, or livelihood projects pursuant to the priorities established in the approved local development plan or the public investment program. The sanggunian concerned shall, through an ordinance approved by a majority of all its members, declare and state the terms and conditions of the bonds and the purpose for which the proposed indebtedness is to be incurred.

**SEC. 323. *Inter-Local Government Loans, Grants, and Subsidies.*** – Provinces, cities, and municipalities may, upon approval of the majority of all members of the sanggunian concerned and in amounts not exceeding their surplus funds, extend loans, grants, or subsidies to other local government units under such terms and conditions as may be agreed upon by the contracting parties.

Local government units may, upon approval of their respective sanggunian, jointly or severally contract loans, credits, and other forms of indebtedness for purposes mutually beneficial to them.

**SEC. 324. *Loans from Funds Secured by the National Government from Foreign Sources.*** –

- (a) The President or his/her duly authorized representative, may, through any government financial or other lending institution, relend to any province, city, municipality, or barangay, the proceeds of loans contracted with foreign financial institutions or other international funding agencies for the purpose of financing the construction, installation, improvement, expansion, operation, or maintenance of public utilities and facilities, infrastructure facilities, or housing projects, the acquisition of real property, and the implementation of other capital investment projects, subject to such terms and conditions as may be agreed upon by the President and the local government unit. The proceeds from such loans shall accrue directly to the local government concerned.



- (b) The President may likewise authorize the relending to local government units the proceeds of grants secured from foreign sources, subject to the provisions of existing laws and the applicable grant agreements.
- (c) Repayment or amortization of loans including accrued interest thereon, may be financed partly from the income of the projects or services and from the regular income of the local government unit, which must be provided for and appropriated regularly in its annual budget until the loan and the interest thereon shall have been fully paid.

**SEC. 325. Authorization from Chief Minister.** – The relending of loans referred to in the previous Section, when secured by the BARMM from foreign sources, shall be authorized by the Chief Minister.

**SEC. 326. *Financing, Construction, Maintenance, Operation, and Management of Infrastructure Projects by the Private Sector.*** –

- (a) Local government units may enter into contracts with any duly pre-qualified individual contractor, for the financing, construction, operation, and maintenance of any financially viable infrastructure facilities, under the build-operate-and-transfer agreement, subject to the applicable provisions of R.A. No. 7718 otherwise known as “*An Act Amending Certain Sections of R.A. No. 6957, entitled ‘An Act Authorizing the Financing, Construction, Operation, and Maintenance of Infrastructure Projects by the Private Sector, and for Other Purposes’*”, and other national or regional laws authorizing the financing, construction, operation, and maintenance of infrastructure projects by the private sector and the rules and regulations issued thereunder and such terms and conditions provided in this Section.
- (b) Local government units shall include in their respective local development plans and public investment programs priority projects that may be financed, constructed, operated, and maintained by the private sector under this Section. It shall be the duty of the local government unit concerned to disclose to the public all projects eligible for financing under this Section, including official notification of duly registered contractors and publication in newspapers of general or local circulation and in conspicuous and accessible public places. Local projects under the build-operate-and-transfer agreement shall be confirmed by the local development councils.
- (c) Projects implemented under this Section shall be subject to the following terms and conditions:
  1. The provincial, city, or municipal engineer, as the case may be, upon formal request in writing by the local chief executive, shall prepare the plans and specifications for the proposed project, which shall be submitted to the sanggunian for approval;
  2. Upon approval by the sanggunian of the project plans and specifications, the provincial, city, or municipal engineer shall, as the case may be, cause to be published once every week for two (2) consecutive weeks in at least one (1) local newspaper which is circulated in the region, province, city or municipality in which the project

is to be implemented, a notice inviting all duly qualified contractors to participate in a public bidding for the projects so approved. The conduct of public bidding and award of contracts for local government projects under this Section shall be in accordance with this Code and other applicable laws, rules, and regulations.

In the case of a build-operate-and-transfer agreement, the contract shall be awarded to the lowest complying bidder whose offer is deemed most advantageous to the local government and based on the present value of its proposed tolls, fees, rentals, and charges over a fixed term for the facility to be constructed, operated, and maintained according to the prescribed minimum design and performance standards, plans, and specifications. For this purpose, the winning contractor shall be automatically granted by the local government unit concerned with the franchise to operate and maintain the facility, including the collection of tolls, fees, rentals, and charges in accordance with Subsection (c)(4) hereof.

In the case of a build-operate-and-transfer agreement, the contract shall be awarded to the lowest complying bidder based on the present value of its proposed schedule of amortization payments for the facility to be constructed according to the prescribed minimum design and performance standards, plans, and specifications;

3. Any contractor who shall undertake the prosecution of any project under this Section shall post the required bonds to protect the interest of the province, city, or municipality, in such amounts as may be fixed by the sanggunian concerned and the provincial, city, or municipal engineer shall not, as the case may be, allow any contractor to initiate the prosecution of projects under this Section unless such contractor presents proof or evidence that he/she has posted the required bond;
4. The contractor shall be entitled to a reasonable return of its investment in accordance with its bid proposal as accepted by the local government unit concerned.

In the case of a build-operate-and-transfer agreement, the repayment shall be made by authorizing the contractor to charge and collect reasonable tolls, fees, rentals, and charges for the use of the project facility not exceeding those proposed in the bid and incorporated in the contract: *Provided*, That the local government unit concerned shall, based on reasonableness and equity, approve the tolls, fees, rentals, and charges: *Provided, further*, That the imposition and collection of tolls, fees, rentals, and charges shall be for a fixed period as proposed in the bid and incorporated in the contract which shall in no case exceed fifty (50) years: *Provided, finally*, That during the lifetime of the contract, the contractor shall undertake the necessary maintenance and repair of the facility in accordance with standards prescribed in the bidding documents and in the contract.

In the case of a build-operate-and-transfer agreement, the repayment shall be made through amortization payments in accordance with the schedule proposed in the bid and incorporated in the contract. In case of land reclamation or construction of

industrial estates, the repayment plan may consist of the grant of a portion or percentage of the reclaimed land or the industrial estate constructed; and

5. Every infrastructure project undertaken under this Section shall be constructed, operated, and maintained by the contractor under the technical supervision of the local government unit and in accordance with the plans, specifications, standards, and costs approved by it.
- (d) The provincial, city, or municipal legal officer shall, as the case may be, review the contracts executed pursuant to this Section to determine their legality, validity, enforceability, and correctness of form.

**SEC. 327. Remedies and Sanctions.** – Local government units shall appropriate in their respective annual budgets such amounts as are sufficient to pay the loans and other indebtedness incurred or redeem or retire bonds, debentures, securities, notes, and other obligations issued under this Title: *Provided*, That failure to provide the appropriations herein required shall render their annual budgets inoperative.

## TITLE VI

### LOCAL FISCAL ADMINISTRATION

#### CHAPTER I

##### GENERAL PROVISIONS

**SEC. 328. Scope.** – This Title shall govern the conduct and management of financial affairs, transactions, and operations of provinces, cities, municipalities, and barangays.

**SEC. 329. Fundamental Principles.** – The financial affairs, transactions, and operations of local government units shall be governed by the following fundamental principles:

- (a) No money shall be paid out of the local treasury except in pursuance of an appropriations ordinance or law;
- (b) Local government funds and monies shall be spent solely for public purposes;
- (c) Local revenue is generated only from sources expressly authorized by law or ordinance, and collection thereof shall at all times be acknowledged properly;
- (d) All monies officially received by a local government officer in any capacity or on any occasion shall be accounted for as local funds, unless otherwise provided by law;
- (e) Trust funds in the local treasury shall not be paid out except in fulfillment of the purpose for which the trust was created or the funds received;

- (f) Every officer of the local government unit whose duties permit or require the possession or custody of local funds shall be properly bonded, and such officer shall be accountable and responsible for said funds and for the safekeeping thereof in conformity with the provisions of law;
- (g) Local governments shall formulate sound financial plans, and the local budgets shall be based on functions, activities, and projects, in terms of expected results;
- (h) Local budget plans and goals shall, as far as practicable, be harmonized with national and regional development plans, goals, and strategies in order to optimize the utilization of resources and to avoid duplication in the use of fiscal and physical resources;
- (i) Local budgets shall operationalize approved local development plans;
- (j) Local government units shall ensure that their respective budgets incorporate the requirements of their component units and provide for equitable allocation of resources among these component units;
- (k) Regional planning shall be based on local planning to ensure that the needs and aspirations of the people as articulated by the local government units in their respective local development plans are considered in the formulation of budgets of the Bangsamoro ministries, offices, and/or agencies;
- (l) Fiscal responsibility shall be shared by all those exercising authority over the financial affairs, transactions, and operations of the local government units;
- (m) The local government unit shall endeavor to have a balanced budget in each fiscal year of operation; and
- (n) The local government units shall promote honest, transparent, and orderly management of public funds, and increase the Bangsamoro people's awareness on local budget and allocated amount for development projects in their localities in accordance with the full disclosure policy of the Bangsamoro Government.

**SEC. 330. Definitions.** – When used in this Title, the term:

- (a) “*Annual budget*” refers to a financial plan embodying the estimates of income and expenditures for one (1) fiscal year;
- (b) “*Appropriation*” refers to an authorization made by ordinance, directing the payment of goods and services from local government funds under specified conditions or for specific purposes;
- (c) “*Budget document*” refers to the instrument used by the local chief executive to present a comprehensive financial plan to the sanggunian concerned;
- (d) “*Capital outlays*” refers to appropriations for the purchase of goods and services, the benefits of which extend beyond the fiscal year and which add to the assets of the local

government unit concerned, including investments in public utilities such as public markets and slaughterhouses;

- (e) “*Continuing appropriations*” refers to an appropriation available to support obligations for a specified purpose or projects, such as those for the construction of physical structures or for the acquisition of real property or equipment, even when these obligations are incurred beyond the budget year;
- (f) “*Current operating expenditures*” refers to appropriations for the purchase of goods and services for the conduct of normal local government operations within the fiscal year, including goods and services that will be used or consumed during the budget year;
- (g) “*Expected results*” refers to the services, products, or benefits that will accrue to the public, estimated in terms of performance measures or physical targets;
- (h) “*Fund*” refers to a sum of money, or other assets convertible to cash, set aside for the purpose of carrying out specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations, and constitutes an independent fiscal and accounting entity;
- (i) “*Income*” refers to all revenues and receipts collected or received forming the gross accretions of funds of the local government unit;
- (j) “*Obligations*” refers to an amount committed to be paid by the local government unit for any lawful act made by an accountable officer for and in behalf of the local unit concerned;
- (k) “*Personal services*” refers to appropriations for the payment of salaries, wages and other compensation of permanent, temporary, contractual, and casual employees of the local government unit;
- (l) “*Receipts*” refers to income realized from operations and activities of the local government or are received by it in the exercise of its corporate functions, consisting of charges for services rendered, conveniences furnished, or the price of a commodity sold, as well as loans, contributions, or aids from other entities, except provisional advances for budgetary purposes; and
- (m) “*Revenue*” refers to income derived from the regular system of taxation enforced under authority of law or ordinance, and as such, accrue more or less regularly every year.

## CHAPTER II

### LOCAL AND OTHER SPECIAL FUNDS

#### ARTICLE I

##### RECEIPTS, SAFEKEEPING AND DISPOSITION OF LOCAL FUND

**SEC. 331. *Remittance of Government Monies to the Local Treasury.*** – Officers of the local government authorized to receive and collect monies arising from taxes, revenues, or receipts of any kind shall remit the full amount received and collected to the treasury of such local government unit which shall be credited to the particular account or accounts to which the monies in question properly belong.

**SEC. 332. *Local Funds.*** – Every local government unit shall maintain a general fund which shall be used to account for such monies and resources as may be received by and disbursed from the local treasury. The general fund shall consist of monies and resources of the local government which are available for the payment of expenditures, obligations, or purposes not specifically declared by law as accruing and chargeable to, or payable from, any other fund.

**SEC. 333. *Special Funds.*** – There shall be maintained in every provincial, city, or municipal treasury the following special funds:

- (a) SEF shall consist of the respective shares of provinces, cities, and barangays in the proceeds of the additional tax on real property to be appropriated for purposes prescribed in Section 298 of this Code; and
- (b) Trust Funds shall consist of private and public monies which have officially come into the possession of the local government or of a local government official as trustee, agent, or administrator, or which have been received as a guaranty for the fulfillment of some obligation. A trust fund shall only be used for the specific purpose for which it was created or for which it came into the possession of the local government unit.

**SEC. 334. *Separation of Books and Depository Accounts.*** – Local accountants and treasurers shall maintain separate books and depository accounts, respectively, for each fund in their custody or administration under such rules and regulations as the COA may prescribe.

**SEC. 335. *Depository Accounts.*** – Local treasurers shall maintain depository accounts in the name of their respective local government units with banks, preferably government-owned, located in or nearest to their respective areas of jurisdiction. Earnings of each depository account shall accrue exclusively thereto.

**SEC. 336. *Separation of Personal Money from Public Funds.*** – Local treasurers and other accountable officers shall keep personal monies separate and distinct from local public funds in their custody and shall not make profit out of public money or otherwise apply the same to any use not authorized by law or ordinance.

**ARTICLE II**  
**SPECIAL ACCOUNTS**

**SEC. 337. *Special Accounts to be Maintained in the General Fund.*** – Local government units shall maintain special accounts in the general fund for the following:

- (a) Public utilities and other economic enterprises;
- (b) Loans, interests, bond issues, and other contributions for specific purposes; and
- (c) Development projects funded from the share of the local government unit concerned in the NTA and such other special accounts which may be created by law or ordinance. Receipts, transfers, and expenditures involving the foregoing special accounts shall be properly taken up thereunder. Profits or income derived from the operation of public utilities and other economic enterprises, after deduction for the cost of improvement, repair, and other related expenses of the public utility or economic enterprise concerned, shall first be applied for the return of the advances or loans made therefor. Any excess shall form part of the general fund of the local government unit concerned.

**CHAPTER III**  
**BUDGETING**

**ARTICLE I**  
**LOCAL GOVERNMENT BUDGETS**

**SEC. 338. *Form and Content.*** –

- (a) Local government budgets shall primarily consist of two (2) parts:
  - 1. Estimates of receipts; and
  - 2. The total appropriations covering the current operating expenditures and capital outlays.
- (b) The budget document shall contain:
  - 1. A budget message of the local chief executive setting forth in brief the significance of the executive budget, particularly in relation to the approved local development plan;
  - 2. A brief summary of the functions, projects, and activities to be accomplished in pursuit of the goals and objectives of the local government unit for the ensuing fiscal year, specifically the delivery of basic services or facilities enumerated under Section 18 of this Code; and

3. Summary of financial statements setting forth:
  - i. The actual income and expenditures during the immediately preceding year;
  - ii. The actual income and expenditures of the first two (2) quarters and the estimates of income and expenditures for the last two (2) quarters of the current fiscal year;
  - iii. The estimates of income for the ensuing fiscal year from ordinances and laws existing at the time the proposed budget is transmitted, together with other revenue-raising proposals;
  - iv. The estimated expenditures necessary to carry out the functions, projects, and activities of the local government unit for the ensuing fiscal year;
  - v. All essential facts regarding the bonded and other long-term obligations and indebtedness of the local government unit, if any;
  - vi. Summary statement of all statutory and contractual obligations due; and
  - vii. Such other financial statements and data as are deemed necessary or desirable in order to disclose in all practicable detail the financial condition of the local government unit.

**SEC. 339. *Submission of Detailed Statements of Income and Expenditures.*** – On or before the fifteenth (15<sup>th</sup>) day of July of each year, local treasurers shall submit to their respective local chief executives a certified statement covering the income and expenditures of the preceding fiscal year, the actual income and expenditures of the first two (2) quarters of the current year, and the estimated income and expenditures for the last two (2) quarters of the current year.

**SEC. 340. *Local Finance Committee.*** – There is hereby created in every province, city, or municipality a local finance committee to be composed of the local planning and development officer, the local budget officer, the local accountant, and the local treasurer. It shall exercise the following functions:

- (a) Determine the income reasonably projected as collectible for the ensuing fiscal year;
- (b) Recommend the appropriate tax and other revenue measures or borrowings, which may be appropriate to support the budget;
- (c) Recommend to the local chief executive concerned the level of the annual expenditures and the ceilings of spending for economic, social, and general services based on the approved local development plans;
- (d) Recommend to the local chief executive concerned the proper allocation of expenditures for each development activity between current operating expenditures and capital outlays;



- (e) Recommend to the local chief executive concerned the amount to be allocated for capital under each development activity or infrastructure project;
- (f) Assist the sangguniang panlalawigan in the review and evaluation of budget of component cities and municipalities in the case of provincial finance committee, the barangay budgets in the case of city or municipal finance committee, and recommend the appropriate action thereon;
- (g) Assist the sanggunian concerned in the analysis and review of annual regular and supplemental budgets of the respective local government unit to determine compliance with statutory and administrative requirements; and
- (h) Conduct semi-annual review and general examination of cost and accomplishments against performance standards applied in undertaking development projects. A copy of this report shall be furnished to the local chief executive and the sanggunian concerned and shall be posted in conspicuous and publicly accessible places in the provinces, cities, municipalities, and barangays.

**SEC. 341. *Submission of Budget Proposals by Heads of Departments or Offices.* –**

- (a) Each head of department or office shall submit a budget proposal for his/her department or office to the local chief executive on or before the fifteenth (15<sup>th</sup>) of July of each year: *Provided*, That the budget proposal of each department or office shall be categorized under either economic, social, or general services: *Provided, further*, That each service shall be covered by the budget of at least one (1) department or office of the local government unit concerned.

The said budget proposal shall be prepared in accordance with such policy and program guidelines as the local chief executive concerned may issue in conformity with the local development plan, the budgetary ceilings prescribed by the local finance committee, and the general requirements prescribed in this Title.

- (b) Budget proposals of departments or offices shall be divided into two (2) primary categories, namely: the current operating expenditures and the capital outlays. Such budget proposals shall contain the following information:
  1. Objectives, functions, and projects showing the general character and relative importance of the work to be accomplished or the services to be rendered, and the cost thereof;
  2. Organizational charts and staffing patterns indicating the list of plantilla positions with their corresponding salaries, proposals for reclassification of positions and salary changes, as well as the creation of new positions with their proposed salary grade, duly supported by proper justification;
  3. Brief description of the functions, projects, and activities for the ensuing fiscal year, expected results for each function, project, and activity, and the nature of work to

be performed, including the objects of expenditure for each function, project, and activity;

4. Relation of the work and financial proposals to approved local development plans;
5. Estimated current operating expenditures and capital outlays with comparative data for the last two (2) preceding, current, and ensuing fiscal years; and
6. Accomplishment reports for the last two (2) preceding and current fiscal years.

**SEC. 342. *Preparation of the Budget by the Local Chief Executive.*** – Upon receipt of the statements of income and expenditures from the treasurer, the budget proposals of the heads of departments and offices, and the estimates of income and budgetary ceilings from the local finance committee, the local chief executive shall prepare the executive budget for the ensuing fiscal year in accordance with the provisions of this Title.

**SEC. 343. *Legislative Authorization of the Budget.*** – On or before the end of the current fiscal year, the sanggunian concerned shall enact, through an ordinance, the annual budget of the local government unit for the ensuing fiscal year on the basis of the estimates of income and expenditures submitted by the local chief executive and the Annual Investment Plan prepared by the local government unit.

**SEC. 344. *Effectivity of Budgets.*** – The ordinance enacting the annual budget shall take effect at the beginning of the ensuing calendar year. An ordinance enacting a supplemental budget, however, shall take effect upon its approval or on the date fixed therein.

The responsibility for the execution of the annual and supplemental budgets and the accountability therefore shall be vested primarily in the local chief executive concerned.

**SEC. 345. *Changes in the Annual Budget.*** – All budgetary proposals shall be included and considered in the budget preparation process. After the local chief executive concerned shall have submitted the executive budget to the sanggunian, no ordinance providing for a supplemental budget shall be enacted, except when supported by funds actually available as certified by the local treasurer or by new revenue sources.

A supplemental budget may also be enacted in times of public calamity by way of budgetary realignment to set aside appropriations for the purchase of goods and materials or the payment of services which are exceptionally urgent or absolutely indispensable to prevent imminent danger to, or loss of, life or property, in the jurisdiction of the local government unit or in other areas declared by the President in a state of calamity. Such ordinance shall clearly indicate the sources of funds available for appropriations, as certified under oath by the local treasurer and local accountant and attested by the local chief executive, and the various items of appropriations affected and the reasons for the change.

**SEC. 346. *Reversion of Unexpended Balances of Appropriations, Continuing Appropriations.*** – Balances of appropriations authorized in the annual appropriations ordinance shall revert to the surplus of the general fund at the end of the fiscal year and shall not thereafter be available

for expenditure except by subsequent enactment. However, appropriations for capital outlays shall continue and remain valid until fully spent, reverted or the project is completed. Reversions of continuing appropriations shall not be allowed unless obligations therefor have been fully paid or otherwise settled.

The balances of continuing appropriations shall be reviewed as part of the annual budget preparation and the sanggunian concerned may approve, upon recommendation of the local chief executive, the reversion of funds no longer needed in connection with the activities funded by said continuing appropriations subject to the provisions of this Section.

**SEC. 347. *Failure to Enact the Annual Appropriations.*** – In case the sanggunian concerned fails to pass the ordinance authorizing the annual appropriations at the beginning of the ensuing fiscal year, it shall continue to hold sessions, without additional remuneration for its members, until such ordinance is approved, and no other business may be taken up during such sessions. If the sanggunian still fails to enact such ordinance after ninety (90) days from the beginning of the fiscal year, the ordinance authorizing the appropriations of the preceding year shall be deemed reenacted and shall remain in force and effect until the ordinance authorizing the proposed appropriations is passed by the sanggunian concerned. However, only the annual appropriations for salaries and wages of existing positions, statutory and contractual obligations, and essential operating expenses authorized in the annual and supplemental budgets for the preceding year shall be deemed reenacted and disbursement of funds shall be in accordance therewith.

In the implementation of such reenacted ordinance, the local treasurer concerned shall exclude from the estimates of income for the preceding fiscal year those realized from nonrecurring sources, like national aids, proceeds from loans, sale of assets, prior year adjustments, and other analogous sources of income. No ordinance authorizing supplemental appropriations shall be passed in place of the annual appropriations.

In case the revised income estimates be less than the aggregate reenacted appropriations, the local treasurer concerned shall accordingly advise the sanggunian concerned which shall, within ten (10) days from the receipt of such advice, make the necessary adjustments or reductions. The revised appropriations authorized by the sanggunian concerned shall then be the basis for disbursements.

**SEC. 348. *Budgetary Requirements.*** – The budgets of local government units for any fiscal year shall comply with the following requirements:

- (a) The aggregate amount appropriated shall not exceed the estimates of income;
- (b) Full provision shall be made for all statutory and contractual obligations of the local government unit concerned: *Provided, however,* That the amount of appropriations for debt servicing shall not exceed twenty percent (20%) of the regular income of the local government unit concerned;
- (c) In the case of provinces, cities, and municipalities, aid to component barangays shall be in amounts of not less than One Thousand Pesos (Php 1,000.00) per barangay;

- (d) Five percent (5%) of the estimated revenue from regular sources shall be set aside as an annual lump sum appropriation for unforeseen expenditures arising from the occurrence of calamities: *Provided, however,* That such appropriation shall be used only in the area, or a portion thereof, of the local government unit or other areas declared in a state of calamity by the President, Chief Minister, or the sanggunian of the local government units;
- (e) No less than twenty percent (20%) of the annual NTA shall be appropriated for development projects: *Provided,* That copies of the development plans of local government units shall be furnished to the MILG;
- (f) At least five percent (5%) of the annual budget correspond to activities supporting gender and development programs, policies and projects and shall endeavor to influence that remaining ninety-five percent (95%) of the budget towards gender responsiveness: *Provided,* That it shall submit a gender and development plan and budget to the MILG for review and endorsement and be returned to the local government units for integration in the annual investment plan and funding: *Provided, further,* That the gender and development plan and budgets of the local government units, accompanied by their gender and development accomplishment reports shall be submitted to:
  1. The MILG in case of provinces, highly urbanized cities, and independent component cities;
  2. The provincial office of MILG in case of component cities and municipalities; and
  3. The city or municipal offices of the MILG in case of barangays;
- (g) At least one-percent (1%) of the annual budget shall be appropriated for programs, projects, and activities that will benefit senior citizens;
- (h) At least one-percent (1%) of the annual budget shall be appropriated for programs, projects, and activities that will benefit persons with disabilities;
- (i) At least one-percent (1%) of the annual budget shall be appropriated for the implementation of the programs of the local councils for the protection of children;
- (j) At least one-percent (1%) of the annual budget shall be appropriated for the maintenance of local roads; and
- (k) Sufficient funding for programs, projects, and activities covering nutrition, aids prevention and care services, drug rehabilitation, promotion and preservation of culture, arts, and cultural heritage, intercoastal management, agriculture and fisheries, development and maintenance of a community-based monitoring system, climate change adaptation, response for health emergencies and emerging infectious diseases, and benefits for solo parents.

**SEC. 349. General Limitations.** – The use of the provincial, city, and municipal funds shall be subject to the following limitations:

- (a) The total appropriations, whether annual or supplemental, for personal services of a local government unit for one (1) fiscal year shall not exceed forty-five percent (45%) in the case of first to third class provinces, cities, and municipalities, and fifty-five percent (55%) in the case of fourth class or lower, of the total annual income from regular sources realized in the next preceding fiscal year. The appropriations for salaries, wages, representation, and transportation allowances of officials and employees of the public utilities and economic enterprises owned, operated, and maintained by the local government unit concerned shall not be included in the annual budget or in the computation of the maximum amount for personal services. The appropriations for the personal services of such economic enterprises shall be charged to their respective budgets;
- (b) No official or employee shall be entitled to a salary rate higher than the maximum fixed for his/her position or other positions of equivalent rank by applicable laws or rules and regulations issued there under;
- (c) No local fund shall be appropriated to increase or adjust salaries or wages of officials and employees of the national government, except as may be expressly authorized by law;
- (d) In cases of the abolition of positions and the creation of new ones resulting from the abolition of existing positions in the career service, such abolition or creation shall be made in accordance with pertinent provisions of this Code and the civil service law, rules, and regulations;
- (e) Positions in the official plantilla for career positions which are occupied by incumbents holding permanent appointments shall be covered by adequate appropriations;
- (f) No changes in designation or nomenclature of positions resulting in a promotion or demotion in rank or increase or decrease in compensation shall be allowed, except when the position is actually vacant, and the filling of such positions shall be strictly made in accordance with the civil service law, rules, and regulations;
- (g) The creation of new positions and salary increases or adjustments shall in no case be made retroactive; and
- (h) The annual appropriations for discretionary purposes of the local chief executive shall not exceed two percent (2%) of the actual receipts derived from basic real property tax in the next preceding calendar year. Discretionary funds shall be disbursed only for public purposes to be supported by appropriate vouchers and subject to such guidelines as may be prescribed by law. No amount shall be appropriated for the same purpose except as authorized under this Section.

**SEC. 350. Review of Appropriation Ordinances of Provinces, Highly Urbanized Cities, and Independent Component Cities.** – The MFBM and MILG shall jointly review ordinances authorizing the annual or supplemental appropriations of provinces, highly urbanized cities, and independent component cities in accordance with the immediately succeeding Section.

If within ninety (90) days from receipt of copies of such ordinance, the MFBM takes no action thereon, the same shall be deemed to have been reviewed in accordance with law and shall continue to be in full force and effect. If within the same period, the MFBM shall have ascertained that the ordinance authorizing annual or supplemental appropriations has not complied with the requirements set forth in this Title, the MFBM shall, within the 90-day period hereinabove prescribed, declare such ordinance inoperative in its entirety or in part. Items of appropriation contrary to limitations prescribed in this Title or in excess of the amounts prescribed herein shall be disallowed or reduced accordingly.

The MFBM shall, within the same period, advise the sangguniang panlalawigan or sangguniang panlungsod concerned through the local chief executive of any action on the ordinance under review. Upon receipt of such advice, the provincial or city treasurer concerned shall not make further disbursements of funds from any of the items of appropriation declared inoperative, disallowed, or reduced.

**SEC. 351. *Review of Appropriation Ordinances of Component Cities and Municipalities.*** – The sangguniang panlalawigan shall review the ordinance authorizing annual or supplemental appropriations of component cities and municipalities in the same manner and within the same period prescribed for the review of other ordinances.

If within ninety (90) days from receipt of copies of such ordinance, the sangguniang panlalawigan takes no action thereon, the same shall be deemed to have been reviewed in accordance with law and shall continue to be in full force and effect. If within the same period, the sangguniang panlalawigan shall have ascertained that the ordinance authorizing annual or supplemental appropriations has not complied with the requirements set forth in this Title, the sangguniang panlalawigan shall, within the 90-day period hereinabove prescribed, declare such ordinance inoperative in its entirety or in part. Items of appropriation contrary to limitations prescribed in this Title or in excess of the amounts prescribed herein shall be disallowed or reduced accordingly.

The sangguniang panlalawigan shall within the same period advise the sangguniang panlungsod or sangguniang bayan concerned through the local chief executive of any action on the ordinance under review. Upon receipt of such advice, the city or municipal treasurer concerned shall not make further disbursements of funds from any of the items of appropriation declared inoperative, disallowed, or reduced.

**SEC. 352. *Duration of Appropriation.*** – Appropriations for ordinary administrative purposes not duly obligated shall terminate with the fiscal year and all unexpended balances thereof shall be automatically reverted on the thirty-first (31<sup>st</sup>) day of December of each year to the general fund of the local government unit.

**SEC. 353. *Barangay Funds.*** – Unless otherwise provided in this Title, all the receipts of the barangay from whatever source shall accrue to its general fund and shall, at the option of the barangay concerned, be kept as a trust fund in the custody of the city or municipal treasurer or be deposited in a bank, preferably government-owned, situated in or nearest to its area of jurisdiction. Such funds shall be disbursed in accordance with the provisions of this Title. Ten percent (10%) of the general fund of the barangay shall be set aside and appropriated for the sangguniang kabataan.

**SEC. 354. *Submission of Detailed Statements of Income and Expenditures for the Barangay Budgets.*** – On or before the fifteenth (15<sup>th</sup>) day of September of each year, the barangay treasurer shall submit to the punong barangay a statement covering the estimates of income and expenditures for the ensuing fiscal year, based on a certified statement issued by the city or municipal treasurer covering the estimates of income from local sources for the barangay concerned.

**SEC. 355. *Preparation of the Barangay Budget.*** –

- (a) Upon receipt of the statement of income and expenditures from the barangay treasurer, the punong barangay shall prepare the barangay budget for the ensuing fiscal year in the manner and within the period prescribed in this Title and submit the annual barangay budget to the sangguniang barangay for legislative enactment.
- (b) The total annual appropriations for personal services of a barangay for one (1) fiscal year shall not exceed fifty-five percent (55%) of the total annual income actually realized from local sources during the next preceding fiscal year.
- (c) The barangay budget shall likewise be subject to the same budgetary requirements and limitations hereinabove prescribed.
- (d) The barangay may also appropriate sufficient funding for programs, projects, and activities covering nutrition, drug rehabilitation, agriculture and fisheries, development and maintenance of a community-based monitoring system, climate change adaptation, and response for health emergencies.

**SEC. 356. *Effectivity of Barangay Budgets.*** – The ordinance enacting the annual budget shall take effect at the beginning of the ensuing calendar year. An ordinance enacting a supplemental budget, however, shall take effect upon its approval or on the date fixed therein. The responsibility for the execution of the annual and supplemental budgets and the accountability therefor shall be vested primarily in the punong barangay concerned.

**SEC. 357. *Review of the Barangay Budget.*** –

- (a) Within ten (10) days from its approval, copies of the barangay ordinance authorizing the annual appropriations shall be furnished the sangguniang panlungsod or the sangguniang bayan, as the case may be, through the city or municipal budget officer. The sanggunian concerned shall have the power to review such ordinance in order to ensure that the provisions of this Title are complied with. If within sixty (60) days after the receipt of the ordinance, the sanggunian concerned takes no action thereon, the same shall continue to be in full force and effect. If within the same period, the sanggunian concerned shall have ascertained that the ordinance contains appropriations in excess of the estimates of the income duly certified as collectible, or that the same has not complied with the budgetary requirements set forth in this Title, the said ordinance shall be declared inoperative in its entirety or in part. Items of appropriation contrary to, or in excess of, any of the general limitations or the maximum amount prescribed in this Title shall be disallowed or reduced accordingly.

- (b) Within the period hereinabove fixed, the sangguniang panlungsod or sangguniang bayan concerned shall return the barangay ordinance, through the city or municipal budget officer, to the punong barangay with the advice of action thereon for proper adjustments, in which event, the barangay shall operate on the ordinance authorizing annual appropriations of the preceding fiscal year until such time that the new ordinance authorizing annual appropriations shall have met the objections raised. Upon receipt of such advice, the barangay treasurer or the city or municipal treasurer who has custody of the funds shall not make further disbursement from any item of appropriation declared inoperative, disallowed, or reduced.
- (c) With regard to the sixty-three (63) barangays under the Special Geographic Area (SGA), the review shall be in accordance with the transitory provisions in Title III of Book IV of this Code.

**SEC. 358. *Barangay Financial Procedures.*** –

- (a) The barangay treasurer shall collect all taxes, fees, and other charges due and contributions accruing to the barangay for which he/she shall issue official receipts, and shall deposit all collections with the city or municipal treasury or in the depository account maintained in the name of the barangay within five (5) days after receipt thereof. He/She may collect real property taxes and such other taxes as may be imposed by a province, city, or municipality that are due in his/her barangay only after being deputized by the local treasurer concerned for the purpose.
- (b) The barangay treasurer may be authorized by the sangguniang barangay to make direct purchases amounting to not more than One Thousand Pesos (Php 1,000.00) at any time for the ordinary and essential needs of the barangay. The petty cash that the barangay treasurer may be authorized to hold for the purpose shall not exceed twenty percent (20%) of the funds available and to the credit of the barangay treasury.
- (c) The financial records of the barangay shall be kept in the office of the city or municipal accountant in a simplified manner as prescribed by the COA. Representatives of the COA shall audit such accounts annually or as often as may be necessary and make a report of the audit to the sangguniang panlungsod or sangguniang bayan, as the case may be. The COA shall prescribe and put into effect simplified procedures for barangay finances within six (6) months following the effectivity of this Code.

## **CHAPTER IV**

### **EXPENDITURES, DISBURSEMENTS, ACCOUNTING, AND ACCOUNTABILITY**

**SEC. 359. *Use of Appropriated Funds and Savings.*** – Funds shall be available exclusively for the specific purpose for which they have been appropriated. No ordinance shall be passed authorizing any transfer of appropriations from one item to another. However, the local chief executive or the presiding officer of the sanggunian concerned may, by ordinance, be authorized to augment any item in the approved annual budget for their respective offices from savings in other items within the same expense class of their respective appropriations.



**SEC. 360. *Restriction Upon Limit of Disbursements.*** – Disbursements in accordance with appropriations in the approved annual budget may be made from any local fund in the custody of the treasurer, but the total disbursements from any local fund shall in no case exceed fifty percent (50%) of the uncollected estimated revenue accruing to such local fund in addition to the actual collections: *Provided, however,* That no cash overdraft in any local fund shall be incurred at the end of the fiscal year.

In case of emergency arising from a typhoon, earthquake, or any other calamity, the sanggunian concerned may authorize the local treasurer to continue making disbursements from any local fund in his/her possession in excess of the limitations herein provided, but only for such purposes and amounts included in the approved annual budgets.

Any overdraft which may be incurred at the end of the year in any local fund by virtue of the provisions hereof shall be covered with the first collections of the immediately succeeding fiscal year accruing to such local fund.

**SEC. 361. *Prohibitions Against Advance Payments.*** – No money shall be paid on account of any contract under which no services have been rendered or goods delivered.

**SEC. 362. *Cash Advances.*** – No cash advance shall be granted to any local official or employee, elective or appointive, unless made in accordance with the rules and regulations as the COA may prescribe.

**SEC. 363. *Persons Accountable for Local Government Funds.*** – Any officer of the local government unit whose duty permits or requires the possession or custody of local government funds, shall be accountable and responsible for the safekeeping thereof in conformity with the provisions of this Title. Other local officers who, though not accountable by the nature of their duties, may likewise be similarly held accountable and responsible for local government funds through their participation in the use or application thereof.

**SEC. 364. *Prohibitions Against Pecuniary Interest.*** – Without prejudice to criminal prosecution under applicable laws, any local treasurer, accountant, budget officer, or other accountable local officer having any pecuniary interest, direct or indirect, in any contract, work, or other business of the local government unit of which he/she is an accountable officer shall be administratively liable therefor.

**SEC. 365. *Liability for Acts Done Upon Direction of Superior Officer, or Upon Participation of Other Department Heads or Officers of Equivalent Rank.*** – Unless he/she registers his/her objection in writing, the local treasurer, accountant, budget officer, or other accountable officer shall not be relieved of liability for illegal, improper use or application, or deposit of government funds or property by reason of his/her having acted upon the direction of a superior officer, elective or appointive, or upon participation of other department heads or officers of equivalent rank. The superior officer directing, or the department head participating in such illegal or improper use or application or deposit of government funds or property, shall be jointly and severally liable with the local treasurer, accountant,

budget officer, or other accountable officers for the sum or property so illegally or improperly used, applied or deposited.

**SEC. 366. *Prohibition Against Expenses for Reception and Entertainment.*** – No money shall be appropriated, used, or paid for entertainment or reception except to the extent of the representation allowances authorized by law or for the reception of visiting dignitaries of foreign governments or foreign missions, or when expressly authorized by the President in specific cases.

**SEC. 367. *Certification on, and Approval of, Vouchers.*** – No money shall be disbursed unless the local budget officer certifies to the existence of appropriation that has been legally made for the purpose, the local accountant has obligated said appropriation, and the local treasurer certifies to the availability of funds for the purpose. Vouchers and payrolls shall be certified to and approved by the head of the department or office who has administrative control of the fund concerned, as to the validity, propriety, and legality of the claim involved. Except in cases of disbursements involving regularly recurring administrative expenses such as payrolls for regular or permanent employees, expenses for light, water, telephone and telegraph services, remittances to government creditor agencies such as the Government Service Insurance System (GSIS), Social Security System, Land Bank of the Philippines, Development Bank of the Philippines, National Printing Office, Procurement Service of the Department of Budget and Management (DBM) and others, approval of the disbursement voucher by the local chief executive himself/herself shall be required whenever local funds are disbursed.

In cases of special or trust funds, disbursements shall be approved by the administrator of the fund.

In case of temporary absence or incapacity of the department head or chief of office, the officer next-in-rank shall automatically perform his/her function and he/she shall be fully responsible therefor.

**SEC. 368. *Officials Authorized to Draw Checks in Settlement of Obligations.*** – Checks in settlement of obligations shall be drawn by the local treasurer and countersigned by the local administrator. In case of temporary absence or incapacity of the foregoing officials, these duties shall devolve upon their immediate assistants.

**SEC. 369. *Disbursements of Local Funds and Statement of Accounts.*** – Disbursements shall be made in accordance with the ordinance authorizing the annual or supplemental appropriations without the prior approval of the sanggunian concerned. Within thirty (30) days after the close of each month, the local accountant shall furnish the sanggunian with such financial statements as may be prescribed by the COA. In the case of the year-end statement of accounts, the period shall be sixty (60) days after the thirty-first (31<sup>st</sup>) of December.

**SEC. 370. *Rendition of Accounts.*** – Local treasurers, accountants, and other local accountable officers shall render their accounts within such time, in such form, style, and content and under such regulations as the COA may prescribe. Provincial, city, and municipal auditors shall certify the balances arising in the accounts settled by them to the chairperson of the COA and to the local treasurer, accountant, and other accountable officers. Copies of the certification shall be prepared and furnished

to other local officers who may be held jointly and severally liable for any loss or illegal, improper or unauthorized use or misappropriation of local funds or property.

**SEC. 371. Auditorial Visitation.** – The books, accounts, papers, and cash of local treasurer, accountant, budget officer, or other accountable officers shall at all times be open for inspection by the COA or its duly authorized representative.

In case an examination of the accounts of a local treasurer discloses a shortage in cash which should be on hand, it shall be the duty of the examining officer to seize the office and its contents, notify the COA, the local chief executive concerned, and the local accountant. Thereupon, the examining officer shall immediately turn over to the accountable officer next-in-rank in the local treasury service, unless the said officer is likewise under investigation, the office of the treasurer and its contents, and close and render his/her accounts on the date of turnover. In case the accountable officer next in rank is under investigation, the auditor shall take full possession of the office and its contents, close and render his/her accounts on the date of taking possession, and temporarily continue the public business of such office until such time that the local treasurer is restored or a successor has been duly designated. The local treasurer or accountable officer found with such shortage shall be automatically suspended from office.

**SEC. 372. Accounting for Revenues.** – Estimated revenues which remain unrealized at the close of the fiscal year shall not be booked or credited to the unappropriated surplus or any other account.

**SEC. 373. Accounting for Obligations.** – All lawful expenditures and obligations incurred during a fiscal year shall be taken up in the accounts of that year.

**SEC. 374. General Liability for Unlawful Expenditures.** – Expenditures of funds or use of property in violation of this Title and other laws shall be a personal liability of the official or employee responsible therefor.

**SEC. 375. Posting of the Summary of Income and Expenditures.** – Local treasurers, accountants, budget officers, and other accountable officers shall, within thirty (30) days from the end of each fiscal year, post in at least three (3) publicly accessible and conspicuous places in the local government unit a summary of all revenues collected and funds received including the appropriations and disbursements of such funds during the preceding fiscal year.

**SEC. 376. The Official Fiscal Year.** – The official fiscal year of local government units shall be the period beginning with the first (1<sup>st</sup>) day of January and ending with the thirty-first (31<sup>st</sup>) day of December of the same year.

**SEC. 377. Administrative Issuances; Budget Operations Manual.** – Until a manual is issued by the MFBM for local government units of BARMM, the Budget Operations Manual promulgated by the DBM shall govern to improve and systematize methods, techniques, and procedures employed in budget preparation, authorization, execution, and accountability.

## TITLE VII

### PROPERTY AND SUPPLY MANAGEMENT IN THE LOCAL GOVERNMENT UNITS

**SEC. 378. *Scope.*** – This Title shall govern the procurement, care, utilization, custody, and disposal of supplies, as defined herein, by local government units and the other aspects of supply management at the local levels.

**SEC. 379. *General Rule in Procurement or Disposal.*** – Except as otherwise provided herein, the procurement of goods by the local government units shall be through competitive public bidding. Property which has become unserviceable or no longer needed shall be sold, whenever applicable, at public auction, subject to applicable rules and regulations.

No local government unit shall enter into an executive agreement that will run contrary to the provisions of R.A. No. 9184, otherwise known as the “*Government Procurement Reform Act.*”

**SEC. 380. *Definition of Terms.*** – When used in this Title, the term:

- (a) “*Suitable substitute*” refers to that kind of article which would serve substantially the same purpose or produce substantially the same results as the brand, type, or make of article originally desired or requisitioned; and
- (b) “*Terms and conditions*” refers to other requirements not affecting the technical specifications and requirements of the required supplies desired such as bonding, terms of delivery and payment, and related preferences.

**SEC. 381. *Requirement of Requisition.*** – Any order for goods shall be filled by the provincial or city general services officer or the municipal or barangay treasurer concerned, as the case may be, for any office or department of a local government unit only upon written requisition as hereinafter provided.

**SEC. 382. *Officers Having Authority to Draw Requisitions.*** – Purchase requests shall be prepared by the head of office or department needing the goods, who shall certify their necessity for official use and specify the project or activity where the goods are to be used.

**SEC. 383. *Certification by the Local Budget Officer, Accountant, and Treasurer.*** – Every requisition must be accompanied by a certificate signed by the local budget officer, the local accountant, and the local treasurer showing that an appropriation therefor exists, and the funds are available for the purpose, respectively.

**SEC. 384. *Approval of Requisitions.*** – Approval of the requisition by the head of office or department concerned who has administrative control of the appropriation against which the proposed expenditure is chargeable is deemed sufficient, except in case of requisition for goods to be carried in stock which shall be approved by the local chief executive concerned: *Provided*, That such goods are listed or included in the annual procurement plan and the maximum quantity thereof does not exceed the estimated consumption corresponding to a programmed three-month period: *Provided, further*, That

nothing herein contained shall be held as authorizing the purchase of furniture and equipment for stock purposes.

**SEC. 385. *Call for Bids.*** – When procurement is to be made by local government units, the provincial or city general services officer or the municipal or barangay treasurer shall call bids for open public competition. The call for bids shall show the complete specifications and technical descriptions of the required goods and shall embody all terms and conditions of participation and award, terms of delivery and payment, and all other covenants affecting the transaction. In all calls for bids, the right to waive any defect in the tender as well as the right to accept the bid most advantageous to the government shall be reserved. In no case, however, shall failure to meet the specifications or technical requirements of the goods desired be waived.

**SEC. 386. *Publication of Call for Bids.*** – The call for bids shall be given the widest publicity possible, sending, by mail or otherwise, any known prospective participant in the locality, of copies of the call and by posting copies of the same in at least three (3) publicly accessible and conspicuous places in the provincial capitol or city, municipal, or barangay hall, as the case may be. It shall also be posted on the website of the local government unit concerned.

The notice of the bidding may likewise be published in a newspaper of general circulation in the territorial jurisdiction of the local government unit concerned when the provincial or city general services officer or the municipal or barangay treasurer, as the case may be, deems it necessary in order to obtain the lowest responsible and complying bid.

The opening of bids shall only be made in the presence of the provincial or city auditor or his/her duly authorized representative who shall initial and secure copies of the bids and certify the abstract of the bidding.

**SEC. 387. *Bids and Awards Committee.*** – There shall be in every province, city, municipality, and barangay Bids and Awards Committee (BAC) in accordance with R.A. No. 9184, otherwise known as the “*Government Procurement Reform Act*”, and its IRR as prescribed by the Government Procurement Policy Board (GPPB). The local government unit shall be considered as the Procuring Entity and shall act through the Head of the Procuring Entity.

The members of the BAC shall be personnel occupying plantilla positions of the procuring entity concerned, and in no case shall the following be members of the committee:

- (a) Local chief executive and other elective officials of the province, city, and municipality;
- (b) Official who approves procurement contracts; and
- (c) Chief accountant or head of the provincial, city, municipal, or barangay accounting office and his/her staff, unless the accounting department, division, section, or unit is the end-user unit, in which case the chief accountant, head of the accounting department or his/her staff may be designated as an end-user member.

**SEC. 388. *Changes in Description of Title or Organizational Structure.*** – In the event of a change in the description of title or organizational structure, for the purpose of the next preceding paragraph, the MILG shall coordinate with the GPPB, the determination of rank, as needed.

**SEC. 389. *Quorum.*** – The simple majority (one-half of the membership plus one) of the BAC members shall constitute a quorum: *Provided*, That the chairperson or the vice chairperson should be present in all meetings and deliberations.

Physical presence of the chairperson or the vice chairperson is necessary for the BAC to conduct its business. The chairperson or, in his/her absence, the vice chairperson shall preside over the meetings. The chairperson or the vice chairperson, acting as the presiding officer shall vote only in case of a tie.

Presence of alternate BAC members in meetings are considered for purposes of quorum. On the other hand, representatives of BAC members shall be allowed to sit and listen during meetings but they shall not be considered for purposes of quorum.

All BAC decisions should be embodied in resolutions duly signed by at least a majority of the members and the chairperson or the vice chairperson thereof, as the case may be.

**SEC. 390. *Establishment of an Archival System.*** – Every local government unit shall provide for the establishment of an archival system to ensure the safety and protection of all government property, public documents, or records such as records of births, marriages, property inventory, land assessments, land ownership, tax payments, tax accounts, and business permits, and such other records or documents of public interest in the various departments and offices of the provincial, city, or municipal government concerned.

**SEC. 391. *Primary and Secondary Accountability for Government Property.*** –

- (a) Each head of department or office of a province, city, municipality, or barangay shall be primarily accountable for all government property assigned or issued to his/her department or office. The person or persons entrusted with the possession or custody of government property under the accountability of any head of department or office shall be immediately accountable to such officer.
- (b) The head of a department or office primarily accountable for government property may require any person in possession of the property or having custody and control thereof under him/her to keep such records and make reports as may be necessary for his/her own information and protection.
- (c) Buildings and other physical structures shall be under the accountability and responsibility of the provincial or city general services officer or the municipal mayor or punong barangay, as the case may be.
- (d) Every officer primarily accountable for government property shall keep a complete record of all properties under his/her charge and render his/her accounts therefor semi-annually

to the provincial or city general services officer or the municipal mayor or punong barangay, as the case may be.

**SEC. 392. *Responsibility for Proper Use and Care of Government Property.*** – The person in actual physical possession of government property or entrusted with its custody and control shall be responsible for its proper care and exclusive use for public service, and shall exercise due diligence in the safekeeping and utilization thereof.

**SEC. 393. *Measure of Liability of Persons Accountable for Government Property.*** –

- (a) The person immediately accountable for government property shall be liable for its money value in case of the illegal, improper or unauthorized use, or misapplication thereof, by himself/herself or any other person for whose acts he/she may be responsible, and he/she shall be liable for all loss, damage, or deterioration occasioned by negligence in the keeping or use of such property unless it is proved that he/she has exercised due diligence and care in the utilization and safekeeping thereof.
- (b) Unless he/she registers his/her objection in writing, an accountable person shall not be relieved from liability by reason of his/her having acted under the direction of a superior officer in using property with which he/she is chargeable; but the officer directing any illegal, unauthorized, or improper use of property shall first be required to answer therefor.
- (c) In cases of loss, damage, or deterioration of government property arising from, or attributable to, negligence in security, the head of the security agency shall be held liable therefor.

**SEC. 394. *Credit for Loss Occurring in Transit or Due to Casualty.*** – When a loss of government property occurs while the same is in transit or is caused by fire, theft, *force majeure*, or other casualty, the officer accountable therefor or having custody thereof shall immediately notify the provincial or city auditor concerned within thirty (30) days from the date the loss occurred or for such longer period as the provincial, city, or municipal auditor, as the case may be, may in the particular case allow, and he/she shall present his/her application for relief, with the available evidence in support thereof. An officer who fails to comply with this requirement shall not be relieved of liability or allowed credit for any such loss in the settlement of his/her accounts.

A provincial, city, or municipal auditor shall not allow credit for these losses unless so expressly authorized by the chairperson of the COA, to be exercised only if the loss is not in excess of Fifty Thousand Pesos (Php 50,000.00). In any case, when the allowance of credit is not within the competence of the provincial, city, or municipal auditor, the application and evidence, with the recommendation of the auditor concerned, shall be forwarded to the chairperson of the COA for his/her appropriate action.

**SEC. 395. *Property Disposal and Environmental Responsibility.*** – When a property of any local government unit has become unserviceable for any cause or is no longer needed, it shall, upon application of the officer accountable therefor, be inspected and appraised by the provincial, city, or

municipal auditor, as the case may be, or his/her duly authorized representative or that of the COA and if found valueless or unusable, shall be destroyed in the presence of the inspecting officer.

If found valuable, the same shall be sold at public auction to the highest bidder under the supervision of the appropriate committee and in the presence of the provincial, city, or municipal auditor or his/her duly authorized representative. Notice of the public auction shall be posted in at least three (3) publicly accessible and conspicuous places, and if the acquisition cost exceeds One Hundred Thousand Pesos (Php 100,000.00), notice of auction shall be published at least two (2) times within a reasonable period in a newspaper of general circulation in the locality.

In all cases, property disposal shall be undertaken in a manner that is consistent with efficiency and environmental responsibility.

**SEC. 396. *Negotiated Sale of Property.*** – Property no longer needed may also be disposed of at a private sale at such price as may be determined by the appropriate committee subject to the approval of the COA or its duly authorized representative when the acquisition or transfer cost of the property exceeds Fifty Thousand Pesos (Php 50,000.00). In case of real property, the disposal shall be subject to the approval of the COA regardless of the value or cost involved.

**SEC. 397. *Transfer Without Cost.*** – Property that has become unserviceable or is no longer needed may be transferred without cost to another office, agency, subdivision, or instrumentality of the national government or another local government unit at an appraised valuation determined by the local committee on awards. Such transfer shall be subject to the approval of the sanggunian concerned making the transfer and by the head of the office, agency, subdivision, instrumentality, or local government unit receiving the property.

**SEC. 398. *Tax Exemption Privileges of Local Government Units.*** – Local government units shall be exempt from the payment of duties and taxes for the importation of heavy equipment or machineries which shall be used for the construction, improvement, repair, and maintenance of roads, bridges, and other infrastructure projects, as well as garbage trucks, fire trucks, and other similar equipment as provided in Section 382 of R.A. No. 7160 and in accordance with the conditions set forth therein.

**SEC. 399. *Compliance with Implementing Rules and Regulations.*** – The implementation of the provisions of this Title, including requirements as to testing, inspection, and standardization of supply and property shall be in accordance with the rules and regulations promulgated by the COA, GPPB, and MFBM, as applicable.



## BOOK III

### BANGSAMORO CONSTITUENT UNITS

#### TITLE I

#### THE BARANGAY

#### CHAPTER I

#### ROLE AND CREATION OF THE BARANGAY

**SEC. 400. *Role of Barangay.*** – As the basic political unit, the barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community, as well as a forum wherein the collective views of the people may be expressed, crystallized, and considered, and where disputes may be amicably settled.

**SEC. 401. *Manner of Creation.*** – A barangay may be created, divided, merged, abolished, or its boundary substantially altered by law or by ordinance enacted by the Bangsamoro Parliament, the sangguniang panlalawigan or the sangguniang panlungsod, as the case may be, subject to approval by a majority of the votes cast in a plebiscite to be conducted by the COMELEC through the BEO in the directly affected local government unit or units within such period as may be determined by the law or ordinance creating the said barangay.

In the case of the creation of barangays by the sangguniang panlalawigan, the recommendation of the sangguniang bayan concerned shall be necessary.

**SEC. 402. *Manner of Abolition.*** – A barangay may be abolished when its population has been irreversibly reduced during the immediately preceding three (3) consecutive years to less than the requirements for its creation as certified by the PSA. The law or ordinance abolishing a barangay shall specify the local government unit with which the barangay sought to be abolished will be merged.

**SEC. 403. *Revalidation of Barangays.*** –

- (a) The MILG shall revalidate the compliance of all barangays in the BARMM, starting with those created under MMAA No. 25 that failed to meet the standard requirements laid down in R.A. 7160. The MILG shall submit the result of the validation to the OCM for appropriate action.
- (b) Those barangays that are determined to have already met the criteria laid down by R.A. 7160 shall be entitled to the NTA as provided in Section 6, Article X of the 1987 Constitution.
- (c) Those barangays that failed to meet the criteria laid down by R.A. 7160 shall be merged with another barangay to be provided in the law or ordinance enacted by the Parliament or the sanggunian concerned for the purpose.

After the effectivity of this Code, the creation of a new barangay must comply with the requirements as provided herein.

**SEC. 404. *Manner of Division or Merger.*** – The division or merger of existing barangays shall comply with the same requirements for their creation: *Provided*, That the division shall not reduce the population of the barangay concerned to less than the minimum requirements prescribed in this Code: *Provided, further*, That in the case of merger, such merger shall not reduce the income, population, or land area of the local government unit or units to which the barangays sought to be merged currently belong, to less than the prescribed minimum requirements: *Provided, furthermore*, That their income classification shall not fall below their current income classification prior to the merger: *Provided, finally*, That certifications on the above requirements shall be issued by the BLGF, in the case of income and income classification, the PSA, in the case of population, and the relevant office of the MENRE, in the case of land area.

**SEC. 405. *Requisites for Creation.*** –

- (a) A barangay may be created out of a contiguous territory with a population of at least two thousand (2,000) inhabitants as certified by the PSA: *Provided*, That the creation thereof shall not reduce the population of the original barangay or barangays to less than the minimum requirement prescribed herein.

To enhance the delivery of basic services in the indigenous cultural communities, barangays may be created in such communities by an act of the sangguniang panlalawigan or the Parliament, notwithstanding the above requirement, in the manner provided in Section 406 hereof.

- (b) The territorial jurisdiction of the new barangay shall be properly identified by metes and bounds or by more or less permanent natural boundaries. The territory need not be contiguous if it comprises two (2) or more islands.
- (c) The creation of a barangay shall require the donation to the barangay of a lot with an area of not less than one thousand five hundred (1,500) square meters for the construction of a permanent government center like the barangay hall, health center, daycare center, multi-purpose hall, and similar others: *Provided*, That when the donor is the local government unit creating the said barangay or the Parliament, the donation shall form part of the ordinance or law therefor: *Provided, further*, That when the donor is other than the said local government unit or the Parliament, the donation shall be made to such local government unit or the Parliament, conditioned on the actual creation of the barangay and the transfer of the lot to the newly-created barangay.

**SEC. 406. *Creation of Tribal Barangays.*** – To enhance the delivery of basic services in communities of non-moro indigenous peoples (NMIPs) who are a minority in their municipality or city but who are natives thereof, tribal barangays may be created in such communities by an act of the Parliament or ordinance of the sangguniang panlalawigan, notwithstanding the non-compliance with the requirement of the preceding section: *Provided*, That the area of the NMIPs sought to be constituted

as a tribal barangay is contiguous: *Provided, further,* That NMIPs form the predominant population in the said area.

The financial requirements of tribal barangays shall be provided by the Bangsamoro Government when created by an act of the Parliament or by the provincial government when created by an act of the sangguniang panlalawigan, until such time that they qualify for the NTA.

The governance structure in tribal barangays shall be the same as those of other barangays unless otherwise provided in another law to be enacted by the Parliament.

**SEC. 407. *Proposed Reconfiguration Plan for Barangays.*** – The concerned office of the governor or the city or municipal mayor may prepare a proposed reconfiguration plan for barangays, based on the criteria prescribed in the preceding sections. The plan shall be submitted to the sangguniang panlungsod, the sangguniang panlalawigan, or the Parliament for appropriate action: *Provided,* That when the submission is made to the sangguniang panlungsod or sangguniang panlalawigan, a copy shall be furnished to the Parliament.

**SEC. 408. *Powers, Functions, Services, and Facilities.*** – The barangay government shall perform the powers and functions and ensure the delivery of basic services and facilities, as follows:

#### **I. On Agriculture**

- (a) Support the higher constituent local government units, the Bangsamoro Government, and the national government in the provision and extension of agriculture and fisheries services and facilities for farmers, fishers, livestock, and other food producers and enterprises within its jurisdiction.

For this purpose, the barangay, among others, shall:

1. Assist in the distribution of planting materials like seeds, fertilizers, and pesticides;
  2. Help organize or provide the venue for lectures and capacity building exercises for farms, fisheries, and livestock production related activities within their territorial jurisdiction; and
  3. Assist in the introduction of improved or modernized farm practices as demonstrated in local farms within and in nearby areas;
- (b) Operate, regulate the use, and maintain, for purposes of minor repairs, the agriculture, fisheries, and livestock or poultry facilities and support infrastructure within its territorial jurisdiction, including, but not limited to:
1. Barangay farm-to-market roads, defined as such by law or other issuances;
  2. Farm produce collection and buying stations (*bagsakan*);
  3. Grain, copra, or seaweeds dryers and patios;

4. Rice processing centers; and
5. Other post-harvest facilities.

The barangay may directly undertake the construction of the above provided it has sufficient funds and has coordinated with the municipal, city, provincial, and Bangsamoro Government to avoid duplication of projects;

- (c) Establish, operate, and maintain community gardens and small communal or collective food farms, including, but not limited to “*gulayan sa barangay*;”
- (d) Maintain a database or master list of farmers, fishers, livestock producers, and other agriculture, fisheries, and food production stakeholders, including agri-venture enterprises, cooperatives, and the like, and containing other relevant information, within its territorial jurisdiction;

The barangay shall share and give access to such database and master list to the higher constituent local government units for consolidation and integration in the Bangsamoro centralized regional information systems on agriculture, fisheries, and food supply enterprise, subject to existing data privacy laws and issuances; and

- (e) Establish, as necessary, a Barangay Fisheries and Aquatic Resource Management Council (BFARMC) to implement fisheries and aquatic resources management policies and plans, and to recommend policies and plans for integration into the municipal, city, or provincial development plans.

## **II. On Health**

- (a) Provide select community-based primary health care services to the constituents of the barangay, including first aid, maternal, neonatal, and child health care, communicable diseases, other related basic health services, and referral to secondary health or tertiary care service providers or facilities whenever appropriate.

For this purpose, the barangay shall:

1. Maintain and operate the barangay health stations, including procurement of medicines and supplies; and
  2. Engage and supervise the Barangay Health Workers (BHWs) and where applicable, other needed health personnel, and provide for their honorarium;
- (b) Assist in the implementation of feeding and nutrition, immunization, and family planning programs of higher constituent local government units or of the BARMM, including in the education and information campaigns thereon: *Provided*, That health education and advocacy on matters particularly affecting the community including on drug abuse, sanitation, and hygiene shall be undertaken by the barangay directly;

- (c) Coordinate with the MOH on health-related programs and activities provided by the national government and by other interest groups, non-government organizations, and international organizations;
- (d) Assist in the enforcement of all laws, rules, and regulations on quarantine and food and drug safety; and
- (e) Monitor the local health and nutrition situation and submit regular reports thereon to the municipality or city through the municipal or city health officer and the municipal or city nutrition action officer, if any.

### **III. On Social Services**

- (a) Formulate and implement, when able, its own programs on social welfare and development directly: *Provided*, That it shall coordinate with the municipality or city for purposes of harmonization and avoiding the duplication of services, projects, and interventions;
- (b) Assist in the delivery and implementation in the barangay of the plans, programs, and projects of the municipality or city, of the province, and of the Bangsamoro Government principally through the Ministry of Social Services and Development (MSSD) in the field of social welfare and development, including those on feeding, health, and other nutrition programs, in accordance with the municipal, provincial, and regional plans and targets;
- (c) Coordinate with, and provide necessary data and other information to, the municipal or city government and the MSSD for the latter's use in the formulation of regional and municipal or city plans, programs, and services, subject to existing data privacy laws and issuances;
- (d) Issue barangay protection orders, when warranted;
- (e) Create and operationalize local structures designed to support vulnerable sectors such as, but not limited to, the Violence Against Women (VAW) desk, the Barangay Council for the Protection of Children (BCPC), and the Barangay Early Childhood Care and Development Coordinating Committee (BECCDCC).

For cases involving children in conflict with the law, the barangay shall issue referrals to the municipal or city social welfare officer; and when warranted, design an intervention and/or community diversion program, and implement the same through the leadership of the Council for the Protection of Children of the Bangsamoro;

- (f) Maintain and operate Child Development Centers (CDC) and when not feasible, Supervised Neighborhood Plays (SNPS), and appoint and provide the honoraria for the CDC workers;

- (g) Receive reports from any person who shall take custody of children involved in armed conflict to ensure their safety or provide them any form of assistance, and present said report to support immunity from suit in favor of said person if made within forty-eight (48) hours of getting said custody;
- (h) Submit the names of children and their parents or guardians residing in a barangay affected by armed conflict to the municipal social welfare and development officer within twenty-four (24) hours from the occurrence of the armed conflict;
- (i) Lead the organization of barangay-level sectoral organizations, especially those from vulnerable sectors, to facilitate their participation in governance, empowerment, and advocacy for their specific needs;
- (j) Lead or participate in information dissemination activities and campaigns on issues affecting vulnerable sectors and on programs that address them; and
- (k) Issue barangay clearances and certificates of indigency and residency.

#### **IV. On Environmental Services**

- (a) Lead and undertake community action for cleanliness, general hygiene and sanitation, and beautification initiatives within its jurisdiction, giving priority to the implementation of comprehensive educational promotion and information drives thereon within the barangay;
- (b) Undertake the systematic segregation, collection, and disposal of solid waste within the jurisdiction of the barangay, specifically of biodegradable, compostable and reusable wastes. Toward this end, it shall, among others:
  1. Provide solid waste or garbage disposal or collection containers, receptacles, or bins in public or communal spaces;
  2. Provide for, maintain, and operate the collection, drop-off, or sorting areas of the barangay where collection and transfer to the processing sites or to final disposal sites of the municipality or city will be undertaken;
  3. Provide for, construct, maintain, and operate the materials recovery facilities within the collection or sorting areas of the barangay to ensure solid waste re-use, composting, and recycling;
  4. Participate in the municipal or city solid waste management board, contribute to the formulation and implementation of the municipal or city solid waste management plan, and cooperate with the municipal, city, provincial, and Bangsamoro

Government in the implementation of an incentive program geared toward the attainment of ecological solid waste management goals;

5. Formulate and implement comprehensive educational promotion and information drives on waste management, promote environmental awareness and action among the citizenry, and actively advocate and instill within the households practice of the following:
    - i. Waste minimization through resource conservation and recovery;
    - ii. Segregation at source; and
    - iii. Reduction, recycling, reusing and composting;
  6. Assist in the enforcement of ecological solid waste management laws, including in the interdiction of and achieving widest dissemination of information on the prohibited activities that are particularly relevant to the households and communities, including, among others:
    - i. The prohibition of littering, throwing, and dumping of waste matters in public places like roads, sidewalks, seas, oceans, lakes, rivers, canals, *esteros*, or parks;
    - ii. The open burning of solid waste; and
    - iii. The non-sorting or non-segregation of wastes;
- (c) Maintain, for purposes of minor repairs or rehabilitation, and operate water supply systems exclusively within its jurisdiction: *Provided*, That the barangay shall assist and coordinate with the municipality in the maintenance and operation of water supply systems that connect to other barangays: *Provided, further*, That, where the barangay has sufficient funds, it may directly establish such water supply system upon coordination with the municipality or city and where applicable, to the province and the BARMM, in order to avoid duplication of projects and services: *Provided, finally*, That water supply systems shall be subject to the regulations of the municipality, city, or the region;
- (d) Participate and be actively involved in the formulation and implementation of the municipal or city climate change action plan and of other environmental plans and programs, ensuring that, through the municipal or city environment and natural resources officer, sufficient resources are allocated and that monitoring and evaluation mechanisms are in place to meet the desired environmental outcomes for the benefit of the barangays;
- (e) Conduct regular consultation with the communities on matters affecting the environment, natural resources, and energy in the barangay; and
- (f) Enact appropriate ordinances or issue the appropriate resolutions, after due consultation, signifying the barangay's approval or disapproval of or concurrence with proposed projects or programs of the higher-level constituent local government units, the

Bangsamoro region, or the national government, that may cause or aggravate pollution, climate change, the depletion of non-renewable resources, loss of crop land, rangeland, or forest cover, and extinction of animal or plant species within the barangay.

**V. On Infrastructure, Public Works, and Local Facilities**

- (a) Maintain and operate infrastructure, public works, and facilities located within the territorial jurisdiction of the barangay and intended primarily to service the needs of the inhabitants thereof, such as, but not limited to:
1. Barangay roads classified as such by law or issuances;
  2. Foot bridges;
  3. Waterworks and water supply system;
  4. Multi-purpose halls;
  5. Pavements;
  6. Plazas;
  7. Sports centers;
  8. Markets, where viable: *Provided*, That the barangay shall provide for the upkeep through the provision of drainage, ensure the proper sanitation and cleanliness thereof, and maintain peace and order therein;
  9. Parking areas; and
  10. Other similar facilities.

When the barangay has sufficient funds, it may directly undertake the construction of the above: *Provided*, That there must be proper coordination with the higher-level constituent local government units and with the Bangsamoro Government, when applicable, to avoid duplication or overlapping of projects or programs and to ensure the efficient use of resources.

The maintenance of the barangay infrastructure and other facilities herein provided shall include the duty to:

1. Provide for the equipment and other implements necessary for the effective utilization of the said facilities; and
2. Undertake minor repairs and rehabilitation thereof.



Whenever major repairs or rehabilitation are required as determined by the municipal or city engineer, the same shall be undertaken by higher-level constituent local government units or by the regional government, as the case may be;

- (b) Regulate the use and operation of the barangay infrastructure and facilities. Through an ordinance enacted for the purpose, it may establish and operate barangay infrastructure and facilities as an enterprise and fix and collect reasonable fees and charges therefor;
- (c) Conduct periodic condition assessments and inventory of barangay local infrastructure, and establish, maintain, and regularly update the barangay local infrastructure information database; and
- (d) Conduct regular consultations on the local infrastructure and facilities needs of the barangay with the local communities and concerned stakeholders, the results of which it shall submit to the municipality or city to be used by the latter in formulating or developing submissions or recommendations for funding and other technical assistance of the provincial, regional, or national government.

## **VI. On Disaster Risk Reduction and Management**

- (a) Direct, develop, implement, and coordinate a comprehensive and integrated barangay DRRM program in accordance with relevant regional and national framework laws and guidelines and appropriate funds therefor;
- (b) Maintain a barangay risk map based on conducted risk assessments on climate change, natural hazards, and other vulnerabilities that may occur in their locality;
- (c) Prepare and regularly update local contingency plans, based on the information on the risk maps and risk assessments to be conducted.

The barangay DRRMC shall regularly submit updated disaster risk information of all hazards and vulnerabilities, monitored incidents, preparedness measures, and situational reports to the DRRMCs of the higher constituent local government units and of the Bangsamoro Government;

- (d) Recommend to the DRRMCs of the higher constituent local government units the adoption and improvement of DRRM policies;
- (e) Operate a multi-hazard early warning emergency response system in the barangay that provides accurate and timely advice to local emergency response organizations in the affected barangay and the municipality or city, and to the general public;
- (f) Disseminate information and raise public awareness on hazards, vulnerabilities, risks, early warning signs, and policies of the region, the barangay, and higher local government units;

- (g) Organize and train barangay response team, including volunteers, in the barangay for disaster preparedness, rescue operations, and relief distribution;
- (h) Ensure the preposition of necessary resources and assets, including buffer stocks thereof, to increase overall capacity to respond to calamities and disasters;
- (i) Declare a state of calamity or emergency and order the lifting of the same, in accordance with regional and national laws, upon the recommendation of the Barangay Development Council acting as the Barangay DRRM Committee;
- (j) Carry out emergency management measures and immediate response before, during, and after human-induced or natural disasters and calamities, and allocate resources therefor;
- (k) Mobilize barangay government instrumentalities, civil society organizations (CSOs), private groups, and organized volunteers, in accordance with the policies and procedures of higher local government units, for the protection and preservation of life and property during emergencies;
- (l) Participate and contribute in priority DRRM-centered studies and assessments conducted by the municipality, city, and province, detailing the barangay disaster risk information such as natural hazards, vulnerabilities, and climate change risks, among others; and
- (m) Undertake pre-emptive and mitigating measures that would reduce the risk and adverse effects of calamities and disasters.

## **VII. On Public Order**

- (a) Maintain public order and safety in the barangay, and in pursuance thereof:
  1. Assist the city or municipal mayor and the sanggunian members in the performance of their duties and functions;
  2. Organize and maintain community brigades, barangay tanod or peacekeeping teams, and community service units, as may be necessary: *Provided*, That the members thereof are civilians and shall not be allowed to carry firearms; and
  3. Organize and maintain a Barangay Emergency Response Team (BERT) and other emergency groups including establishing an Early Warning and Emergency Response (EWER) pool of volunteers for the maintenance of peace and order or on occasions of emergency or calamity within the barangay. The EWER pool of volunteers shall be organized in accordance with the guidelines issued by the Ministry of Public Order and Safety (MPOS) that includes accreditation and basic EWER training;

- (b) Administer, operate, and maintain the Katarungang Pambarangay, as provided in Title I, Chapter V hereof; and
- (c) Cultivate a culture of peace by conducting activities that promote dialogue, peaceful coexistence, and social cohesion.

### **VIII. On Education, Information, and Sports**

- (a) Establish, operate, and maintain a library or information and reading center in the barangay, including the responsibility to purchase and provide for the books, chairs, tables, and others implements needed for such: *Provided*, That when the barangay has sufficient funds, such library or reading and information center shall include computers and other information and communication technological devices and tools capable of internet and broadband connection, communication, and networking;
- (b) Conduct an annual school-based palarong barangay which shall feature traditional sports and disciplines included in national and international games, in coordination with the MBHTE and the Bangsamoro Sports Commission (BSC).

The barangay shall organize, promote, and encourage the participation of its inhabitants, especially of the youth, in sports contests, league competitions, and amateur sports tournaments within its jurisdiction to foster self-discipline, teamwork, camaraderie, and excellence for the development of a healthy and alert citizenry;

- (c) Initiate, whenever feasible, the establishment of a barangay high school in accordance with law and in coordination with the MBHTE. For this purpose, the barangay may raise the funds or solicit financial assistance; and
- (d) Whenever feasible, provide for the establishment of a non-formal education center in the barangay in coordination with the MBHTE.

### **IX. On Trade, Investments, and Industry**

- (a) Formulate and implement the barangay's local economic development plan as provided in Sections 118 and 149 of this Code; and
- (b) Issue barangay clearance for the purpose of obtaining a business permit.

### **X. On Tourism**

- (a) Establish and maintain a tourism database of the barangay and provide access to the municipality or city to be used for the crafting of municipal, city, provincial, and regional tourism policies, programs, and projects;
- (b) Assist accredited tour guides in the performance of their duties within the barangay;

- (c) Identify and propose potential tourist spots, historical, cultural, and natural assets with tourism potential, or enterprises within their locality; and
- (d) Preserve and maintain the tourism and recreation management infrastructure and facilities within their locality, in close coordination with the municipality or city.

## **XI. On Labor and Employment**

- (a) Establish a committee on public employment service who shall assist the city or municipal Public Employment Service Office (PESO) in the provision of labor and employment support functions and services and in the provision and dissemination of information;
- (b) Administer and maintain the registry of domestic workers or “*kasambahay*” in the barangay, pursuant to applicable national and regional laws, rules, and regulations;
- (c) Strengthen advocacy on the elimination of child labor in their barangay;
- (d) Establish an Overseas Bangsamoro Workers (OBWs) help desk to cater to the complaints of OBWs and refer the same to their city or municipality, the MOLE, or other concerned government agencies, whenever necessary;
- (e) Assist in the conduct of advocacy and campaigns against illegal recruitment and trafficking in persons; and
- (f) Establish and maintain a database and master list of OBWs residing in the barangay, classified according to occupation, job category, civil status, gender, country or state of destination including visa classification, name, home, email address, and contact number of the employer, which it shall share to the concerned city or municipality and the MOLE, subject to existing data privacy laws and issuances.

## **XII. On Transportation and Communications**

- (a) Maintain, covering only minor repairs and rehabilitation, and operate, barangay transportation facilities, such as, but not limited to:
  - 1. Stops and terminals for tricycles and pedal-powered sidecar mounted vehicles;
  - 2. Traffic signals and road signages, signposts, and awnings and awning posts on the streets/waiting shed; and
  - 3. Designated stands to be occupied by public vehicles when not in use.

The barangay may directly undertake the construction of the same if it has funds and subject to coordination with the municipality or city in order to avoid duplication of projects and services;

- (b) In accordance with the guidelines prescribed by the MOTC, regulate the operation of and grant franchises to pedal-powered sidecar-mounted bicycles (*traysikad*) within the territorial jurisdiction of the barangay;
- (c) Recommend policies and guidelines to the higher constituent local government units on matters relating to transportation and communications. The barangay shall hold regular consultations with the communities regarding the implementation of transportation and communications activities, policies, and regulations; and
- (d) Coordinate with the higher-level constituent local government units regarding the conduct of navigation in intra-barangay inland waterways or for the purpose of creating intra-barangay waterway routes.

### **XIII. On Cooperatives and Social Enterprises**

- (a) Encourage and support the promotion and development of cooperatives and social enterprises within the barangay through capacity building in close coordination with the municipality or city, and cooperate in the recognition, protection, and sustainability of cooperatives and social entrepreneurs as vehicles of poverty reduction, job creation, and socioeconomic development for the barangay;
- (b) Assist in the establishment, organization, and promotion of cooperatives and social enterprises in the barangay that will improve the economic condition and well-being of its residents; and
- (c) Solicit or accept monies, materials, and voluntary labor for specific cooperative enterprises of the barangay from residents, land owners, producers, and merchants in the barangay; monies from grants-in-aid; subsidies, contributions, and revenues made available to the barangays from national, Bangsamoro, provincial, city, or municipal funds, and other private agencies, individuals, and corporations as is made available by national, Bangsamoro, provincial, city, or municipal agencies established by law to render and such other financial, technical, and advisory assistance to barangays and to the barangay residents.

### **XIV. On Human Rights**

- (a) Develop local policies and legislation and enact appropriate ordinances that will address issues on human rights, rule of law, and access to justice within the barangay.

For this purpose, the Human Rights Committee shall be one of the standing committees of the sangguniang barangay, pursuant to Section 58 (b) (1) of Book I of this Code, which shall, among others:

1. Propose to and work for the passage of ordinances that will protect, promote, and fulfill human rights in the barangay, which includes the establishment of the Barangay Human Rights Action Center (HRAC) or human rights desk;
  2. Ensure the inclusion of human rights programs, projects, and activities in the annual budget appropriation ordinance of the barangay; and
  3. Coordinate with the municipality or city, the Bangsamoro Human Rights Commission (BHRC), and when applicable, the national Commission on Human Rights (CHR) and other agencies, non-government, and local and international human rights organizations, for support in developing human rights legislation and for trainings and capacity building, among others;
- (b) Establish the HRAC or the human rights desk for the barangay, which shall:
1. Receive complaints of human rights violations and refer the same to the nearest BHRC offices and other appropriate agencies, furnish the municipal or city HRAC copies of the same, and monitor the status of the actions thereof;
  2. Consolidate human rights reports from barangay-based institutions such as the lupong tagapamayapa, purok leaders, VAW desks, BCPC, and the non-government entities such as sectoral CSOs operating in the community; and
  3. Conduct human rights advocacy, information, and education activities; and
- (c) Submit periodic barangay human rights situationer reports to the municipal HRAC.

## **XV. On Culture and The Arts**

- (a) Assist the municipality or city in the conservation, development, promotion, and popularization of the local historical and cultural heritage properties.

For this purpose, the barangay shall, among others:

1. Facilitate and support the cultural mapping and other documentation, inventories, and data collection to be undertaken by the municipal or city culture and arts council, and cooperate and participate in the other undertakings thereof; and
2. Assist in the operation and maintenance, covering only minor repairs and rehabilitation, of cultural centers, museums, galleries, art and cultural performance exhibition venues, institutes of living tradition, and other similar facilities;

- (b) Assist in the collection, updating, and integration of statistical and other data in the barangay on the state and conditions of cultural, artistic, and heritage sites to serve as essential quantitative and qualitative basis for formulating cultural policies of the municipality or city, the province, and the Bangsamoro Government; and
- (c) Establish a master list of local artists, cultural workers, business support organizations, and associations of cultural and artistic workers within the barangay, which it shall transmit to the municipality or city for integration and coordination of programs, activities, and policies, subject to existing data privacy laws and issuances.

**SEC. 409. *Encourage and Promote Citizen Participation.*** – The barangay shall organize regular lectures, programs, or fora on community concerns and problems and convene assemblies to encourage citizen participation in government.

**SEC. 410. *Barangay Registry and Community Based Monitoring System.*** – There shall be, in every barangay, a barangay registry containing all the names of barangay residents and such other information as may be relevant to their needs such as on food security, health, livelihood, shelter, clothing, and the like subject to existing data privacy laws and issuances. The sangguniang barangay must enact an ordinance that would provide a mechanism or procedure for new entrant and for exclusions of departing residents to keep the barangay registry updated.

The barangay must establish a monitoring system at the community level through a barangay monitoring team with representatives from CSOs, the religious sector, and the academe that will monitor and report the conduct of government officials and/or status of government projects or facilities within their territorial jurisdiction. The barangay monitoring team may submit their report to higher local government unit and furnish a copy to the OCM through the MILG.

**SEC. 411. *Establishment of a Citizens' Charter.*** – Each barangay shall promote transparency in its transactions with the public and shall simplify their frontline service procedures and standards.

For this purpose, the barangay shall provide and establish a barangay citizens' charter containing specific frontline services of the barangay, detailed steps or procedures, as well as time allotted and accountable person for each task.

**SEC. 412. *Transparency in Financial Transactions.*** – Each barangay must, for every semester and at least two (2) weeks prior to the conduct of the barangay assembly, post the flow of its financial transactions outside of its barangay hall and in at least three (3) conspicuous public places in the barangay. A soft copy thereof shall likewise be posted in the website of the MILG and when available, in the official website or webpage of the barangay as well.

## CHAPTER III

### BARANGAY OFFICIALS AND OFFICES

#### ARTICLE I

#### BARANGAY OFFICIALS, IN GENERAL

**SEC. 413. *Officials and Offices of the Barangay.*** –

- (a) There shall be, in each barangay, a punong barangay, seven (7) sangguniang barangay members, the sangguniang kabataan chairperson, a barangay secretary, and a barangay treasurer.
- (b) There shall also be in every barangay a lupon tagapamayapa, CDC teachers, barangay health workers, purok leaders, and local farm technicians.

**SEC. 414. *Other Barangay Personnel.*** – The sangguniang barangay may form volunteer community brigades and engage purok leaders and local farm technicians.

A “*purok*” refers to a division within a barangay, consisting of at least twenty (20) households, which serves as a unit for delivering services and administration.

The barangay may provide for the organization of barangay tanods whose number shall be one for every 200 inhabitants but in no case more than thirty (30).

The barangay may further create such other positions or offices as may be deemed necessary to carry out the purposes of the barangay government in accordance with the needs of public services, subject to the budgetary limitations on personal services prescribed under Title V, Book II of this Code.

**SEC. 415. *Non-Reduction of Positions and Non-Diminution of Benefits.*** – Nothing herein shall be interpreted to affect the positions already existing nor diminish the benefits already provided by the individual barangay at the time of the enactment of this Code.

**SEC. 416. *Persons in Authority.*** – For purposes of the Revised Penal Code, the punong barangay, sangguniang barangay members, and members of the lupon tagapamayapa, in each barangay, shall be deemed as persons in authority in their jurisdictions, while other barangay officials and members who may be designated by law or ordinance, and charged with the maintenance of public order, protection and security of life and property, or the maintenance of a desirable and balanced environment, and any barangay member who comes to the aid of persons in authority, shall be deemed agents of persons in authority.



## ARTICLE II

### THE PUNONG BARANGAY

**SEC. 417. Powers, Duties, and Functions.** – The punong barangay, as the chief executive of the barangay government, shall exercise such powers and perform such duties and functions as provided by this Code and other laws.

For efficient, effective, and economical governance, and for the general welfare of the barangay and its inhabitants pursuant to Section 16 of Book I and Section 408 hereof, the punong barangay shall:

- (a) Enforce all laws and ordinances which are applicable within the barangay;
- (b) Negotiate, enter into, and sign contracts for and in behalf of the barangay, upon authorization of the sangguniang barangay;
- (c) Call and preside over the sessions of the sangguniang barangay and the barangay assembly, and vote only to break a tie;
- (d) Upon approval by a majority of all the members of the sangguniang barangay, appoint or replace the barangay treasurer, the barangay secretary, and other appointive barangay officials;
- (e) In coordination with the barangay development council, prepare the annual executive and supplemental budgets of the barangay;
- (f) Approve vouchers relating to the disbursement of barangay funds;
- (g) Administer the operation of the katarungang pambarangay in accordance with the provisions of this Code;
- (h) Exercise general supervision over the activities of the sangguniang kabataan;
- (i) Promote the general welfare of the barangay; and
- (j) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

## ARTICLE III

### THE SANGGUNIANG BARANGAY

**SEC. 418. Composition.** – The sangguniang barangay, the legislative body of the barangay, shall be composed of the punong barangay as the presiding officer, the seven (7) regular sangguniang barangay members elected at large, the sangguniang kabataan chairperson, and a mandatory IP and/or settler representative, where applicable, as members.

The mandatory representation of IPs in the sangguniang barangay shall be guaranteed when at least five percent (5%) of the population of the barangay, but not more than fifty percent (50%) of its local elective officials is composed of IPs, or when a native title recognized by the MIPA is situated within the barangay. The selection thereof shall be in accordance with the guidelines jointly issued by the MIPA and the MILG, which shall respect and uphold their respective indigenous customs, traditions, and norms.

The mandatory representation of settler communities in the barangay shall be guaranteed when at least five percent (5%) of the population of the barangay, but not more than fifty percent (50%) of its local elective officials is composed of settlers. The selection thereof shall be in accordance with the guidelines issued by the MILG.

**SEC. 419. Powers, Duties, and Functions.** – The sangguniang barangay, as the legislative body of the barangay, shall:

- (a) Enact ordinances as may be necessary to discharge the responsibilities conferred upon it by law or ordinance and to promote the general welfare of the inhabitants therein;
- (b) Enact tax and revenue ordinances, subject to the limitations imposed in this Code;
- (c) Enact annual and supplemental budgets in accordance with the provisions of this Code;
- (d) Submit to the sangguniang panlungsod or sangguniang bayan such suggestions or recommendations as it may see fit for the improvement of the barangay or for the welfare of the inhabitants thereof;
- (e) Solicit or accept monies, materials, and voluntary labor for specific public works and cooperative enterprises of the barangay from residents, land owners, producers, and merchants in the barangay; monies from grants-in-aid, subsidies, contributions, and revenues made available to the barangays from national, provincial, city or municipal funds; and monies from other private agencies and individuals: *Provided, however,* That monies or properties donated by private agencies and individuals for specific purposes shall accrue to the barangay as trust fund;
- (f) Solicit or accept, in any or all the foregoing public works and cooperative enterprises, such cooperation as is made available by national, provincial, city or municipal agencies established by law to render financial, technical, and advisory assistance to barangays and to barangay residents: *Provided, however,* That in soliciting or accepting such cooperation, the sangguniang barangay need not pledge any sum of money for expenditure in excess of amounts currently in the barangay treasury or encumbered for other purposes;
- (g) Provide compensation, reasonable allowances or per diems as well as travel expenses for sangguniang barangay members and other barangay officials, subject to the budgetary limitations prescribed under this Code: *Provided, however,* That no increase in the compensation or honoraria of the sangguniang barangay members shall take effect until after the expiration of the full term of all members of the sangguniang barangay approving such increase;

- (h) Hold fund-raising activities for barangay projects without the need of securing permits from any national or local office or agency. The proceeds from such activities shall be tax-exempt and shall accrue to the general fund of the barangay: *Provided*, That in the appropriation thereof, the specific purpose for which such fund-raising activity has been held shall be first satisfied: *Provided, further*, That no fund-raising activities shall be held within a period of sixty (60) days immediately preceding and after a national or local election, recall, referendum, or plebiscite: *Provided, finally*, That said fund-raising activities shall comply with national policy standards and regulations on morals, health, and safety of the persons participating therein. The sangguniang barangay, through the punong barangay, shall render a public accounting of the funds raised at the completion of the project for which the fund-raising activity was undertaken;
- (i) Authorize the punong barangay to enter into contracts in behalf of the barangay, subject to the provisions of this Code;
- (j) Authorize the barangay treasurer to make direct purchases in an amount not exceeding Five Thousand Pesos (Php 5,000.00) at any one time for the ordinary and essential administrative needs of the barangay;
- (k) Prescribe fines in amounts not exceeding Three Thousand Pesos (Php 3,000.00) for violation of barangay ordinances;
- (l) Provide for the administrative needs of the lupong tagapamayapa or the pangkat ng tagapagkasundo;
- (m) Adopt measures to prevent and control the proliferation of informal settlers and mendicants in the barangay; and
- (n) Exercise such other powers and perform such other duties and functions as may be prescribed by law, ordinance or higher authority.

**SEC. 420. *Other Duties of Sangguniang Barangay Members.*** – In addition to their duties, sangguniang barangay members may:

- (a) Assist the punong barangay in the discharge of his/her duties and functions;
- (b) Act as peace officers in the maintenance of public order and safety; and
- (c) Perform such other duties and functions as the punong barangay may delegate.

## ARTICLE IV

### APPOINTIVE BARANGAY OFFICIALS

#### **SEC. 421. *Barangay Secretary: Appointment, Qualifications, Powers, and Duties.* –**

- (a) The barangay secretary shall be appointed by the punong barangay with the concurrence of the majority of all the sangguniang barangay members. The appointment of the barangay secretary shall not be subject to attestation by the CSC.
- (b) The barangay secretary shall be of legal age, a qualified voter, and an actual resident of the barangay concerned.
- (c) No person shall be appointed barangay secretary if he/she is a sangguniang barangay member, a government employee, or a relative of the punong barangay within the fourth civil degree of consanguinity or affinity.
- (d) The barangay secretary shall:
  - 1. Keep custody of all records of the sangguniang barangay and the barangay assembly meetings;
  - 2. Prepare and keep the minutes of all meetings of the sangguniang barangay and the barangay assembly;
  - 3. Prepare a list of members of the barangay assembly and have the same posted in conspicuous places within the barangay;
  - 4. Assist in the preparation of all necessary forms for the conduct of barangay elections, initiatives, referenda or plebiscites, in coordination with the BEO of the COMELEC;
  - 5. Assist the municipal/city civil registrar in the registration of births, deaths, and marriages;
  - 6. Keep an updated barangay registry record of all inhabitants of the barangay containing the following items of information: name, address, place and date of birth, sex, civil status, citizenship, occupation, vulnerabilities, and such other items of information as may be prescribed by law or ordinance;
  - 7. Submit a report on the actual number of barangay residents as often as may be required by the sangguniang barangay; and
  - 8. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SEC. 422. *Barangay Treasurer: Appointment, Qualifications, Powers, and Duties.* –**

- (a) The barangay treasurer shall be appointed by the punong barangay with the concurrence of the majority of all the sangguniang barangay members. The appointment of the barangay treasurer shall not be subject to attestation by the CSC.
- (b) The barangay treasurer shall be of legal age, a qualified voter, and an actual resident of the barangay concerned.
- (c) No person shall be appointed barangay treasurer if he/she is a sangguniang barangay member, a government employee, or a relative of the punong barangay within the fourth civil degree of consanguinity or affinity.
- (d) The barangay treasurer shall be bonded in accordance with existing laws in an amount to be determined by the sangguniang barangay but not exceeding Ten Thousand Pesos (Php 10,000.00), premiums for which shall be paid by the barangay.
- (e) The barangay treasurer shall:
  - 1. Keep custody of barangay funds and properties;
  - 2. Collect and issue official receipts for taxes, fees, contributions, monies, materials, and all other resources accruing to the barangay treasury and deposit the same in the account of the barangay as provided under Title V, Book II of this Code;
  - 3. Disburse funds in accordance with the financial procedures provided in this Code;
  - 4. Submit to the punong barangay a statement covering the actual and estimates of income and expenditures for the preceding and ensuing calendar years, respectively, subject to the provisions of Title V, Book II of this Code;
  - 5. Render a written accounting report of all barangay funds and property under his/her custody at the end of each calendar year, and ensure that such report shall be made available to the members of the barangay assembly and other government agencies concerned, including the MFBM;
  - 6. Certify as to the availability of funds whenever necessary;
  - 7. Plan and attend to the rural postal circuit within his/her jurisdiction; and
  - 8. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SEC. 423. *Other Appointive Officials.* –** The qualifications, duties, and functions of all other barangay officials appointed by the punong barangay shall be governed by the provisions of this Code and other laws or by barangay ordinances.

**SEC. 424. *Benefits of Barangay Officials.*** – The following are the benefits of barangay officials:

- (a) The punong barangay shall receive a monthly honorarium of not less than Five Thousand Pesos (Php 5,000.00) but not more than the amount equivalent to the first step of salary grade fourteen (14) applicable to the income classification of the city or municipality to which the barangay belongs.

The amount of the honorarium shall be determined by the sangguniang barangay and shall be paid out of the barangay funds.

Upon determination by the MILG of the insufficiency of the barangay funds and the reasonableness of the amount of the honorarium, the same shall be subsidized and paid for by the Bangsamoro Government through the MILG. Such subsidy shall cease upon determination by the MILG that the barangay funds are already sufficient or at the end of the five-year period as provided in Section 584 of Book IV, whichever comes earlier.

For this purpose, the barangay treasurer shall regularly submit reports on the barangay's financial status to the MILG;

- (b) The members of the sangguniang barangay, the barangay secretary, the barangay treasurer, the sangguniang kabataan chairperson, and the mandatory IP/settler representative, if any, shall receive a monthly honorarium in an amount to be determined by the sangguniang barangay and shall be paid out of the barangay funds: *Provided*, That the monthly honorarium shall not be less than Three Thousand Pesos (Php 3,000.00) nor more than the amount equivalent to the first step of salary grade ten (10) applicable to the income classification of the city or municipality to which the barangay belongs;
- (c) Barangay tanods and purok leaders shall receive a monthly honorarium to be determined by the sangguniang barangay and shall be paid out of the barangay funds which in no case shall be less than One Thousand Pesos (Php 1,000.00);
- (d) Each member of the lupong tagapamayapa shall receive an honorarium for every proceeding he/she attends as a member of a pangkat tagapagkasundo. The amount of the honorarium shall be determined by the sangguniang barangay and shall be paid out of the barangay funds but in no case shall the aggregate monthly amount exceed the amount of Two Thousand Pesos (Php 2,000.00);
- (e) CDC teachers, barangay health workers, barangay nutrition scholars, and local farm technicians shall receive a monthly honorarium to be determined by the sangguniang barangay and shall be paid out of the barangay funds which in no case shall be less than One Thousand Pesos (Php 1,000.00). This is without prejudice to any augmentation that the Bangsamoro Government may provide;
- (f) The punong barangay, the sangguniang barangay members, the barangay secretary, and the barangay treasurer shall be entitled, during their incumbency, to insurance coverage. The payment of the annual premium shall be charged to the barangay funds: *Provided*,

That the total amount of the premium payments shall not exceed one percent (1%) of the barangay appropriations;

- (g) The officials mentioned in the preceding paragraph shall be entitled to free medical care as provided in R.A. No. 11223, otherwise known as the “*Universal Health Care Act*”, and other relevant national or regional laws;
- (h) The officials mentioned in the preceding paragraph shall be exempted from paying tuition and matriculation fees for their dependent children attending public or state colleges or universities as provided in R.A. No. 10931, otherwise known as the “*Universal Access to Quality Tertiary Education Act*”, and other relevant national or regional laws;
- (i) The officials referred to in the preceding paragraph shall be entitled to appropriate civil service eligibility on the basis of the number of years of service to the barangay, pursuant to the rules and regulations issued by the CSC;
- (j) Elective barangay officials shall have preference in appointments to any government position or in any GOCCs, including their subsidiaries, after their tenure of office, subject to the requisite qualifications and the provisions of the immediately preceding paragraph; and
- (k) All duly appointed purok leaders and members of the barangay tanod brigades or their equivalent shall be granted insurance or other benefits during their incumbency, chargeable to the barangay or the city or municipal government to which the barangay belongs.

## **CHAPTER IV**

### **BARANGAY ASSEMBLY**

#### **SEC. 425. *Composition; Meetings.*** –

- (a) There shall be a barangay assembly composed of all persons who are actual residents of the barangay for at least six (6) months, fifteen (15) years of age or over, citizens of the Philippines and duly registered in the list of barangay assembly members.
- (b) The barangay assembly shall meet at least twice a year to hear and discuss the semestral report of the sangguniang barangay concerning its activities and finances as well as problems affecting the barangay including revenue collection like real property tax. Its meetings shall be held upon the call of the punong barangay or of at least four (4) members of the sangguniang barangay, or upon written petition of at least five percent (5%) of the assembly members.
- (c) No meeting of the barangay assembly shall take place unless a written notice is given one (1) week prior to the meeting except on matters involving public safety or security, in which case notice within a reasonable time shall be sufficient. The punong barangay, or in his/her absence, the sangguniang barangay member acting as punong barangay, or any assembly member selected during the meeting, shall act as presiding officer in all the

meetings of the assembly. The barangay secretary, or in his/her absence, any member designated by the presiding officer to act as secretary, shall discharge the duties of the secretary of the barangay assembly.

**SEC. 426. Powers of the Barangay Assembly.** – The barangay assembly shall:

- (a) Initiate legislative processes by recommending to the sangguniang barangay the adoption of measures for the welfare of the barangay and the city or municipality concerned;
- (b) Decide on the adoption of initiative as a legal process whereby the registered voters of the barangay may directly propose, enact, or amend any ordinance; and
- (c) Hear and pass upon the semestral report of the sangguniang barangay concerning its activities and finances.

## **CHAPTER V**

### **KATARUNGANG PAMBARANGAY**

**SEC. 427. Lupong Tagapamayapa.** –

- (a) There is hereby created in each barangay a lupong tagapamayapa, hereinafter referred to as the lupon, composed of the punong barangay as chairperson and ten (10) to twenty (20) members of the community without prejudice to the participation of religious/traditional leaders, settlers, NMIPs, women, persons with disability (PWDs), youth, and solo parents. The lupon shall be constituted every three (3) years in the manner provided herein.
- (b) Any person actually residing or working in the barangay, not otherwise expressly disqualified by law, and possessing integrity, impartiality, independence of mind, sense of fairness, and reputation for probity, may be appointed a member of the lupon.
- (c) A notice to constitute the lupon, which shall include the names of proposed members who have expressed their willingness to serve, shall be prepared by the punong barangay within the first fifteen (15) days from the start of his/her term of office. Such notice shall be posted in three (3) conspicuous places in the barangay continuously for a period of not less than three (3) weeks.
- (d) The punong barangay, taking into consideration any opposition to the proposed appointment or any recommendations for appointments as may have been made within the period of posting, shall within ten (10) days thereafter, appoint as members those whom he/she determines to be suitable therefor. Appointments shall be in writing, signed by the punong barangay, and attested to by the barangay secretary.
- (e) The list of appointed members shall be posted in three (3) conspicuous places in the barangay for the entire duration of their term of office.
- (f) In barangays where majority of the inhabitants are members of indigenous cultural communities, traditional systems of settling disputes such as commonly accepted justice



systems, conflict resolution institutions, peace building processes or mechanisms, and other customary laws and practices shall be recognized without prejudice to the applicable provisions of this Code.

Where the subject matter of the dispute brought before the traditional system is covered by the subject matter jurisdiction of the katarungang pambarangay as provided in Section 434 of this Code, the proceedings therein shall take the place of the katarungang pambarangay process.

When the traditional dispute resolution proceedings result in a settlement or an award, the parties shall secure the confirmation for execution from the lupong tagapamayapa as provided in Section 444 of this Code; otherwise, the parties shall secure the certification for the filing of a complaint in court from the lupong tagapamayapa as provided in Section 439 of this Code.

**SEC. 428. *Oath or Affirmation and Term of Office.*** – Upon appointment, each lupon member shall take an oath or affirmation of office before the punong barangay.

Members of the lupon who are affiliated with a religion may take their oath before their holy books.

He/She shall hold office until a new lupon is constituted on the third year following his/her appointment unless sooner terminated by resignation, transfer of residence or place of work, or withdrawal of appointment by the punong barangay with the concurrence of the majority of all the members of the lupon.

**SEC. 429. *Vacancies.*** – Should a vacancy occur in the lupon for any cause, the punong barangay shall immediately appoint a qualified person who shall hold office only for the unexpired portion of the term.

**SEC. 430. *Functions of the Lupon.*** – The lupon shall:

- (a) Exercise administrative supervision over the conciliation panels provided herein;
- (b) Meet regularly once a month to provide a forum for exchange of ideas among its members and the public on matters relevant to the amicable settlement of disputes, and to enable various pangkat ng tagapagkasundo members to share with one another their observations and experiences in effecting speedy resolution of disputes; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SEC. 431. *Clerk of the Lupon.*** – The barangay secretary shall concurrently serve as the clerk of the lupon: *Provided, however,* That the punong barangay may appoint a clerk distinct from the barangay secretary, subject to the availability of funds of the barangay.

The clerk of the lupon shall record the results of mediation proceedings before the punong barangay and shall submit a report thereon to the proper city or municipal courts. He/She shall also receive and keep the records of proceedings submitted to him/her by the various pangkat ng tagapagkasundo.

**SEC. 432. *Pangkat ng Tagapagkasundo.*** –

- (a) There shall be constituted for each dispute brought before the lupon a conciliation panel to be known as the pangkat ng tagapagkasundo, hereinafter referred to as the pangkat, consisting of three (3) members who shall be chosen by the parties to the dispute from the list of members of the lupon. Should the parties fail to agree on the pangkat membership, the same shall be determined by lots drawn by the lupon chairperson.
- (b) The three (3) members constituting the pangkat shall elect from among themselves the chairperson and the clerk of the lupon. The clerk of the lupon shall prepare the minutes of the pangkat proceedings and submit a copy duly attested to by the chairperson to the clerk of the lupon and to the proper city or municipal court. He/She shall issue and cause to be served notices to the parties concerned.

The clerk of the lupon shall issue certified true copies of any public record in his/her custody that is not by law otherwise declared confidential.

**SEC. 433. *Vacancies in the Pangkat.*** – Any vacancy in the pangkat shall be chosen by the parties to the dispute from among the other lupon members. Should the parties fail to agree on a common choice, the vacancy shall be filled by lot to be drawn by the lupon chairperson.

**SEC. 434. *Character of Office and Service of Lupon and Pangkat Members.*** – The lupon members, while in the performance of their official duties or on the occasion thereof, shall be deemed as persons in authority, as defined in the Revised Penal Code.

While in the performance of their duties, the lupon or pangkat members, whether in public or private employment, shall be deemed to be on official time, and shall not suffer from any diminution in compensation or allowance from said employment.

**SEC. 435. *Legal Advice on Matters Involving Questions of Law.*** – The provincial, city legal officer or prosecutor or the municipal legal officer, and the *Shari'ah* public assistance officers shall render legal advice on matters involving questions of law to the punong barangay or any lupon or pangkat member whenever necessary in the exercise of his/her functions in the administration of the katarungang pambarangay.

**SEC. 436. *Subject Matter for Amicable Settlement; Exceptions Thereto.*** – The lupon of each barangay shall have authority to bring together the conflicting parties residing in the same city or municipality for amicable settlement of all disputes except:

- (a) Where one is the government or any subdivision or instrumentality thereof;

- (b) Where one party is a public officer or employee and the dispute relates to the performance of his/her official functions;
- (c) Offenses punishable by imprisonment exceeding one (1) year or a fine exceeding Five Thousand Pesos (Php 5,000.00);
- (d) Offenses where there is no private offended party;
- (e) Where the dispute involves real properties located in different cities or municipalities unless the parties thereto agree to submit their differences to amicable settlement by an appropriate lupon;
- (f) Those involving parties who actually reside in barangays of different cities or municipalities, except where such barangay units adjoin each other and the parties thereto agree to submit their differences to amicable settlement by an appropriate lupon;
- (g) When the complaint is by or against corporations, partnerships, or juridical entities;
- (h) Where the disputes arise from the R.A. No. 6657, otherwise known as the “*Comprehensive Agrarian Reform Law of 1988*;”
- (i) Labor disputes or controversies arising from employer-employee relations;
- (j) Actions to annul judgment upon a compromise;
- (k) Acts constituting the crime of Violence Against Women and their Children (VAWC) and other prohibited matters when related to a case of VAWC, such as support, custody, visitation, property relations, guardianship of minor children, and an application for a protection order;
- (l) Those involving the civil status of persons, the validity of a marriage, declaration of nullity or annulment of a marriage or of a legal separation, or any ground for declaration of nullity or annulment of a marriage or of legal separation;
- (m) Those involving future support;
- (n) Those relating to the jurisdiction of courts;
- (o) Those involving future legitime; and
- (p) Such other classes of disputes which the Parliament may determine in the interest of justice or upon the recommendation of the Secretary of Justice.

The court in which non-criminal cases not falling within the authority of the lupon under this Code are filed may, at any time before trial, *motu proprio* refer the case to the lupon concerned for amicable settlement.

**SEC. 437. *Prohibition on Collection of Money or its Equivalent.*** – No money or its equivalent shall be collected from the complainant or respondent in availing the services of the lupon and/or barangay officials, except on minimal amount during the filing of the complaint as a form of a filing fee as provided by a barangay ordinance.

Any barangay official or lupon member found to have collected any amount in violation of the preceding paragraph shall suffer the penalty of reprimand, suspension, or removal from office after the observance of due process.

**SEC. 438. *Venue.*** –

- (a) Disputes between persons actually residing in the same barangay shall be brought for amicable settlement before the lupon of said barangay.
- (b) Those involving actual residents of different barangays within the same city or municipality shall be brought in the barangay where the respondent or any of the respondents actually resides at the election of the complainant.
- (c) All disputes involving real property, or any interest therein shall be brought in the barangay where the real property or the larger portion thereof is situated.
- (d) Those arising at the workplace where the contending parties are employed or at the institution where such parties are enrolled for study, shall be brought in the barangay where such workplace or institution is located.

Objections to the venue shall be raised in the mediation proceedings before the punong barangay; otherwise, the same shall be deemed waived. Any legal question which may confront the punong barangay in resolving objections to venue herein referred to may be submitted to the Secretary of Justice, or his/her duly designated representative, whose ruling thereon shall be binding.

**SEC. 439. *Procedure for Amicable Settlement.*** –

- (a) Who may initiate proceedings. – Upon payment of the appropriate filing fee, any individual who has a cause of action against another individual involving any matter within the authority of the lupon may complain orally or in writing, to the lupon chairperson of the barangay.
- (b) Mediation by the lupon chairperson. – Upon receipt of the complaint, the lupon chairperson shall within the next working day summon the respondent(s), with notice to the complainant(s) for them and their witnesses to appear before him/her for a mediation of their conflicting interests. If he/she fails in his/her mediation effort within fifteen (15) days from the first meeting of the parties before him/her, he/she shall forthwith set a date for the constitution of the pangkat in accordance with the provisions of this Chapter.
- (c) Suspension of prescriptive period of offenses. –The prescriptive periods for offenses and cause of action under existing laws shall be interrupted upon the filing of the complaint

with the punong barangay. The running of the prescriptive periods shall resume upon receipt by the complainant of the certificate of repudiation or of the certification to file action issued by the lupon or pangkat secretary: *Provided, however*, That such interruption shall not exceed sixty (60) days from the filing of the complaint with the punong barangay.

- (d) Issuance of summons; hearing; grounds for disqualification. – The pangkat shall convene not later than three (3) days from its constitution, on the day and hour set by the lupon chairperson, to hear both parties and their witnesses, simplify issues, and explore all possibilities for amicable settlement. For this purpose, the pangkat may issue summons for the personal appearance of parties and witnesses before it. In the event that a party moves to disqualify any member of the pangkat by reason of relationship, bias, interest, or any other similar grounds discovered after the constitution of the pangkat, the matter shall be resolved by the affirmative vote of the majority of the pangkat whose decision shall be final. Should disqualification be decided upon, the resulting vacancy shall be filled as herein provided for.
- (e) Period to arrive at a settlement. – The pangkat shall arrive at a settlement or resolution of the dispute within fifteen (15) days from the day it convenes in accordance with this Section. This period shall, at the discretion of the pangkat, be extendible for another period which shall not exceed fifteen (15) days, except in clearly meritorious cases.

**SEC. 440. Form of Settlement.** – All amicable settlements shall be in writing, in a language or dialect known to the parties, signed by them, and attested to by the lupon chairperson or the pangkat, as the case may be. When the parties to the dispute do not use the same language or dialect, the settlement shall be written in the language or dialect known to them.

**SEC. 441. Conciliation.** –

- (a) Pre-condition to filing of complaint in court. – No complaint, petition, action, or proceeding involving any matter within the authority of the lupon shall be filed or instituted directly in court or any other government office for adjudication, unless there has been a confrontation between the parties before the lupon chairperson or the pangkat, and that no conciliation or settlement has been reached as certified by the lupon secretary or pangkat secretary as attested to by the lupon or pangkat chairperson or unless the settlement has been repudiated by the parties thereto.
- (b) Where parties may go directly to court. – The parties may go directly to court in the following instances:
  1. Where the accused is under detention;
  2. Where a person has otherwise been deprived of personal liberty calling for *habeas corpus* proceedings;
  3. Where actions are coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property, and support *pendente lite*; and
  4. Where the action may otherwise be barred by the statute of limitations.

- (c) Conciliation among members of indigenous cultural communities. – The customs and traditions of indigenous cultural communities shall be applied in settling disputes between members of the cultural communities.

**SEC. 442. Arbitration.** –

- (a) The parties may, at any stage of the proceedings, agree in writing that they shall abide by the arbitration award of the lupon chairperson or the pangkat. Such agreement to arbitrate may be repudiated within five (5) days from the date thereof for the same grounds and in accordance with the procedure hereinafter prescribed. The arbitration award shall be made after the lapse of the period for repudiation and within ten (10) days thereafter.
- (b) The arbitration award shall be in writing in a language or dialect known to the parties. When the parties to the dispute do not use the same language or dialect, the award shall be written in the language or dialect known to them.

**SEC. 443. Proceedings Open to the Public; Exception.** – All proceedings for settlement shall be public and informal: *Provided, however,* That the lupon chairperson or the pangkat chairperson, as the case may be, may *motu proprio* or upon request of a party, exclude the public from the proceedings in the interest of privacy, decency, or public morals.

**SEC. 444. Appearance of Parties in Person.** – In all katarungang pambarangay proceedings, the parties must appear in person without the assistance of counsel or representative, except for minors and incompetents who may be assisted by their next of kin who are not lawyers.

**SEC. 445. Effect of Amicable Settlement and Arbitration Award.** – The amicable settlement and arbitration award shall have the force and effect of a final judgment of a court upon the expiration of ten (10) days from the date thereof, unless repudiation of the settlement has been made or a petition to nullify the award has been filed before the proper city or municipal court.

However, this provision shall not apply to court cases settled by the lupon under the last paragraph of Section 434 of this Code, in which case the compromise settlement agreed upon by the parties before the lupon or pangkat chairperson shall be submitted to the court and upon approval thereof, have the force and effect of a judgment of said court.

**SEC. 446. Execution.** – The amicable settlement or arbitration award may be enforced by execution by the lupon within six (6) months from the date of the settlement. After the lapse of such time, the settlement may be enforced by action in the appropriate city or municipal court.

**SEC. 447. Repudiation.** – Any party to the dispute may, within ten (10) days from the date of the settlement, repudiate the same by filing with the lupon chairperson a statement to that effect sworn to before him/her, where the consent is vitiated by fraud, violence, or intimidation. Such repudiation shall be sufficient basis for the issuance of the certification for filing a complaint as hereinabove provided.

**SEC. 448. *Transmittal of Settlement and Arbitration Award to the Court.*** – The clerk of the lupong shall transmit the settlement or the arbitration award to the appropriate city or municipal court within five (5) days from the date of the award or from the lapse of the ten-day period repudiating the settlement and shall furnish copies thereof to each of the parties to the settlement and the lupong chairperson.

**SEC. 449. *Power to Administer Oaths.*** – The punong barangay, as chairperson of the lupong tagapamayapa, and the members of the pangkat are hereby authorized to administer oaths in connection with any matter relating to all proceedings in the implementation of the katarungang pambarangay.

**SEC. 450. *Administration; Rules and Regulations.*** – The city or municipal mayor, as the case may be, shall see to it the efficient and effective implementation and administration of the katarungang pambarangay. The MILG shall promulgate the rules and regulations necessary to implement this Chapter.

**SEC. 451. *Appropriations.*** – Such amount as may be necessary for the effective implementation of the katarungang pambarangay shall be provided for in the annual budget of the city or municipality concerned.

## CHAPTER VI

### THE SANGGUNIANG KABATAAN

**SEC. 452. *Creation and Election.*** – There shall be, in every barangay, a sangguniang kabataan to be composed of a chairperson and seven (7) members who shall be elected by the registered voters of the katipunan ng kabataan.

The sangguniang kabataan chairperson shall, with the concurrence of the majority of the sangguniang kabataan members, appoint from among the members of the katipunan ng kabataan, a secretary and a treasurer.

**SEC. 453. *Katipunan ng Kabataan.*** – The katipunan ng kabataan shall be composed of all citizens of the Philippines actually residing in the barangay for at least six (6) months, fifteen (15) but not more than thirty (30) years of age, and duly registered in the list of the BEO of the COMELEC or in the official barangay list in the custody of the barangay secretary.

**SEC. 454. *Powers and Functions of the Katipunan ng Kabataan.*** – The katipunan ng kabataan shall:

- (a) Elect the sangguniang kabataan chairperson and members in accordance with relevant national and regional laws on sangguniang kabataan elections; and
- (b) Serve as the highest policy making body to decide on matters affecting the youth in the barangay. As such, the sangguniang kabataan shall consult and secure the concurrence of the katipunan ng kabataan in the formulation of all its programs, plans, and activities.

**SEC. 455. Meetings of the Katipunan ng Kabataan.** – The katipunan ng kabataan shall meet at least once in every six (6) months, or at the call of the chairperson of the sangguniang kabataan or upon written petition of at least one-twentieth (1/20) of its members to decide on important issues affecting the youth of the barangay.

**SEC. 456. Sangguniang Kabataan Funds.** – The sangguniang kabataan funds shall be governed by the following provisions:

- (a) The source of funds shall be:
  1. As provided in Section 350 of Book II of this Code; and
  2. Other funds of the sangguniang kabataan derived from whatever source;
- (b) The sangguniang kabataan shall have financial independence in its operations, disbursements, and encashment of their funds, income, and expenditures. For this purpose, the sangguniang kabataan funds shall be deposited in the name of the sangguniang kabataan of the concerned barangay in a government-owned bank situated in or nearest to its area of jurisdiction with the sangguniang kabataan chairperson and the sangguniang kabataan treasurer as the official signatories;
- (c) All sangguniang kabataan funds shall be allocated in an annual budget and in a supplemental budget if the funds allow in accordance with the adopted annual barangay investment program and the Comprehensive Barangay Youth Development Plan (CBYDP) which shall give priority to programs, projects, and activities that will promote and attain the thrusts of the national and Bangsamoro youth development plans;
- (d) The sangguniang bayan or sangguniang panlungsod shall, within forty-five (45) days upon receipt hereof, review the annual budget and supplemental budget of the sangguniang kabataan on their compliance in the immediately preceding paragraph and other existing laws, rules, and regulations.

Non-compliance shall render said budgets inoperative either in whole or in part. Failure on the part of the sanggunian to complete the review within the prescribed period shall render the said annual budget deemed approved;

- (e) The sangguniang kabataan may set aside an amount to complement the training fund provided in Section 469 for trainings other than the mandatory and continuing training of the sangguniang kabataan.

The total amount appropriated for the training shall not be more than fifteen percent (15%) of the sangguniang kabataan fund.

The sangguniang kabataan may also consult non-governmental organizations and CSOs accredited by the Bangsamoro Youth Commission (BYC) in the development of mandatory programs and training for its officials; and



- (f) All sangguniang kabataan funds derived from any source shall be stated in its financial records which shall be kept by the sangguniang kabataan treasurer, copy furnished the sangguniang barangay, in a simplified manner as may be prescribed by the COA. All sangguniang kabataan funds shall be subject to all existing accounting and auditing laws, rules, and regulations.

**SEC. 457. Powers and Functions of the Sangguniang Kabataan.** – The Sangguniang Kabataan shall:

- (a) In consultation and with the concurrence of the katipunan ng kabataan, and within three (3) months from assumption to office, formulate a three (3) - year rolling plan, which shall be known as the CBYDP, which shall serve as basis in the preparation of the annual barangay youth investment program. This plan shall be aligned with the Philippine Youth Development Plan (PYDP), Bangsamoro Youth Development Plan (BYDP), and other local youth development plans in every level – municipal, city, and provincial – as is relevant;
- (b) Approve the annual budget which is the annual slice of the annual barangay youth investment program before the start of the succeeding fiscal year and if the sangguniang kabataan funds allow, a supplemental budget. Any changes in the annual budget shall be in accordance with existing applicable budget rules and procedures;
- (c) Promulgate resolutions necessary to carry out the objectives of the youth in the barangay in accordance with the CBYDP and the applicable provisions of this Code;
- (d) Initiate and implement, in coordination with any national and Bangsamoro Government ministries, offices, or agencies and/or any private or non-government institutions, programs and projects designed to promote general welfare, development, and empowerment of the youth;
- (e) Hold fund-raising activities which are in line with the CBYDP, the proceeds of which shall be tax-exempt and shall accrue to the general fund of the sangguniang kabataan: *Provided, however,* That in the appropriation thereof, the specific purpose for which such activity has been held shall be first satisfied: *Provided, further,* That any appropriation thereof shall be in accordance with existing applicable budget, accounting, and auditing rules and regulations;
- (f) Create such bodies or committees whose chairpersons and members shall come from among the members of the sangguniang kabataan or from among the members of the katipunan ng kabataan and as far as practicable, to include at least one (1) representative from youth organizations as it may deem necessary, to effectively carry out its programs and activities;
- (g) Submit annual and end-of-term program accomplishments and financial reports and youth organization initiatives to the sangguniang barangay and present the same during the katipunan ng kabataan assembly, copy furnished the office of the local government operations officer and Local Youth Development Council (LYDC), all in accordance with

the prescribed form by the MILG and the BYC on their projects and activities for the survival and development of the youth in the barangay.

The youth organization concerned shall be furnished a copy of the official report submitted to the sangguniang barangay;

- (h) Partner with the LYDC in planning and executing projects and programs of specific advocacies like good governance, climate change adaptation, disaster risk reduction and resiliency, youth employment and livelihood, health and anti-drug abuse, gender sensitivity, and sports development;
- (i) Adopt and implement a policy on full public disclosure of all its transactions and documents involving public interest;
- (j) Consult and coordinate with all youth organizations in the barangay for policy formulation and program implementation;
- (k) Coordinate with the appropriate national agency for the implementation of youth development projects and programs at the national level;
- (l) Within sixty (60) days from their assumption to office, the sangguniang kabataan shall:
  - 1. Formulate and approve its internal rules and procedure;
  - 2. Appoint its secretary and treasurer; and
  - 3. Set the schedule of regular sangguniang kabataan meetings and katipunan ng kabataan assemblies;
- (m) Deliver mandatory State of the Barangay Youth Address (SOBYA) by the sangguniang kabataan chairperson during the celebration of linggo ng kabataan at any government facility. The sangguniang kabataan chairperson may address questions after the SOBYA; and
- (n) Exercise such other powers and perform such other duties and functions as the sangguniang barangay may determine or delegate or as may be prescribed by law or ordinance.

**SEC. 458. Meetings of the Sangguniang Kabataan.** – The sangguniang kabataan shall meet regularly once a month on the date, time, and place to be fixed by the said sanggunian. Special meetings may be called by the sangguniang kabataan chairperson or any three (3) of its members by giving written notice to all members of the date, time, place, and agenda of the meeting at least one (1) day in advance. Notices of regular or special meetings shall be furnished to the punong barangay and the sangguniang barangay.

A majority of the sangguniang kabataan members including the sangguniang kabataan chairperson shall constitute a quorum.

**SEC. 459. Qualifications.** – The sangguniang kabataan chairperson and members shall have the following qualifications:

- (a) A citizen of the Philippines;
- (b) A qualified voter of the katipunan ng kabataan;
- (c) A resident of the barangay for not less than one (1) year immediately preceding the day of the elections;
- (d) At least eighteen (18) years but not more than twenty-four (24) years of age on the day of the elections;
- (e) Able to read and write in Filipino, English, the local language, or Arabic;
- (f) Must not be related within the second civil degree of consanguinity or affinity to any incumbent elected national official or to any incumbent elected regional, provincial, city, municipal or barangay official in the locality where the aspirant seeks to be elected; and
- (g) Must not have been convicted by final judgment of any crime involving moral turpitude.

**SEC. 460. Term of Office.** –

- (a) The sangguniang kabataan chairperson and members shall hold office for a period of three (3) years unless sooner removed for cause as provided by law, permanently incapacitated, die or resigned from office.
- (b) The sangguniang kabataan secretary and treasurer shall be coterminous with the appointing authority unless sooner removed for a cause, found to have failed from the discharge of his/her duties, or has committed abuse of authority as stipulated in existing laws pertaining to the conduct of public officials through a majority vote of all the members of the katipunan ng kabataan in a regular or special assembly called for the purpose.
- (c) A sangguniang kabataan official who, during his/her term of office, shall have passed the age of twenty-four (24) years shall be allowed to serve the remaining portion of the term for which he/she was elected.

**SEC. 461. Sangguniang Kabataan Chairperson.** – The registered voters of the katipunan ng kabataan shall elect the chairperson of the sangguniang kabataan who shall automatically serve as an *ex officio* member of the sangguniang barangay upon his/her assumption to office. As such, he/she shall exercise the same powers, discharge the same duties and functions, and enjoy the same privileges as the regular sangguniang barangay members, and shall be the chairperson of the committee on youth and sports development in the said sanggunian.

**SEC. 462. Powers and Duties of the Sangguniang Kabataan Chairperson.** – In addition to the duties which may be assigned to him/her by the sangguniang barangay, the sangguniang kabataan chairperson shall:

- (a) Call and preside over all meetings of the katipunan ng kabataan and the sangguniang kabataan except when one of the agenda to be discussed in such assembly involves the disciplinary action against the sangguniang kabataan chairperson, in which case, the highest ranking sangguniang kabataan member shall preside;
- (b) Implement policies, programs, and projects within his/her jurisdiction in coordination with the sangguniang barangay;
- (c) Exercise general supervision over the affairs and activities of the sangguniang kabataan, the official conduct of its members, and such other officers of the sangguniang kabataan within his/her jurisdiction;
- (d) With the concurrence of the sangguniang kabataan, appoint from among the members of the sangguniang kabataan the secretary and treasurer, and such other officers as may be deemed necessary;
- (e) Submit a sangguniang kabataan three (3)-year comprehensive development plan to concerned authorities and offices;
- (f) Serve as a co-signatory, together with the sangguniang kabataan treasurer, in all withdrawals of the sangguniang kabataan funds;
- (g) Take the lead in the formulation of the CBYDP and in the preparation and implementation of the annual barangay youth investment program;
- (h) Ensure the implementation of policies, programs, and projects as contained in the annual barangay youth investment programs, in coordination with the sangguniang barangay. For the implementation of policies, programs, and projects in the local youth development plan from the municipal or city youth development council, coordination shall be made with the latter; and
- (i) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SEC. 463. Sangguniang Kabataan Secretary.** – The sangguniang kabataan secretary shall:

- (a) Keep all records of the katipunan ng kabataan and sangguniang kabataan, including the list of its qualified members, youth policies, studies, research, and registry of youth and youth-serving organizations in the barangay, if any;
- (b) Prepare and keep the minutes of all meetings of the katipunan ng kabataan and sangguniang kabataan;

- (c) Prepare all forms necessary for the conduct of registrations, elections, initiatives, referenda, or plebiscites in coordination with the barangay secretary and the COMELEC;
- (d) Cause the posting in the barangay bulletin board and in at least three (3) conspicuous places within the jurisdiction of the barangay and if possible, to include the use of traditional and non-traditional media, and make available to any person with legal purpose, all resolutions approved by the sangguniang kabataan, the annual and end-of-term reports of the programs and projects implemented by the sangguniang kabataan, the CBYDP, and annual barangay youth investment program, and ensure the dissemination of the same to concerned offices, institutions and individuals; and
- (e) Perform such other duties and discharge such other functions as the chairperson of the sangguniang kabataan may prescribe or direct.

**SEC. 464. *Sangguniang Kabataan Treasurer.*** – The sangguniang kabataan treasurer shall:

- (a) Take custody of all sangguniang kabataan property and funds;
- (b) Collect and receive contributions, monies, materials, and all other resources intended for the sangguniang kabataan and katipunan ng kabataan;
- (c) Serve as a co-signatory to the sangguniang kabataan chairperson in all withdrawals from the sangguniang kabataan funds, and disburse funds in accordance with an approved budget of the sangguniang kabataan;
- (d) Certify as to the availability of funds whenever necessary;
- (e) Submit to the sangguniang kabataan and to the sangguniang barangay certified and detailed statements of actual income and expenditures at the end of every semester and cause the posting of the same in the barangay bulletin board and in at least three (3) conspicuous places within the jurisdiction of the barangay and if possible, including the use of traditional and nontraditional media;
- (f) Render a report during the regular katipunan ng kabataan assembly on the financial status of the sangguniang kabataan; and
- (g) Perform such other duties and discharge such other functions as the chairperson of the sangguniang kabataan may direct.

**SEC. 465. *Privileges of Sangguniang Kabataan Officials.*** – All sangguniang kabataan officials in good standing, whether elected or appointed, shall, during their incumbency:

- (a) Be exempted from paying tuition and matriculation fees while attending public/state colleges or universities as provided in the “*Universal Access to Quality Tertiary Education Act*” and other relevant national or regional laws;
- (b) Be exempted from taking the National Service Training Program-Civic Welfare Training Service (NSTP-CWTS) subjects;

- (c) Be excused from attending their regular classes, if they are currently enrolled in any school, while attending regular or special sangguniang kabataan meetings, and the sangguniang barangay sessions, in case of the sangguniang kabataan chairperson. A certification of attendance shall be issued by the sangguniang kabataan secretary, attested by the sangguniang kabataan chairperson and duly noted by the punong barangay and shall be submitted to the concerned faculty member and the dean of the educational institution as proof of attendance. In the case of the sangguniang kabataan secretary, the sangguniang kabataan chairperson shall issue the certification duly noted by the punong barangay. In the case of the sangguniang kabataan chairperson, the barangay secretary shall issue the certification of attendance duly noted by the punong barangay. Any person who shall falsely certify as to the attendance of any sangguniang kabataan official shall be criminally and administratively liable;
- (d) Be provided by the national government with Philippine Health Insurance (PhilHealth) coverage;
- (e) Receive a monthly honorarium, chargeable against the sangguniang kabataan funds, in addition to any other compensation provided in R.A. No. 11768, amending certain Sections of R.A. No. 10742, otherwise known as the “*Sangguniang Kabatan Reform Act of 2015*” which shall be granted at the end of every regular monthly sangguniang kabataan meeting: *Provided, That the monthly honorarium shall not exceed the monthly compensation received by their sangguniang kabataan chairperson: Provided, further, That not more than twenty-five percent (25%) of the sangguniang kabataan funds shall be allocated for the said honorarium and other personal services. The MFBM, MILG, and BYC shall issue the necessary joint guidelines implementing this provision.*

The higher constituent local government units and the Bangsamoro Government may provide additional honorarium as well as social welfare contributions and hazard pay to the sangguniang kabataan chairperson and the elected and appointed members through their own local ordinances or law, as the case may be: *Provided, That the honorarium as stated in this Section shall be subject to the post-audit jurisdiction of the COA;*

- (f) Be entitled to receive actual traveling reimbursements as may be authorized by law and subject to the availability of funds: *Provided, That such travel is directly related to the performance of their functions as sangguniang kabataan officials and is supported by duly approved travel order by the punong barangay in the case of the sangguniang kabataan chairperson or by the sangguniang kabataan chairperson in the case of the other sangguniang kabataan officials; and*
- (g) The sangguniang kabataan chairperson shall have the same privileges enjoyed by the other sangguniang barangay officials under this Code, subject to such requirements and limitations provided herein.

**SEC. 466. *Persons in Authority.*** – For purposes of the Revised Penal Code, the sangguniang kabataan chairperson and members in each barangay shall be deemed persons in authority in their jurisdictions.

**SEC. 467. *Suspension and Removal from Office.*** – Any elected official of the sangguniang kabataan may, after due process, be suspended for not more than six (6) months or removed from office by a majority vote of all members of the sangguniang bayan or sangguniang panlungsod which has jurisdiction in the barangay of the concerned sangguniang kabataan official which shall be final and executory, on any of the following grounds:

- (a) Absence from the regular meeting of the sangguniang kabataan without a valid cause for two (2) consecutive times or accumulated absences of four (4) within a period of twelve (12) months;
- (b) Failure to convene the regular assembly of the katipunan ng kabataan for two (2) consecutive times;
- (c) Failure to convene the regular sangguniang kabataan meetings for three (3) consecutive months in the case of the sangguniang kabataan chairperson;
- (d) Failure to formulate the CBYDP and the annual barangay youth investment program, or approve the annual budget within the prescribed period of time without justifiable reason;
- (e) Failure to implement programs and projects outlined in the annual barangay youth investment program without justifiable reason;
- (f) Four (4) consecutive absences during the regular sangguniang barangay sessions without a valid cause, in the case of the sangguniang kabataan chairperson;
- (g) Conviction by final judgment of a crime involving moral turpitude;
- (h) Violation of existing laws against graft and corruption and other civil service laws, rules, and regulations; and
- (i) Failure in the discharge of his/her duty or has committed abuse of authority.

**SEC. 468. *Succession and Filling of Vacancies.*** –

- (a) In case a sangguniang kabataan chairperson refuses to assume office, fails to qualify, is convicted of a felony, voluntarily resigns, dies, is permanently incapacitated, is removed from office, or has been absent without a valid cause for two (2) consecutive times or accumulated absences of four (4) within a period of twelve (12) months, the sangguniang kabataan member who obtained the next highest number of votes in the election immediately preceding shall assume the office of the chairperson for the unexpired portion of the term, shall discharge the powers and duties, and enjoy the rights and privileges appurtenant to the office. In case the said member refuses to assume the position or fails to qualify, the sangguniang member obtaining the next highest number of votes shall assume the position of the chairperson for the unexpired portion of the term.

- (b) Where two (2) or more sangguniang kabataan members obtained the same next highest number of votes, the other sangguniang kabataan members shall conduct an election to choose the successor to the chairperson from among the said members.
- (c) After the vacancy shall have been filled, the sangguniang kabataan chairperson shall call a special election to complete the membership of said sanggunian. Such sangguniang kabataan member shall hold office for the unexpired portion of the term of the vacant seat.
- (d) In case of suspension of the sangguniang kabataan chairperson, the successor, as determined in subsections (a) and (b) of this Section shall assume the position during the period of such suspension.

## **CHAPTER VII**

### **MANDATORY AND CONTINUING TRAINING PROGRAMS FOR THE SANGGUNIANG KABATAAN**

**SEC. 469. *Mandatory and Continuing Training Programs.*** – For the purpose of emphasizing the role of the youth in nation-building and molding them to become better citizens with the values of patriotism, nationalism, and honor as a Filipino and a Bangsamoro, any sangguniang kabataan official, whether elected or appointed, or any member of the LYDC must undergo the mandatory training programs before he or she can assume office.

During their incumbency, they must attend the continuing training programs to be undertaken by the BYC in coordination with the MILG.

Deliberate failure to attend the said training programs shall constitute sufficient ground to disqualify said sangguniang kabataan official or LYDC member or subject them to disciplinary actions.

**SEC. 470. *Components of the Mandatory Training Programs.*** – The BYC and the MILG, with the assistance of the DAB, BLGA, MSU, and in consultation with the youth stakeholders, shall jointly design and implement the mandatory and continuing training programs.

The mandatory training programs shall include, among others, the following components:

- (a) Modules on: (i) the Philippine and Bangsamoro culture and history, political systems, ethics, and ideologies; and (ii) the Bangsamoro youth and its role in nation-building;
- (b) Capability building on leadership, program and project development and sustainability, financial management, and accountability and transparency; and
- (c) All national and regional laws and policies related to the youth.

For this purpose, a fund for the conduct of trainings shall be established and incorporated in the annual appropriations act of the Bangsamoro Government.



## CHAPTER VIII

### PEDERASYON NG MGA SANGGUNIANG KABATAAN

#### **SEC. 471. *Pederasyon ng mga Sangguniang Kabataan.*** –

- (a) There shall be an organization of all the pederasyon ng mga sangguniang kabataan to be known as follows:
1. In municipalities, pambayang pederasyon ng mga sangguniang kabataan which shall be composed of the sangguniang kabataan chairpersons of barangays in the municipality;
  2. In cities, panlungsod na pederasyon ng mga sangguniang kabataan which shall be composed of the sangguniang kabataan chairpersons of barangays in the city;
  3. In provinces, panlalawigang pederasyon ng mga sangguniang kabataan which shall be composed of the convenors of the pambayan and panlungsod na pederasyon ng mga sangguniang kabataan; and
  4. In the BARMM, panrehiyong pederasyon ng sangguniang kabataan which shall be composed of the convenors of the panlalawigang pederasyon ng mga sangguniang kabataan.
- (b) The pederasyon ng mga sangguniang kabataan shall, at all levels, elect from among themselves a president, a vice president, a treasurer, a secretary, and such other officers as they may deem necessary.

The concerned local government operations officer, in coordination with the election officer, shall facilitate the conduct of the elections which shall be held within fifteen (15) days from the sangguniang kabataan elections in case of the pambayan and panlungsod na pederasyon, and within thirty (30) days in case of the panlalawigang pederasyon.

- (c) The manner of election, suspension, and removal of the officers of the pederasyon at all levels and the term of office of the other officers of the pederasyon shall be governed by the guidelines to be jointly issued by the MILG, BEO of the COMELEC, and BYC within sixty (60) days upon the effectivity of this Code.

**SEC. 472. *Duties and Functions of the Pederasyon ng mga Sangguniang Kabataan.*** – The pederasyon ng sangguniang kabataan and the LYDC shall draft the Local Youth Development Plan (LYDP). The pederasyon and the LYDC shall convene quarterly to ensure the implementation of the LYDP and alignment of the CBYDP and annual barangay youth investment program to the LYDP. The pederasyon shall also cascade information and facilitate knowledge transfer to their respective localities.

**SEC. 473. *Membership in the Sanggunian and Local Special Bodies.*** – The duly elected president of the pederasyon ng sangguniang kabataan, at all levels, shall:

- (a) Serve as an *ex officio* member of the sangguniang bayan, sangguniang panlungsod, and sangguniang panlalawigan, respectively;
- (b) Be the chairperson of the committee on youth in the said sanggunian, and a regular member of the committees on education, environmental protection, employment and livelihood, health and anti-drug abuse, sports, and gender and development;
- (c) Serve as an *ex officio* member of the local school board, local council for the protection of children, local development council, local health board, local tourism council, and local peace and order council; and
- (d) Convene the LYDC every three (3) months to conduct consultations with youth organizations and preside over all its meetings.

The presidents of the panlalawigang pederasyon ng mga sangguniang kabataan and the presidents of the panlungsod na pederasyon ng mga sangguniang kabataan of highly urbanized cities and independent component cities shall elect, among themselves, one (1) representative from the mainland provinces and (1) representative from the island provinces.

## **CHAPTER IX**

### **LINGGO NG KABATAAN**

**SEC. 474. *Observance of the Linggo ng Kabataan.*** – Every barangay, municipality, city, province, as well as the Bangsamoro Government, shall conduct an annual activity to be known as the linggo ng kabataan on the week where the 12<sup>th</sup> of August falls to coincide with the International Youth Day.

The sangguniang kabataan, in the case of barangay, and the respective LYDC in cooperation with the pederasyon ng mga sangguniang kabataan, in the case of municipality, city, and province, and the BYC, in the case of the Bangsamoro Government, shall take the lead in this observance.

The observance of the linggo ng kabataan shall include the election of the counterparts of all local elective and appointive officials, as well as heads of regional and/or national offices or agencies stationed or assigned in the territorial jurisdiction of the local government unit, among in-school and community youth residing in the local government unit concerned from ages fourteen (14) to eighteen (18). During the said week, they shall hold office as young officials and shall perform such duties and conduct such activities as may be provided in the ordinance enacted pursuant to this Chapter.

## TITLE II

### THE MUNICIPALITY

#### CHAPTER I

#### ROLE AND CREATION OF THE MUNICIPALITY

**SEC. 475. *Role of the Municipality.*** – The municipality, consisting of a group of barangays serves primarily as a general-purpose government for the coordination and delivery of basic, regular and direct services, and effective governance of the inhabitants within its territorial jurisdiction.

**SEC. 476. *Manner of Creation.*** – A municipality may be created, divided, merged, abolished, or its boundary substantially altered by an act of the Parliament and subject to the approval by a majority of the votes cast in a plebiscite to be conducted in the political units directly affected: *Provided*, That the criteria prescribed in this Code are complied with.

**SEC. 477. *Requisites for Creation.*** –

- (a) A municipality may be created if it has an average annual income of at least Two Million and Five Hundred Thousand Pesos (Php 2,500,000.00) for the last two consecutive years as certified by the BLGF; a population of at least twenty five thousand (25,000) inhabitants as certified by the PSA; and a contiguous territory of at least fifty (50) square kilometers as certified by the appropriate office of the MENRE: *Provided*, That the creation thereof shall not reduce the land area, population or income of the original municipality or municipalities at the time of said creation to less than the minimum requirements prescribed herein.
- (b) The average annual income shall include the income accruing to the general fund of the municipality concerned, exclusive of specific funds, transfers, and non-recurring income.
- (c) The territorial jurisdiction of a newly created municipality shall be properly identified by metes and bounds. The requirement of at least fifty (50) square kilometers land area shall not apply where the municipality to be created is composed of one (1) or more islands.

The contiguity requirement on land area shall not apply if the territory comprises two (2) or more islands. The said requirement shall also not apply where the territory of the municipality to be created is separated by another local government unit: *Provided*, That its aggregate land area shall be at least fifty (50) square kilometers.

- (d) The creation of a municipality shall require the donation to the municipality of a lot with an area of not less than fifteen thousand (15,000) square meters for the construction of a permanent government center like the municipal hall, health center, multi-purpose hall, and similar others: *Provided*, That when the donor is the Parliament, the donation shall form part of the law therefor: *Provided, further*, That when the donor is other than the

Parliament, the donation shall be made to the Parliament, conditioned on its actual creation and the transfer of the lot to the same.

**SEC. 478. *Creation of Tribal Municipality.*** – To enhance the delivery of basic services in communities of NMIPs who are a minority in their province but who are natives thereof, tribal municipalities may be created in such communities by an act of the Parliament, notwithstanding the population requirement of the preceding section: *Provided*, That the population shall not be less than twenty thousand (20,000) and the NMIPs form the predominant population in the said area: *Provided further*, That the area of the NMIPs sought to be constituted as a tribal municipality is contiguous.

The financial requirements of tribal municipalities shall be provided by the Bangsamoro Government which shall be sufficient for the delivery of basic public service until such time that they qualify for the NTA.

The Bangsamoro Government shall assist the tribal municipality in receiving their NTA when the requirements therefor are met.

The governance structure in tribal municipalities shall be the same as those of other municipalities unless otherwise provided in another law to be enacted by the Parliament.

**SEC. 479. *Municipalities That May Be Created After the Effectivity of this Code.*** – The creation of any municipality after the effectivity of this Code shall comply with the minimum standards laid down in this Code: *Provided*, That any future change or modification in the criteria laid down by national or regional laws shall be complied with in order to ensure that the municipality will be entitled to NTA.

## CHAPTER II

### POWERS AND FUNCTIONS OF THE MUNICIPALITY

**SEC. 480. *Powers, Functions, Services, and Facilities.*** – The municipal government shall perform the powers and functions and ensure the delivery of basic services and facilities, as follows:

#### I. On Agriculture

- (a) Formulate and implement the agriculture, fisheries, poultry, and livestock programs of the municipality within the framework of the Bangsamoro Government policies and plans. For this purpose, the municipality shall, among others:
  1. Provide for, maintain, and deliver agriculture, fisheries, poultry, and livestock production extension services and facilities, including but not limited to:
    - i. Dispersal of livestock and poultry, fingerlings, and other seeding materials for aquaculture;
    - ii. Palay, corn, and vegetable seed farms;

- iii. Medicinal plant gardens;
  - iv. Fruit tree, coconut, and other kinds of seedling nurseries; and
  - v. Quality control of copra and improvement and development of local distribution channels, preferably through cooperatives;
2. Establish, provide for, and maintain on-site or location-specific research services and facilities related to agriculture, livestock, poultry, and fishery activities, including the establishment, operation, and maintenance of demonstration farms.

The municipality shall make available the appropriate and modern farming and fisheries technology compatible with environmental and climate change goals, disseminate information on the latest applicable research on crops and fisheries, prevention and control of plant or crop diseases and pests, and other agricultural and fisheries matters which will maximize productivity;

- (b) Formulate and implement the municipal agriculture and fisheries biosystems modernization and mechanization programs which shall be included and integrated in the municipality's local development and investment plans and shall be aligned with the Bangsamoro Government plans and policies.

Through the municipal agriculture and biosystems engineer, the municipality shall, within its territorial jurisdiction and funded by the municipal funds intended to primarily serve the needs of its inhabitants, administer, supervise, and coordinate the construction, operation, maintenance, improvement, and management of:

- 1. Inter-barangay irrigation system, and water and soil resource utilization conservation projects, such as, but not limited to:
  - i. Communal Irrigation Systems (CISs);
  - ii. Small Water Impounding Projects (SWIPs);
  - iii. Diversion dams; and
  - iv. Bio-engineering for flood control;
- 2. Agri-fisheries machinery centers, wherein all agricultural and fishery machinery in the municipality, shall be registered and the after-sales provision of warranty and service thereon by agricultural and fisheries machinery assemblers, manufacturers, importers, suppliers, distributors, and dealers shall be monitored;
- 3. Post-harvest facilities such as, but not limited to:
  - i. Multi-purpose drying pavement;
  - ii. Storage facility;
  - iii. Slaughterhouses;
  - iv. Fish ports and fish landing sites; and

- v. Ice plants and cold storage and fish processing establishments;
4. Farm-to-market roads, including those built and constructed by the provincial, Bangsamoro, and national governments: *Provided*, That the municipality has provided at least ten percent (10%) counterpart funding and following the municipality's farm-to-market road network plan;
  5. Mechanized demonstration farms and learning sites or centers that shall provide skills and capacity development of farmers, fishers, and farm workers on the proper operation and maintenance of agri-fisheries machinery;
  6. Agricultural and biological solid waste management and utilization facilities such as, but not limited to, composting for biogas technologies, in line with the municipal ecological solid waste management plans and programs; and
  7. Climate change agriculture and biosystems mitigation and adaptation facilities such as, but not limited to:
    - i. Renewable energy facilities for agri-fisheries enterprise; and
    - ii. Precision agriculture technologies, equipment, and materials utilized for land laser levelling, hydroponics, and greenhouse agriculture;
- (c) Regulate the keeping of animals in homes or as part of a business, and the slaughter, sale or disposition of the same within the territorial jurisdiction of the municipality, subject to regulations and standards set by the Bangsamoro and national governments.

The municipality shall establish slaughterhouses or animal corrals and authorize the operation thereof. It shall have the authority to grant a franchise to any person, partnership, corporation, or cooperative to establish, construct, operate, and maintain the same;

- (d) Adopt measures to prevent and penalize cruelty to animals and ensure the animal welfare. For this purpose, the municipality shall provide a place for impounding stray animals;
- (e) Construct and provide for agriculture and fisheries facilities for the constituent barangays which shall be turned over to them: *Provided*, That pursuant to the "*Magna Carta of Small Farmers*", every barangay which is predominantly agriculture-based shall be entitled to at least one (1) storage facility and a multipurpose pavement/plaza which can be used for various purposes including drying of agricultural produce.

The municipality shall undertake the maintenance, in particular, the major repairs and rehabilitation of such facilities in support of and to augment the constituent barangays. In the exercise of these functions, the municipality shall ensure proper coordination with the concerned constituent barangays;

- (f) Maintain the municipal database and master list of farmers, fishers, livestock producers, and other agriculture, fisheries, and food production stakeholders, including agri-venture enterprises, cooperatives, and the like, and contain other relevant information, from the consolidated databases of its constituent barangays.

The municipality shall share and give access to such database and master list to the province for consolidation and integration in the Bangsamoro centralized regional information systems on agriculture, fisheries, and food supply enterprise, subject to existing data privacy laws and issuances;

- (g) Ensure participation of farmers, fishers, and agricultural entrepreneurs and stakeholders in policy-making, planning, and program formulation of the municipality, in accordance with mechanisms established by the MAFAR: *Provided*, That in the pursuit of food security and nutrition goals and targets of the municipality, the municipality shall give priority to directly sourcing and procuring from the farmers, fishers, and other food producers in the area;
- (h) Enforce and administer fishery laws in the municipal waters including the conservation of mangroves. For the purpose, a Municipal Fisheries and Aquatic Resource Management Council (MFARMC) shall be created.

The MFARMC shall prepare and recommend the fisheries and aquatic resources management policies and plans for integration into the local development plan. Such policies and plans should be based on sound assessment and bio-economic characteristics of the resources;

- (i) Grant fishery privileges in the municipal waters and impose rentals, fees, or charges therefor in the manner provided for in Section 172 of Book II of this Code;
- (j) Issue licenses for the operation of fishing vessels of three (3) tons or less;
- (k) Penalize the use of explosives, noxious or poisonous substances, electricity, muro-ami, and other deleterious methods of fishing and prescribe a criminal penalty therefore, without prejudice to application of criminal and other liabilities imposed under national and regional laws; and
- (l) Administer and implement the registration and licensing of fish hatcheries, fish breeding facilities, private fishponds, and of all post-harvest fisheries facilities such as, but not limited to, fish processing plants, ice plants, cold storages, fish ports, and fish landing sites.

## **II. On Health**

- (a) Formulate the health and nutrition policies of the municipality as well as prepare and implement the plans pursuant thereto within the framework of the Bangsamoro Government's general health and nutrition policies and plans;

- (b) Support to the provision of community-based primary health-care services in the component barangays, including:
  - 1. Construction and provision of support to the maintenance of barangay health stations, and the propagation of health and nutrition information and education of the population therein on important health issues and good nutrition;
  - 2. Augmentation of the honorarium for barangay health workers and barangay nutrition scholars; and
  - 3. Augmentation of procurement of medicines, medical supplies and equipment, and the hiring of health personnel;
- (c) Provide primary health care services, through the implementation of programs and projects for:
  - 1. Community maternal, neo-natal, infant, young child nutrition, and communicable and non-communicable disease control services;
  - 2. Feeding and nutrition, immunization, family planning programs, including education and information campaigns thereon: *Provided*, That the implementation of nutrition programs or projects such as those for the nutrition of the pregnant women or new mothers and their infants, body mass index monitoring, annual weighing and height measurement of all children up to five (5) years old, micronutrient supplementation, exclusive breastfeeding, timely introduction of complementary food, deworming, and tracking and treatment of severe and acute malnourished children, may be considered;
  - 3. Health and nutrition education and advocacy programs;
  - 4. Construction and operation of municipal health centers, clinics, and other health facilities necessary to carry out health services to its constituents;
  - 5. Establishment of nutrition office and drug rehabilitation centers; and
  - 6. Procurement of medicines, medical supplies and equipment, and hiring of health and nutrition personnel;
- (d) Support the improvement of access to secondary and tertiary health services. For this purpose, the municipality shall implement a medical assistance program;
- (e) Enforce all laws, rules, and regulations relating to health, nutrition, sanitation, and hygiene including quarantine laws and food and drug safety laws;
- (f) Regulate the operation of establishments within the municipality, including the issuance of sanitary, business, and water permits as necessary;



- (g) Coordinate with the MOH on health-related programs and activities provided by the national government and by other interest groups, non-government organizations, and international organizations;
- (h) Monitor the local health and nutrition situation and submit regular reports thereon to the province through the provincial health officer; and
- (i) Undertake health and medical research in support of the municipality's programs and activities related to health.

### **III. On Social Services**

- (a) Formulate, develop, and implement plans, programs, and projects in the field of social welfare and development in accordance with the municipality's plans and in furtherance of the provincial and regional plans and targets;
- (b) Coordinate and cooperate with the MSSD in the implementation of regional and national programs, take the lead in the identification and/or validation of beneficiaries, and apply the qualification standards under the respective programs, operationalization of the implementation modality, conduct of monitoring activities, and the submission of regular reports, among others;
- (c) In coordination with the MSSD, maintain information systems related to vulnerable sectors and social welfare programs;
- (d) Coordinate with and provide necessary data and other information to the provincial government and the MSSD for the latter's use in the formulation of regional plans, programs, and services;
- (e) Establish offices that will facilitate the provision of services to poor, marginalized, and vulnerable sectors such as, but not limited to:
  1. Persons with Disabilities Affairs Office (PDAO);
  2. Office of Senior Citizens' Affairs (OSCA); and
  3. Local Youth and Development Office (LYDO);
- (f) Establish local mechanisms to support the implementation of social welfare and development programs and services in the municipality, such as, but not limited to:
  1. The Municipal Inter-Agency Committee Against Trafficking and Violence against Women and Children (MIACAT-VAWC);
  2. Municipal Committee for the Protection of Children (MCPC);
  3. Municipal Early Childhood Care and Development Coordinating Committee (MECCDCC); and
  4. Municipal Youth Development Council (MYDC);

- (g) Conduct rescue operations to remove victims from their abusers or from neglect, and provide them with immediate relief and/or refer them to residential care institutions and other service providers that can extend medical, psychosocial, material, and other assistance;
- (h) Provide longer-term interventions towards the healing and rehabilitation of victims of abuse, neglect, and abandonment;
- (i) Undertake the construction, repair, and rehabilitation of CDCs in the constituent barangays;
- (j) Ensure delivery of quality ECCD services through technical assistance, capacity building, conduct of internal assessment, support and augmentation of and the operation, and maintenance of CDCs in the municipality and in the constituent barangays, through, but not limited to, including the provision of honoraria of CDC workers;
- (k) Adopt the standards issued by the MSSD in the operation of institutional social welfare facilities that are constructed and operated by the municipality;
- (l) Design and implement diversion programs for qualified child in conflict with the law (CICL) and child at risk (CAR);
- (m) Conduct the assessment of discernment of a CICL, handle their case management, and undertake the necessary case conferences and family tracing;
- (n) Form organizations of vulnerable sectors and service providers in the municipal level and/or federate those that have been organized in its constituent barangays to strengthen the respective sectors through internal capacity-building, advocacy, support to mandatory government structures, and other programs for the betterment of the members of said sectors;
- (o) Exert efforts to look for the biological parents of a foundling, file petitions for the issuance of a Certificate of Declaration of a Child Legally Available for Adoption (CDCLAA), conduct a social case study report attached to be attached to a petition for CDCLAA, and take on tasks in relation to the adoption of children and other alternative child care arrangements with their best interest of the child in mind;
- (p) Lead or participate in information dissemination activities and campaigns on issues affecting vulnerable sectors and on programs that address them; and
- (q) Formulate and implement social welfare and development services which will improve the livelihood and living conditions of the inhabitants.

#### **IV. On Environmental Services**

- (a) Support the efforts of the constituent barangays on community actions for cleanliness, general hygiene and sanitation, and beautification: *Provided*, That the municipality may

directly undertake or provide the necessary augmentation to the concerned barangays where the action for cleanliness, hygiene, sanitation, and beautification extends to or involves more than one constituent barangays or when the same shall be undertaken exclusively within municipal properties;

- (b) Provide for an efficient and effective system of solid waste and garbage management and other services or facilities within the municipality, pursuant to national and regional laws, standards, and policies on ecological solid waste management.

Toward this end, the municipality, among others, shall:

1. Undertake the collection, treatment, processing, and disposal of non-recyclable materials and special wastes within the territory of the municipality including those collected and aggregated by its constituent barangays in the respective collection or drop-off points or centers;
2. Regulate the collection, treatment, and disposal of clinical and other wastes from hospitals, clinics, and other similar hazardous waste products;
3. Prohibit littering and the placing or throwing of garbage, refuse and other filth and wastes;
4. Establish the municipal solid waste management board and formulate the municipal solid waste management plan pursuant to the provisions and following national and Bangsamoro policies, standards, and guidelines, on ecological solid waste management.

The plan shall integrate the implementation of all feasible re-use, recycling, and composting programs, and identify and provide for the ultimate disposal facilities including the establishment, maintenance, and operation of the sanitary landfill that will be needed for the disposal of solid waste which cannot be re-used, recycled, or composted, following national and Bangsamoro policies, standards, and guidelines.

The municipal solid waste management plan shall be submitted for review and consolidation by the provincial solid waste management board or, pending the constitution thereof, the governor through the provincial environment and natural resources officer; and

5. Construct, maintain, and operate a materials recovery facility;
- (c) Administer and/or regulate the consumption, use, or wastage of water and protect the purity and quantity of the water supply of the municipality;
- (d) Undertake the management, protection, rehabilitation, and maintenance of small watershed areas which are sources of local water supply as identified or to be identified by the MENRE;

- (e) Provide for and enforce regulations on air contamination and pollution from smoking and air pollution from motor vehicles and other mobile sources, pursuant to national and Bangsamoro laws and policies on comprehensive air pollution control and air quality management.

The municipality shall prohibit smoking of cigarettes and cigars, using of vape, e-cigarettes, and other similar devices inside a public building or an enclosed public place including public vehicles and other means of transport or in any enclosed area outside of one's private residence, private place of work, or any duly designated smoking area. In addition, the municipality shall assist the relevant regional and national officers and agencies in the enforcement of emission standards for motor vehicles and interdiction of violators of smoke belching;

- (f) Formulate and implement the municipal climate change action plan, consistent with the provisions of this Code and the relevant national or Bangsamoro climate change laws and policies. For this purpose, it shall:

1. Ensure that component barangays shall be directly involved with municipal and city governments in prioritizing climate change issues and in identifying and implementing best practices and other solutions;
2. Regularly update the respective climate change action plans to reflect changing social, economic, environmental conditions, and emerging issues;
3. Furnish the MILG and MENRE with copies of the climate change action plans and all subsequent amendments, modifications, and revisions thereof, within one (1) month from their adoption; and
4. Mobilize and allocate necessary personnel, resources and logistics to effectively implement the municipality's climate change action plans;

- (g) Manage and control communal forests within its territorial jurisdiction with an area not exceeding fifty (50) square kilometers, and formulate, develop, and implement the plans and programs pertaining to its conservation, protection, and development.

It shall undertake and implement community-based forestry projects, integrated social forestry programs, and similar projects.

The municipal government shall conduct an annual tree-planting day on a date and time provided in a proclamation issued by the mayor, as part of the global arbor day celebration;

- (h) Establish tree parks, eco parks, greenbelts, mangrove forests, and similar forest development projects, subject to applicable national and regional policies and subject to the supervision, control, and review of the MENRE;

- (i) Protect the environment and impose appropriate penalties through the enactment of ordinances for the purposes, for acts which endanger the environment, such as, but not limited to, dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance. This is without prejudice to the application of criminal liabilities imposed under applicable national and regional laws;
- (j) Recommend to the province, by way of a resolution of the sangguniang bayan, the issuance of permits for extraction sand, gravel and other quarry resources located within its territorial jurisdiction, as provided for in Section 161, Book II of this Code, and in accordance with the applicable national and regional mining laws and policies;
- (k) Consult constituent barangays, and where necessary, secure the prior approval of the sanggunian concerned as provided in Section 32 of Book I of this Code, the local communities, and other concerned stakeholders in the municipality that are directly affected during the planning and prior to the implementation of any project or program that may cause or aggravate pollution, climate change, the depletion of non-renewable resources, loss of crop land, rangeland, or forest cover, and extinction of animal or plant species.

The municipality, during such consultation period, shall explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof: *Provided*, That occupants in areas where such projects or program are to be implemented shall not be displaced unless appropriate relocation sites and other measures to mitigate the adverse effects of displacement have been provided, in accordance with the provisions of the constitution and applicable national and regional laws, regulations, and standards; and

- (l) Enact appropriate ordinances or issue the appropriate resolutions, after due consultation, signifying the municipality's approval or disapproval of or concurrence with proposed project or programs of the province, the region, or the national government that may cause or aggravate pollution, climate change, depletion of non-renewable resources, loss of crop land, rangeland or forest cover, and extinction of animal or plant species within the municipality.

## **V. On Infrastructure, Public Works, and Local Facilities**

- (a) Construct, maintain, and operate, including undertaking minor and major repairs thereon of infrastructure and facilities intended primarily to service the needs of the residents of the municipality and/or are funded out of municipal funds such as, but not limited to:
  1. Municipal road, streets, and municipal bridges, classified as such by law or issuance, and appurtenant structures such as street lights, drainage, and sidewalks;
  2. Seawalls, river, and control dikes;

3. School buildings and other educational facilities for elementary, secondary, and technical education;
  4. Clinics, health centers, and other health facilities;
  5. Inter-barangay and municipal waterworks and water supply system, including artesian wells, spring development, rainwater collectors, drainage and sewerage, and flood control;
  6. Cultural centers;
  7. Public parks including freedom parks and playgrounds;
  8. Sports facilities and equipment; and
  9. Other similar facilities;
- (b) Regulate the use of municipal roads and streets, including avenues, alleys, and sidewalks, and the putting up of signages, signposts, awnings, and awning posts thereon.

The municipality shall provide for the lighting, cleaning, and sprinkling of such roads, streets, and other public places of the locality;

- (c) Subject to existing laws, regulate the following:
1. Construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs;
  2. The construction and use of private water closets, privies, and other similar structures in buildings and homes;
  3. The drilling and excavation of the ground for the laying of water, gas, sewer, and other pipes;
  4. The construction, repair and maintenance of public drains, sewers, cesspools, tunnels, and similar structures;
  5. The placing of poles and the use of crosswalks, curbs, and gutters; and
  6. Ensuring public safety against open canals, manholes, live wires, and other similar hazards to life and property;
- (d) Undertake the construction, maintenance, regulation, and authorize the operation of municipal markets, *talipapas*, and other similar buildings and structures and municipal enterprises.

It may grant franchises to any person, partnership, corporation, or cooperative, with the latter having a preference, to establish, construct, operate and maintain markets or such other similar activities within the municipality as may be allowed by applicable laws;

- (e) Provide the lot or space for the public cemetery, and undertake the maintenance and operation thereof: *Provided*, That the religious and cultural burial needs of the residents of the municipality shall be adequately catered to in such public cemetery of the municipality.

The municipality, through an ordinance enacted for the purpose, shall regulate the establishment, operation, and maintenance of private cemeteries, funeral parlors, and enterprises servicing the burial or cremation of the dead, pursuant to existing laws, rules and regulations;

- (f) Undertake the construction of the infrastructure and facilities of the constituent barangays and turn over the same upon completion to the respective barangays;
- (g) Undertake the maintenance, including major repairs and rehabilitation of barangay infrastructure and facilities to augment and support the constituent barangays.

For this purpose, the municipality, through the municipal engineer, shall extend technical assistance to the component barangays;

- (h) Acquire and maintain the necessary property, plant, and equipment (PPE) to fulfill the functions and duties on infrastructure and local facilities;
- (i) Ensure that construction, public works, and all other infrastructure in the municipality and its constituent barangays are done in accordance with approved plans and specifications, and in compliance with standards and codes mandated by the national and regional governments to maintain safety and structural integrity.

For this purpose, it shall regularly inspect through the municipal engineer and/or building officer the safety and integrity of all public and private structures within the municipality, following the national and regional laws, policies, programs, standards, rules, and regulations regarding infrastructure projects;

- (j) Ensure that the construction and repair of roads and highways funded by the national or regional government shall be, as far as practicable, carried out in a spatially contiguous manner and in coordination with the construction and repair of the roads and bridges of the Bangsamoro Government, the municipality including its constituent barangays, and the province;
- (k) Coordinate the implementation of technical services rendered by national, regional, and provincial offices, including public works and infrastructure programs in the municipality;
- (l) Taking into account the consolidated submissions and proposals of its component barangays, formulate proposals and recommendations for funding and technical assistance

from the Bangsamoro or national government of “*infrastructure flagship projects*” and public works programs for the municipality, which it shall submit to the province for consolidation, following the guidelines to be promulgated by the Ministry of Public Works (MPW) therefor;

- (m) Conduct regular consultations on the local infrastructure and facilities needs of the municipality with the constituent barangays, the local communities, and other concerned stakeholders to ensure the responsiveness of the projects and programs; and
- (n) Conduct regular update of local infrastructure information databases through the facilitation of the conduct of condition assessments, and maintenance of infrastructure inventory data.

## **VI. On Disaster Risk Reduction and Management**

- (a) Direct, develop, implement, and coordinate a comprehensive and integrated municipal DRRM program in accordance with relevant national and regional framework, laws, guidelines, and appropriate funds therefor;
- (b) Maintain a municipal risk map based on conducted risk assessments on climate change, natural hazards, and other vulnerabilities that may occur in their locality;
- (c) Prepare and regularly update local contingency plans based on the information on the risk maps and risk assessments to be conducted.

The municipal DRRMC shall regularly submit updated disaster risk information of all hazards and vulnerabilities, monitored incidents, preparedness measures, and situational reports to the DRRMCs of the province and of the Bangsamoro Government;

- (d) Recommend to the provincial DRRMC the adoption and improvement of DRRM policies;
- (e) Operate a multi-hazard early warning emergency response system in the municipality that provides accurate and timely advice to local emergency response organizations in the affected municipality and to the general public;
- (f) Disseminate information and raise public awareness on hazards, vulnerabilities, risks, early warning signs, and regional and provincial DRRM policies;
- (g) Organize and train municipal response team, including volunteers, in the municipality for disaster preparedness, rescue operations, and relief distribution;
- (h) Ensure the preposition of necessary resources and assets, including buffer stocks thereof, to increase overall capacity to respond to calamities and disasters;
- (i) Declare a state of calamity or emergency and order the lifting of the same, in accordance with regional and national laws, upon the recommendation of the municipal DRRMC;



- (j) Carry out emergency management measures and immediate response before, during, and after human-induced or natural disasters and calamities, and allocate resources therefor;
- (k) Mobilize municipal government instrumentalities, CSOs, private groups, and organized volunteers, in accordance with the policies and procedures of the Bangsamoro and provincial governments, for the protection and preservation of life and property during emergencies;
- (l) Provide individuals and communities affected by disasters and calamities with adequate social services such as mental health and psychosocial support and livelihood assistance programs, in accordance with needs assessment and the applicable regional laws;
- (m) Augment the resources of barangays, as needed, and in accordance with relevant laws, plans, and protocols, to provide relief assistance and other interventions in response to the impacts of calamities and disasters;
- (n) Regularly submit to the Bangsamoro DRRM Council, through the MILG, the Local Disaster Risk Reduction and Management Fund (LDRRMF) utilization and post-disaster needs assessment (PDNA) reports, if applicable;
- (o) Conduct or cause the conduct of priority DRRM-centered studies and assessments, including the determination and consolidation of local disaster risk information such as natural hazards, vulnerabilities, and climate change risks; and
- (p) Undertake pre-emptive, preventive, and mitigating measures that would reduce the risk and adverse effects of calamities and disasters.

## **VII. On Public Order**

- (a) Maintain peace and order in the municipality through the:
  1. Prevention and suppression of lawlessness, disorder, riot, terrorism, violent extremism, rebellion, and sedition;
  2. Institutionalization of alternative dispute resolution mechanisms for settlement of *rido* and other conflicts occurring within the municipality, subject to the policies, procedures, and guidelines of the MPOS on the matter; and
  3. Rehabilitation of communities affected by conflict, *rido*, and other acts of violence in coordination and collaboration with other agencies of the Bangsamoro and national governments. The MPOS, MHSD, and other relevant agencies of the Bangsamoro Government shall provide logistical, technical, and other assistance to the concerned local government units in their rehabilitation efforts;
- (b) Preserve the welfare and morals of the inhabitants of the municipality through prevention and suppression of habitual drunkenness in public places, mendicancy, prostitution, establishment and maintenance of houses of ill-repute, gambling, other prohibited games of chance, fraudulent devices and ways to obtain money or property, drug dens, drug

trafficking, juvenile delinquency, and printing/distribution/exhibition of obscene or pornographic materials or publications;

- (c) Participate, through the mayor, in the administration of the Philippine National Police, as well as create the People's Law Enforcement Board (PLEB), as provided in R.A. No. 6975, as amended, otherwise known as the "*Department of the Interior and Local Government Act of 1990*;"
- (d) Provide support to other services, including:
  - 1. Fire protection and emergency services such as in the rescue and evacuation of affected individuals in fire-related incidents, fire prevention, and fire suppression measures;
  - 2. EWER through provision and maintenance of facilities and other support for their personnel and volunteers; and
  - 3. Fire, jail, and police services through the provision of sites for their stations, substations, and municipal jails, as well as providing other forms of support; and
- (e) Support the administration of the juvenile justice system through the development of and allocation of funds for a comprehensive juvenile intervention program covering at least a three (3)-year period.

#### **VIII. On Education, Information, and Sports**

- (a) Assist, through the municipal school board, in the achievement of the goals of the integrated Bangsamoro education system under BAA No. 18, otherwise known as the "*Bangsamoro Education Code of 2021*."

For this purpose, the municipality shall give priority to:

- 1. Supplementing the needs for the operation and maintenance of public schools;
  - 2. Construction, repair, acquisition, provision, and maintenance of school buildings, facilities, and equipment; and
  - 3. Funding of education research, sports development, and ECCD within the municipality;
- (b) Establish and maintain a public library or reading center, including the responsibility to purchase and provide for the books, chairs, tables, and others implements needed for such: *Provided*, That whenever feasible, such municipal public library and reading center shall include computers and other information and communication technological devices, tools, hardware and software capable of internet and broadband connection, communication, and networking;

- (c) Establish, maintain, and operate information systems, services, and facilities in the municipality which shall include provision of information services on investments and job placement, tax, and marketing;
- (d) Conduct an annual school-based *pararong bayan* among the component barangays which shall feature traditional sports and disciplines included in national and international games, in coordination with the MBHTE and the BSC.

For this purpose, the MBHTE and the BSC shall identify and develop traditional games and contests to be featured in the *pararong bayan*; and

- (e) Establish and provide for the operation of vocational and technical schools and similar post-secondary institutions subject to the availability of funds and to existing laws, rules, and regulations, and fix and collect reasonable fees and other school charges on said institutions with the approval of the MBHTE.

## **IX. On Trade, Investments, and Industry**

- (a) Adopt local policies and programs for the development of trade, investments, and industries in the municipality, including the enactment of the municipal investments and incentive code: *Provided*, That it should be consistent with the provincial development, investments and incentives code: *Provided, further*, That the municipalities and component cities shall coordinate with the province in the enactment and implementation thereof;
- (b) Establish the municipal economic development and investment promotion unit or center under the Office of the Mayor, and when able, appoint the municipal economic development and investment promotion officer, which shall, among others:
  1. Conduct business matching, investment forums, and dialogues;
  2. Approve, grant, and administer investment incentives as provided in its Local Investment and Incentives Code; and
  3. Formulate the long-term industry sectoral plans with the private sector, including the identification of the priority industry cluster and the crafting of the municipal industrial roadmap;
- (c) Formulate and implement the municipality's local economic development plan as provided in Section 118 of this Code, and provide technical support, subject to availability of funds, financial assistance as well to component barangay for the latter's local economic development and implementation plan;
- (d) Establish and maintain a database, consolidating information collected and generated after conduct of industry profiling and resource mapping and other data collection processes, for use in the municipal local economic development, industries, trade, and investments promotion policies, programs, and activities.

This shall also serve the data management and validation system requirement for micro, small, and medium enterprises (MSMEs) in the municipality.

The municipality shall provide access to the database to the province and the Bangsamoro Government for use in the implementation of programs to strengthen industries adversely affected by crisis and for other purposes related to the strengthening and promotion of trade, investment, and industry, subject to existing data privacy laws and issuances;

- (e) Develop and implement a local MSME development plan for the municipality, consistent with the provincial and Bangsamoro MSME development plans.

The municipality shall include therein the establishment and promotion of barangay micro business enterprises (BMBEs) in its constituent barangays. It shall issue the barangay micro business enterprise certificate of authority, for this purpose.

The municipality, when able, may organize and constitute a local MSME development council;

- (f) Implement and enforce regional and national laws related to consumer protection, handling of consumer complaints, and price monitoring.

For this purpose, the municipality shall, among others:

1. Establish consumer complaint desks and hotline; and
2. Coordinate and rationalize programs to stabilize prices of basic necessities and prime commodities and the management and monitoring of unwanted price increases.

The municipality shall establish, strengthen, and support the Municipal Price Coordinating Council (MPCC) pursuant to relevant Bangsamoro and national laws, rules, and regulations;

- (g) Support the establishment and organization of local chambers of commerce and industry in the municipality, and grant accreditation to industry councils and other similar associations;
- (h) Grant business permits, registration, accreditation, counseling services, and implement standards as required by applicable regional and national laws in the processing of business permits and licenses.

For this purpose, the municipality shall establish, operate, and maintain the Business Development Support Center (BDSC) or “*Negosyo Centers*”, and Business One-Stop-Shop (BOSS) in the municipality;

- (i) Support the *halal* industry development programs of the Bangsamoro Government, and the province, giving priority to the implementation of advocacy and awareness campaigns.

In coordination with the relevant ministries and the provincial government, the municipality shall facilitate the trainings and accreditation of interested local *halal* certifying bodies, *halal* certified businesses, and establishments in the locality; and

- (j) Coordinate with local suppliers, traders, manufacturers, farmers and fishers, partner agencies and other stakeholders to strengthen market linkages.

## **X. On Tourism**

- (a) Establish and maintain a local tourism database of the municipality, consolidating the data of its constituent barangays and other municipality-specific data, for the crafting of the municipal tourism policies, programs, and projects.

The municipality shall provide access to the same to the province to be used for the crafting of provincial and regional tourism policies, programs, and projects, subject to existing data privacy laws and issuances;

- (b) Develop and implement municipal tourism policies and programs based on the provincial tourism plans and following the standards set by the MTIT;
- (c) Facilitate the training and accreditation of local tour guides, hotels, resorts, and tourist-oriented facilities and establishments in the municipality, in coordination with the relevant Bangsamoro ministries, offices, and agencies;
- (d) Craft a municipal or city tourism master plan on private sector investment and participation, and implement the same based on the integrated marketing program promulgated by the Bangsamoro Government;
- (e) In coordination with the appropriate regional and provincial agencies, establish, operate, and maintain museums and other enterprises that showcase historical, cultural, and natural assets with tourism potential;
- (f) Support the training and activities of municipal/city law enforcement officers on tourism;
- (g) Establish a municipal tourism information and assistance center, including a tourism hotline; and
- (h) Construct, operate, and maintain tourism and recreation management infrastructures and facilities, and support and augment the provision and maintenance of tourism and recreation management infrastructures and facilities in the component barangays.

## **XI. On Labor and Employment**

- (a) Establish, operate, and maintain a municipal PESO under the Office of the Mayor, which shall ensure the prompt, timely, and efficient delivery of employment support services and the provision of adequate information on the labor market situation in the municipality for job seekers and employers, and information on the employment programs of the provincial, Bangsamoro, and national governments.

The municipal PESO shall be linked to the MOLE for coordination and technical supervision. The MOLE shall set-up and maintain an integrated system that will be used by all local employment service offices to enable both intra-municipality and inter-municipality operability;

- (b) Administer and maintain the registry of domestic workers or “*kasambahay*” in the municipality, pursuant to applicable national and regional laws, rules, and regulations;
- (c) Establish and maintain skills registry system in their locality;
- (d) Strengthen advocacy on the elimination of child labor in their locality;
- (e) Undertake advocacy and campaign against illegal recruitment and trafficking in persons;
- (f) Provide legal and other forms of assistance to distressed OBWs and victims of illegal recruitment and trafficking in persons within the municipality, report the said activities to the MOLE for appropriate action, and when necessary, coordinate with appropriate government agencies regarding the arrest and/or prosecution of illegal recruiters and illegal traffickers;
- (g) Undertake Pre-Employment Orientation Seminars (PEOS) to their constituents on a regular basis;
- (h) Establish OBW help desks or kiosks in their municipality to provide current information to their constituents on all the processes and aspects of overseas employment. Such desks or kiosks shall, as far as practicable, be fully computerized and shall be linked to the database of all concerned government agencies, particularly the MOLE for its updated lists of overseas job orders and licensed agencies in good standing; and
- (i) Establish and maintain a database and master list of OBWs residing in the municipality, classified according to occupation, job category, civil status, gender, by country or state of destination, including visa classification, name, home and email address, and contact number of the employer, which it shall share to the province and MOLE, subject to existing data privacy laws and issuances.

## **XII. On Transportation and Communications**

- (a) Provide for the construction, improvement, repair, and maintenance of transportation facilities intended primarily to service the needs of the residents of the municipality and funded by it, such as, but not limited to:

1. Bus and vehicle stop and terminals; garages and the operation of conveyances for hire; and use of the same by privately-owned vehicles which serve the public;
2. Traffic signals and road signs, signposts, awnings and awning posts on the streets, and waiting shed; and
3. Designated stands to be occupied by public vehicles when not in use.

The municipality shall primarily construct the transportation facilities of the barangay, for turn over to it, as part of augmentation;

- (b) Prepare the local public transportation route plan of the municipality, including the identification of inter-barangay and intra-municipality land routes, in accordance with the guidelines prescribed by and subject to the approval of the MOTC;
- (c) In accordance with the guidelines prescribed by the MOTC:
  1. Regulate the operation of and grant franchises for three-wheeled vehicles such as tricycles, “*payong-payong*”, “*sikad-sikad*”, and the like, within the territorial jurisdiction of the municipality; and
  2. Regulate and grant franchise on the non-motorized bancas operating as transport for inter-barangay and intra-municipal waters and ways, subject to relevant regional rules and regulations;
- (d) Grant permits for the construction of telecommunication tower within their municipality, subject to applicable regional and national laws, policies, rules, and regulations;
- (e) Coordinate and assist the MOTC in the administration and enforcement of transportation and communications laws, rules and regulations;
- (f) Recommend to the province and the Bangsamoro Government policies and guidelines on matters relating to transportation and communications;

The municipality shall hold proper consultations with affected communities and the concerned constituent barangays regarding the implementation of transportation and communication activities, policies, and regulations;

- (g) Conduct navigation in inter-barangay or intra-municipal inland waterways for the purpose of creating intra-municipal routes, in coordination with the constituent province, and subject to the approval of MOTC; and
- (h) Issue permits to business industries related to air transportation and air commerce with permit to operate issued by MOTC.

### **XIII. On Housing, Human Settlements, and Urban Development**

- (a) Develop local integrated housing and human settlements plans and programs for the municipality in close coordination with its constituent barangays and consultation with local stakeholders consistent with national and regional standards and plans;
- (b) Formulate, adopt, and update the comprehensive land use plan of the municipality, in accordance with the approved Provincial Development and Physical Framework Plan (PDPFP), and in conformity with national and regional plans and zoning standards and guidelines;
- (c) Reclassify lands within the jurisdiction of the municipality, subject to the pertinent provisions of this Code;
- (d) Enact integrated zoning ordinances in accordance with the approved comprehensive land use plan, subject to the provisions of this Code, existing national and regional laws, rules, and regulations;
- (e) Provide resilient housing and human settlements for post-disaster needs, and implement programs, projects, and activities to protect vulnerable communities from the adverse effects of climate change and disasters;
- (f) Identify lands within its territorial jurisdiction for use in meeting the immediate and future needs of the underprivileged and other beneficiaries of socialized housing and resettlement, taking into consideration the degree of availability of basic services and facilities, their accessibility and proximity of job sites, other economic opportunities, and the actual number of registered beneficiaries, in coordination with the MHSD and the appropriate national government agencies;
- (g) Implement socialized housing and resettlement projects in the municipality, in coordination with private developers, the concerned provincial and regional agencies, and other stakeholders, and consistent with existing national and regional rules and regulations;

The provisions for such programs which shall include basic services and facilities, such as, but not limited to:

1. Potable water;
  2. Power and electricity and an adequate power distribution system;
  3. Sewerage facilities and an efficient and adequate solid waste disposal system; and
  4. Access to primary roads and transportation facilities;
- (h) Enforce all regional and national housing and settlement related laws, standards, and regulations. For this purpose, the municipality shall, among others:



1. Adopt measures to identify and effectively curtail the nefarious and illegal activities of professional squatters and squatting syndicates; and
  2. Ensure the proper eviction and demolition, upon lawful order, of informal settlers: *Provided*, That the same shall take into account the program for the relocation of affected families, and other underprivileged and homeless citizens inhabitants of the municipality;
- (i) Issue certifications, clearances, and permits, relative to locally-significant projects and approval of preliminary as well as final subdivision schemes of:
1. Economic and socialized housing projects as well as individual or group building and occupancy permits; and
  2. Subdivisions, residential, commercial, industrial, and for other purposes of the public and private sectors.

For the purpose, the local government unit shall establish measures on evaluation and resolution of opposition against the issuance of development permits, and monitor the nature and progress of land development projects as well as housing construction in the case of house and lot packages and the assessment and collection of fees therefor; and

- (j) Maintain the inventory of land use, acquisition, disposition, and registry of all beneficiaries of socialized housing and resettlement programs, and submit an updated inventory and report to the MHSD.

#### **XIV. On Industrial Research and Development, Science and Technology**

- (a) Identify municipal Science and Technology (S&T) priority agenda, and formulate and implement the municipal S&T plan and policies, consolidating inputs from its constituent barangays as well as identifying municipality-specific ones, which shall be made an integral part of the municipal Comprehensive Land Use Plan (CLUP) and the Comprehensive Development Plan-Executive and Legislative Agenda (CDP-ELA) of the municipality, and submit to the province for coordination, alignment, and consolidation;
- (b) Provide, generate, and update necessary data to support the Bangsamoro's centralized regional information system and databank on S&T, which it shall submit through the province;
- (c) Assess, evaluate, and monitor the conditions of S&T education capacities and facilities and equipment of Science, Technology, Engineering, and Mathematics (STEM) schools within the jurisdiction of the municipality through the municipal school board.

When able, the municipality shall provide capacity building support to such STEM schools, facilities, and teachers, including developing and upgrading S&T laboratories and equipment, in cooperation with the Bangsamoro Government, private, and non-government institutions or organizations;

- (d) Coordinate with the MOST and the province for the effective promotion of scholarship programs aimed to attract science-oriented students to pursue basic and applied sciences to broaden the S&T human resource in the municipality;
- (e) Provide support to the formulation of the research and development agenda of the Bangsamoro by identifying priority and emerging technologies in the municipality and to assist the Bangsamoro Government, through the MOST and the province, in the conduct of research and development on information technology and advanced fields, maturing of the emerging technologies towards productivity, the building-up of S&T literatures through development of research compendium, and formulation of an informed policy, among others.

The municipality shall coordinate and collaborate with the province, the relevant regional and national agencies, priority industry clusters, business and private sectors in pushing for the Research and Development (R&D) agenda of the Bangsamoro;

- (f) Ensure the inclusion of an innovation agenda and formulate the relevant policies thereon for the municipality. For this purpose, an innovation committee may be organized as part of the municipal development council.

The innovation policies and programs of the municipality shall be aligned with and guided by the national and regional innovation strategies and policies and shall be undertaken through collaboration with other government agencies, non-government organizations, academic institutions, and private companies.

The municipality, whenever feasible and practicable, may provide incentives for the implementation of the innovation agenda, especially giving priority to the encouragement and adoption of publicly funded and locally generated technologies; and

- (g) Adopt policies and measures to ensure compliance within the municipality with the development and quality standards of food and non-food including *halal* industry through testing, analysis, and capacity building.

## **XV. On Tax Information and Modernization**

- (a) Establish, operate, and maintain information services which include tax and marketing information systems in the municipality and for its constituent barangays: *Provided*, That the municipal government shall submit a periodic report to the MFBM on the revenues collected within their jurisdiction, subject to the guidelines to be issued by the MFBM on the form, manner, and timing of submission of report;
- (b) Upgrade and modernize the municipal tax information and collection services through the use and adoption of electronic and digital technologies in tax administration and other business processes in order to build revenue generation and mobilization capabilities: *Provided*, That the municipality shall provide assistance and augmentation to the

constituent barangays and ensure coordination of all the concerned local government units therein; and

- (c) Through the municipal treasurer, the municipality shall endeavor to link up with the online payment and similar facilities already offered and utilized by national and regional government financial institution, which also serve as their depository and servicing banks to ensure safe, efficient, and convenient ways of transacting with municipality.

## **XVI. On Cooperatives and Social Enterprises**

- (a) Encourage and support the promotion and development of cooperatives and social enterprise through capacity building within the municipality and recognize, promote, protect, and support the development and sustainability of cooperatives and social entrepreneurs as vehicles of poverty reduction, job creation, and socioeconomic development for the municipality;
- (b) Develop plans and strategies on the integration of cooperatives and social enterprises values, principles and practices in programs and projects of the municipality, in consultation with the cooperative sector and concerned stakeholders and in consonance with the Bangsamoro Government and the provincial plans and programs for cooperatives and social enterprises;
- (c) Ensure the delivery of basic services and provision of facilities in the municipality through organizing, promotion, and development of cooperatives and social enterprises.

For this purpose, the municipality shall organize a cooperative office and appoint a cooperatives and social enterprise development officer under the office of the mayor: *Provided*, That the municipality may opt to merge the functions of the cooperatives and social enterprise development officer with existing offices or departments in lieu of appointing a full-fledged officer;

- (d) Provide assistance in the organization of cooperatives, including farmers' and fishers' cooperatives, and social enterprises in the municipality, as well as the transfer of appropriate technology to existing cooperatives and social enterprises to enhance their viability as an economic enterprise and social organization.

For this purpose, the municipality shall, among others:

1. Identify groups sectors or communities within the municipality that can be organized into cooperatives;
2. Provide assistance to prospective cooperatives and social enterprises in facilitating registration and other preparatory organizational requirements, including conduct of pre-registration seminars in partnership and collaboration with the Cooperative and Social Enterprise Authority (CSEA);
3. Provide technical and other forms of assistance to existing and registered cooperatives and social enterprises to further enhance and strengthen their economic

viability, including conduct of trainings and education on business management, risk management, business continuity and contingency planning, and finance and financial management, in coordination with the CSEA, MTIT, and other private and non-government organizations and the academe; and

4. Assist cooperatives in establishing linkages with government agencies and non-government organizations involved in the promotion and integration of the concept of cooperatives in the livelihood of the people and other community activities, in coordination with the Bangsamoro Government through the CSEA;
- (e) Encourage and support the promotion and development of cooperatives and social enterprise through capacity building within the municipality and recognize, promote, protect, and support the development and sustainability of cooperatives and social entrepreneurs as vehicles of poverty reduction, job creation, and socioeconomic development for the municipality;
  - (f) Assist and facilitate the submission of the cooperatives and social enterprises within the municipality of their annual reports and financial statement to the CSEA; and
  - (g) Encourage and support the implementation of cooperatives and social enterprise programs and projects at the barangay level within the municipality.

## **XVII. On Human Rights**

- (a) Develop local policies and legislations and enact appropriate ordinances that will address issues on human rights, rule of law, and access to justice within the municipality;

For this purpose, the human rights committee shall be one of the standing committees of the sangguniang bayan, pursuant to Section 58, Book I of this Code, which shall, among others:

1. Propose to and work for the passage of ordinances that will protect, promote, and fulfill human rights in the municipality which includes the establishment of the municipal HRAC, and initiate the review of the ordinances on human rights enacted by the sanggunian of the constituent barangays;
  2. Ensure the inclusion of human rights programs, projects, and activities in the annual budget appropriation ordinance of the municipality; and
  3. Coordinate with the province, the BHRC, and when applicable, the national CHR and other agencies, non-government and local and international human rights organizations, for support in developing human rights legislations, and for trainings and capacity building among others; and
- (b) Establish the HRAC for the municipality and organize the Human Rights Action Team (HRACT) therefor.

The municipal HRAC shall be the focal unit or office on human rights matters, including human rights promotion and complaints of human rights violations, within its jurisdiction. It shall be stationed at the office of the legal officer or, where there is no municipal legal officer, it shall be stationed at the municipal social welfare and development office (MSWDO).

The municipal HRAC shall:

1. Provide technical inputs on human rights to the human rights committee of the sangguniang bayan;
2. Provide legal and/or paralegal assistance to victims of human rights violations;
3. Conduct of human rights advocacy, information and education activities, and maintain and update the directory of human rights programs and services within its respective territorial jurisdiction;
4. Encourage the participation of and mobilize local government officials, sectoral groups, locally-based people's organizations, and CSOs in the community to participate in human rights education and promotion activities;
5. Prepare the municipal human rights situationer report, consolidating the reports submitted by the constituent barangays and containing other pertinent data, and submit the same to the provincial HRAC, and have it published in the municipal websites, newsletters, and bulletin boards: *Provided*, That in the case of highly urbanized municipalities (HUMs), the municipal HRAC shall submit these reports directly to the BHRC; and
6. Provide technical, financial, and other assistance to augment the HRACs of the constituent barangays, including especially assisting the barangay HRACs or human rights desks in referral of complaints of human rights violations to the BHRC or the national CHR and other appropriate agencies and in monitoring the status thereof.

### **XVIII. On Culture and The Arts**

- (a) Conserve, develop, promote, and popularize the local tangible and intangible historical and cultural heritage and resources, as well as artistic creations, in the municipality, in accordance with regional and national laws and regulations.

The municipality shall ensure and support the enrichment of the local culture, heritage, and arts, develop the locality's creative industries, and promote their appreciation inside and outside the locality for local tourism as well as to cultivate in the inhabitants pride in and ownership of their cultural identity and heritage.

For this purpose, the municipality shall, among others:

1. Establish, organize, or strengthen the municipal culture and arts council, pursuant to regional and national laws, rules, and regulations.

Where the municipal culture and arts council has not yet been established or, if already established, otherwise requires strengthening, the province and the Bangsamoro Government shall provide technical assistance through the BCPCH;

2. Undertake cultural mapping, maintain the database or inventory of cultural and heritage resources and properties, including artistic creations, and furnish the provincial culture and arts council and the BCPCH a copy of the same;
3. Document traditional and contemporary arts and crafts, including their processes and markers, as much as practicable, sustain the sources of their raw materials, and explore and realize their potential as active and viable sources of income for the community;
4. Coordinate the registration of all cultural, artistic, and heritage properties and resources in appropriate regional and national registries;
5. Construct, maintain, and operate cultural center, museum, galleries, institutes of living tradition, and other similar facilities; and
6. Provide technical, financial, and other assistance and augmentation to any culture and arts programs, projects, facilities, and services of the constituent barangays: *Provided*, That there shall be proper coordination among all local government units;

(b) The municipal culture and arts council shall, among others:

1. Prepare an annual plan on culture, arts, and local heritage, in consonance with the provincial, regional and national plans, guidelines, and policies, which shall be integrated in the local development plan and in the annual appropriation ordinances of the municipality;
2. Spearhead cultural events and celebrations such as cultural festivals, competitions, lectures, seminars, and symposia. Toward this end, it shall give priority to sustaining all socio-cultural practices and custom such as, but not limited to, traditional celebrations, historical battles, and other similar events or activities that are unique to a locality;
3. Issue resolution recommending to the BCPCH the declaration of heritage zones within the municipality to maintain the same, in accordance with applicable Bangsamoro Government and national policies, rules, and guidelines;
4. Protect and strengthen the capacities of cultural and creative workers, including artists, artisans, creators, creative workers of indigenous cultural communities, local content providers, creative firms, and other stakeholders in the creative industries, and support their professional development and wellbeing to encourage and sustain

excellence in the creative industries, in cooperation with the regional and national governments, private, and non-governmental organizations; and

5. Adopt prompt measures to secure the integrity of cultural treasures or important cultural, artistic, and heritage properties or resources within the province whenever they are found to be in danger of destruction or significant alteration from its original state, including the issuance of orders for temporary suspension of work or activities therein, and immediately report and recommend to the BCPCH or the appropriate agencies or petition the courts for the issuance of a cease and desist order;
- (c) Undertake a systematic collection and regular updating of statistical and other data, including the integrated data from its constituent barangays, which reflects the state of cultural conditions in the municipality, to serve as essential quantitative and qualitative basis for formulating cultural policies of the municipality, the province, and the Bangsamoro Government.

The municipality shall provide access to such data and other information to the province subject to existing data privacy laws and issuances;

- (d) Establish and maintain a master list of local artists, cultural workers, business support organizations, and associations of cultural and artistic workers within the municipality, integrating the lists of its constituent barangay which it shall transmit to the province for integration and coordination of programs, activities, and policies, subject to existing data privacy laws and issuances;
- (e) Name and change the names of historical streets, buildings designated as cultural treasure or as important cultural property within the municipality, subject to the provisions of Book I of this Code and other applicable regional and national laws, policies, and guidelines;
- (f) Formulate a cultural heritage education program, including, where relevant, the institutionalization of schools or laboratories of living tradition, and recommend their incorporation into the integrated Bangsamoro education system, with emphasis on the protection, conservation, and preservation of cultural heritage property; and
- (g) Ensure that cultural and creative workers, including creative freelancers, have access to support for sustainable and dignified work and livelihood.

For this purpose, the municipality shall extend services of the one-stop shop or Negosyo Centers to assist creative industry MSMEs or entrepreneurs in availing government services that are applicable to the creative industries, including intellectual property registration, product and business registration, loans, grants, and benefits programs. Where applicable, there shall be a special lane in all Negosyo Centers for this purpose.

## CHAPTER III

### OFFICIALS AND OFFICES OF THE MUNICIPALITY

#### ARTICLE I

#### MUNICIPAL OFFICIALS AND OFFICES, IN GENERAL

**SEC. 481. *Officials of the Municipal Government.*** –

- (a) There shall be in each municipality a municipal mayor, a municipal vice mayor, and sangguniang bayan members.
- (b) There shall also be a secretary to the sangguniang bayan, a municipal treasurer, a municipal assessor, a municipal accountant, a municipal budget officer, a municipal planning and development coordinator, a municipal engineer/building official, a municipal health officer, a municipal nutrition action officer, a municipal civil registrar, a municipal agriculturist, a municipal environment and natural resources officer, a municipal social welfare and development officer, a municipal information officer, a municipal administrator, a municipal disaster risk and reduction management officer, a local youth development officer, a cooperatives development officer, a municipal senior citizens affairs officer, and a municipal persons with disability affairs officer: *Provided*, That a focal person may be designated in lieu of a persons with disability affairs officer in the case of fourth (4<sup>th</sup>) to sixth (6<sup>th</sup>) class municipalities.
- (c) The municipal government may appoint a municipal legal officer, a municipal population officer, a municipal architect, a municipal veterinarian, a human resources management officer, a local economic investment promotion officer, a community-based training for enterprise development officer, a local women's development officer, an information and communications technology officer, and tourism officer: *Provided*, That the appointment of a tourism officer shall be mandatory for a municipality with major tourism industries.
- (d) The minimum qualifications for the above-mentioned positions shall be determined in accordance with applicable laws and rules and regulations.
- (e) The creation of offices and appointment of officers in paragraphs (b) and (c) above shall be subject to the limitations on personal services as provided in Book II of this Code.
- (f) In the appointment of municipal employees especially in career positions, preference shall be given to qualified residents of the municipality.

**SEC. 482. *Non-Reduction of Positions and Non-Diminution of Benefits.*** – Nothing herein shall be interpreted to affect the positions already existing in nor diminish the benefits already provided by the individual municipalities at the time of the enactment of this Code.



## ARTICLE II

### THE MUNICIPAL MAYOR

#### **SEC. 483. Powers, Duties, and Functions. –**

- (a) The municipal mayor, as the chief executive of the municipal government, shall exercise such powers and perform such duties and functions as provided by this Code and other laws.
- (b) For efficient, effective, and economical governance, and for the general welfare of the municipality and its inhabitants pursuant to Section 16 of Book I and Section 480 hereof, the municipal mayor shall:
  - 1. Exercise general supervision and control over all programs, projects, services, and activities within the municipality for the general welfare of his/her constituents and in this connection, he/she shall:
    - i. Formulate the guidelines of municipal policies and be responsible to the sangguniang bayan for the program of government;
    - ii. At the opening of the regular session of the sangguniang bayan for every calendar year, as may be deemed necessary, present the program of government, and propose policies and projects for the consideration of the sangguniang bayan as the general welfare of the inhabitants and the needs of the municipal government may require;
    - iii. Initiate and propose legislative measures to the sangguniang bayan and from time to time as needed, provide such information and data needed or requested by said sanggunian in the performance of its legislative functions;
    - iv. Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of municipal funds, whose appointments are not otherwise provided for in this Code, and those he/she may be authorized by law to appoint;
    - v. Upon authorization by the sangguniang bayan, represent the municipality in all its business transactions and sign on its behalf all bonds, contracts, and obligations, and such other documents made pursuant to law or ordinance;
    - vi. Determine, according to law or ordinance, the time, manner, and place of payment of salaries or wages of the officials and employees of the municipality;
    - vii. Allocate and assign office space to municipal officials and other employees who, by law or ordinance, are entitled to such space in the municipal hall and other buildings owned or leased by the municipal government;

- viii. Ensure that all executive officials and employees of the municipality faithfully discharge their duties and functions as provided by law and this Code, and cause to be instituted administrative or judicial proceedings against any official or employee of the municipality who may have committed an offense in the performance of his/her official duties;
- ix. Examine the books, records, and other documents of all offices, officials, agents, or employees of the municipality, and in aid of his/her executive powers and authority, require all officials and employees stationed in or assigned to the municipality to make available to him/her such books, records, and other documents in their custody, except those classified by law as confidential;
- x. Furnish copies of executive orders issued by him/her to the provincial governor within seventy-two (72) hours after their issuance and to the OCM through the MILG;
- xi. Visit component barangays of the municipality at least once every six (6) months and consider such visit an outreach program for delivering basic services to the barangays and to deepen his/her understanding on problems or conditions therein. He/She may also conduct “*ulat sa barangay*” to inform the component barangay officials and inhabitants of the general laws and ordinances which especially concern them, listen and give appropriate counsel to local officials or inhabitants, featuring achievement of barangay concern and the municipal government, financial reporting, recognition of local innovations, and conduct inspections to the end that the governance of the municipality will improve the quality of life of the inhabitants;
- xii. Submit to the provincial governor and to the OCM through MILG the following reports: (a) an annual report containing a summary of all matters pertaining to the management, administration, and development of the municipality and all information and data relative to its political, social and economic conditions; and (b) supplemental reports when unexpected events and situations arise at any time during the year, particularly when man-made or natural disasters or calamities affect the general welfare of the municipality, province, region, or country;
- xiii. Act on leave applications of officials and employees of the municipal government and on the commutation of the monetary value of leave credits according to law;
- xiv. Authorize official trips outside of the municipality of municipal officials and employees for a period not exceeding thirty (30) days;
- xv. Call upon any official or employee stationed in or assigned to the municipality to advise him/her on matters affecting the municipality and to make recommendations thereon, or to coordinate in the formulation and

implementation of plans, programs, and projects, and when appropriate, initiate an administrative or judicial action against a government official or employee who may have committed an offense in the performance of his/her official duties while stationed in or assigned to the local government unit concerned;

- xvi. Subject to availability of funds, authorize payment of medical care, necessary transportation, subsistence, hospital or medical fees of municipal officials and employees who are injured while in the performance of their official duties and functions; and
  - xvii. Solemnize marriages;
2. Enforce all laws and ordinances relative to the governance of the municipality and the exercise of its corporate powers provided for under this Code, implement all approved policies, programs, projects, services, and activities of the municipality and in addition to the foregoing, shall:
- i. Ensure that the acts of the municipality's component barangays and of its officials and employees are within the scope of their prescribed powers, functions, duties, and responsibilities;
  - ii. Call conventions, conferences, seminars, or meetings of any elective and appointive officials of the municipality, including provincial officials and national officials, and employees stationed in or assigned to the municipality at such time and place and on such subject as he/she may deem important for the promotion of the general welfare of the local government unit and its inhabitants.  
  
All conventions, seminars, conferences, or meetings funded by the local government unit concerned must be held within the territorial jurisdiction of the municipality or, if not available, in any nearest establishments within the BARMM or, for justifiable reason, outside of BARMM upon approval of the MILG; and
  - iii. Issue such executive orders necessary for the proper enforcement and execution of laws and ordinances;
3. Initiate and maximize the generation of resources and revenues and apply the same to the implementation of development plans, program objectives, and priorities as provided for under this Code, particularly those resources and revenues programmed for agro-industrial development and country-wide growth and progress, and relative thereto, shall:
- i. Require each head of an office or department to prepare and submit an estimate of appropriations for the ensuing calendar year, in accordance with the budget preparation process of this Code;

- ii. Prepare and submit to the sanggunian for approval the executive and supplemental budgets of the municipality for the ensuing calendar year in the manner provided for under this Code;
  - iii. Ensure that all taxes and other revenues of the municipality are collected and that municipal funds are applied in accordance with law or ordinance to the payment of expenses and settlement of obligations of the municipality;
  - iv. Issue licenses and permits and suspend or revoke the same for any violation of the conditions upon which said licenses or permits had been issued, pursuant to law or ordinance;
  - v. Issue permits, without need of approval therefor from any national and regional government agency, for the holding of activities for any charitable or welfare purpose;
  - vi. Provide efficient and effective property and supply management in the municipality, and protect the funds, credits, rights, and other properties of the municipality; and
  - vii. Institute or cause to be instituted administrative or judicial proceedings for violation of ordinances in the collection of taxes, fees, or charges, and for the recovery of funds and property, and cause the municipality to be defended against all suits to ensure that its interests, resources, and rights shall be adequately protected; and
4. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SEC. 484. *Place of Office.*** – During his/her incumbency, the municipal mayor shall hold office in the municipal hall.

**SEC. 485. *Compensation of the Municipal Mayor.*** – The municipal mayor shall receive a minimum monthly compensation corresponding to salary grade twenty-seven (27) as prescribed under R.A. No. 6758, otherwise known as the “Compensation and Position Classification Act of 1989,” and the implementing guidelines issued pursuant thereto.

### **ARTICLE III**

#### **THE VICE MAYOR**

**SEC. 486. *Powers and Duties.*** – The vice mayor shall:

- (a) Preside the sangguniang bayan and sign all warrants drawn on the municipal treasury for all expenditures appropriated for the operation of the sangguniang bayan;

- (b) Subject to civil service law, rules and regulations, appoint all officials and employees of the sangguniang bayan, except those whose manner of appointment is specifically provided in this Code;
- (c) Assume the office of the municipal mayor for the unexpired term of the latter in the event of permanent vacancy as provided in this Code;
- (d) Exercise the powers and perform the duties and functions of the municipal mayor in cases of temporary vacancy as provided in this Code; and
- (e) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SEC. 487. Compensation of the Vice Mayor.** – The vice mayor shall receive a monthly compensation corresponding to salary grade twenty-five (25) as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

## ARTICLE IV

### THE SANGGUNIANG BAYAN

**SEC. 488. Composition.** – The sangguniang bayan, the legislative body of the municipality, shall be composed of the municipal vice mayor as the presiding officer, the regular sanggunian members, the president of the municipal chapter of the liga ng mga barangay sa Bangsamoro, the president of the pambayang pederasyon ng mga sangguniang kabataan, and the sectoral representatives, as members.

For the three (3) sectoral representatives: one (1) shall come from the women; another shall come from the agricultural or industrial workers, as shall be determined by the sanggunian concerned within ninety (90) days prior to the holding of the local elections; and lastly, one (1) from the other sectors, including the urban poor, indigenous cultural communities, or persons with disabilities: *Provided*, That where IPs comprise at least five percent (5% of the population of the municipality but not more than fifty percent (50%) of its elective officials, or when a native title recognized by the MIPA is situated within the municipality, the third (3<sup>rd</sup>) sectoral representative shall be from the IPs who will be selected in accordance with the guidelines to be issued by the MIPA and the MILG which shall respect and uphold their respective indigenous customs, traditions, and norms.

Another seat for representation of settler communities in the sangguniang bayan shall be guaranteed: *Provided*, That there is a substantial presence, comprising at least five percent (5%) of the total population in that municipality but not more than fifty percent (50%) of its elective officials.

The election of sectoral representatives, except for the IPs, shall be provided for in an ordinance enacted by the sanggunian in accordance with Section 41 (c) of this Code.

**SEC. 489. Powers, Duties, and Functions.** – The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions, and appropriate funds for the general

welfare of the municipality and its inhabitants and in the proper exercise of the corporate powers of the municipality as provided under this Code, and shall:

- (a) Enact and approve ordinances or pass resolutions necessary for an efficient and effective municipal government in accordance with the powers, functions, and services devolved to the municipal government as provided in Section 478, in this connection, it shall also:
1. Review all ordinances approved by the sangguniang barangay and executive orders issued by the punong barangay to determine whether these are within the scope of the prescribed powers of the sanggunian and of the punong barangay;
  2. Enact ordinances imposing a fine not exceeding Five Thousand Pesos (Php 5,000.00) or an imprisonment for a period not exceeding six (6) months, or both, for the violation of a municipal ordinance;
  3. Subject to the provisions of this Code and pertinent laws, determine the powers and duties of officials and employees of the municipality;
  4. Determine the positions and the salaries, wages, allowances and other emoluments, and benefits of officials and employees paid wholly or mainly from municipal funds, and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the municipal government;
  5. Authorize the payment of compensation to a qualified person not in the government service who fills up a temporary vacancy or grant honorarium to any qualified official or employee designated to fill a temporary vacancy in a concurrent capacity, at the rate authorized by law;
  6. Provide a mechanism and the appropriate funds therefor, to ensure the safety and protection of all municipal government property, public documents, or records such as those relating to property inventory, land ownership, records of births, marriages, deaths, assessments, taxation, accounts, business permits, and such other records and documents of public interest in the offices and departments of the municipal government;
  7. When the finances of the municipal government allow, provide for additional allowances and other benefits to judges, prosecutors, public elementary and high school teachers, and other national government officials stationed in or assigned to the municipality;
  8. Provide for legal assistance to barangay officials, barangay tanod and lupon who, in the performance of their official duties or on the occasion thereof, have to initiate judicial proceedings or defend themselves against legal action; and
  9. Provide for group insurance or additional insurance coverage for barangay officials, including members of barangay tanod brigades and other service units, with public or private insurance companies, when the finances of the municipal government allow said coverage;

- (b) Generate and maximize the use of resources and revenues for the development plans, program objectives, and priorities of the municipality as provided for under Section 21 of this Code with particular attention to agro-industrial development and countryside growth and progress, and relative thereto, shall:
1. Enact the annual and supplemental budgets of the municipal government and appropriate funds for specific programs, projects, services, and activities of the municipality, or for other purposes not contrary to law, in order to promote the general welfare of the municipality and its inhabitants;
  2. Subject to the provisions of Book II of this Code and upon the majority vote of all the members of the sangguniang bayan, authorize the municipal mayor to negotiate and contract loans and other forms of indebtedness: *Provided*, That the necessary certification for the grant of loans or other forms of indebtedness shall be issued by the BLGF, in consultation with the appropriate agency of the Bangsamoro Government;
  3. Subject to the provisions of this Code and applicable laws and upon the majority vote of all the members of the sangguniang bayan, enact ordinances authorizing the floating of bonds or other instruments of indebtedness, for the purpose of raising funds to finance development projects;
  4. Appropriate funds for the construction and maintenance or the rental of buildings for the use of the municipality, and upon the majority vote of all the members of the sangguniang bayan, authorize the municipal mayor to lease to private parties such public buildings held in a proprietary capacity, subject to existing law, rules and regulations;
  5. Whenever necessary, enact an ordinance that would regulate and/or restraints the use of property within the jurisdiction of the municipality;
  6. With the concurrence of at least two-thirds (2/3) of all the members of the sangguniang bayan, grant tax exemptions, incentives, or reliefs to entities engaged in community growth-inducing industries, subject to the provisions of this Code;
  7. Grant loans or provide grants to other local government units or to national, provincial, and municipal charitable, benevolent, or educational institutions: *Provided*, That said institutions are operated and maintained within the municipality;
  8. Regulate the numbering of residential, commercial, and other buildings; and
  9. Regulate the inspection, weighing, and measuring of articles of commerce;
- (c) Subject to the provisions of this Code, grant franchises, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances levying taxes, fees, and charges upon

such conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality, and pursuant to this legislative authority shall:

1. Fix and impose reasonable fees and charges for all services rendered by the municipal government to private persons or entities;
  2. Regulate any business, occupation, or practice of profession or calling which does not require government examination within the municipality and the conditions under which the license for said business or practice of profession may be issued or revoked;
  3. Prescribe the terms and conditions under which public utilities owned by the municipality shall be operated by the municipal government or leased to private persons or entities, preferably cooperatives;
  4. Regulate the display of and fix the license fees for signs, signboards, or billboards at the place or places where the profession or business advertised thereby is, in whole or in part, conducted;
  5. Prohibit the establishment of, and regulate the operation, and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks: *Provided*, That existing rights should not be prejudiced; and
  6. Upon approval by a majority vote of all the members of the sangguniang bayan, grant 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 a franchise;
- (d) Regulate activities relative to the use of land, buildings and structures within the municipality in order to promote the general welfare and for said purpose shall:
1. Declare, prevent, or abate any nuisance;
  2. Prohibit the establishment of beerhouses and motels, and regulate the operation and maintenance of cafes, restaurants, hotels, inns, pension houses, lodging houses, and other similar establishments, including tourist guides and transports;
  3. Regulate the sale, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any retail outlet;
  4. Regulate the establishment and provide for the inspection of steam boilers or any heating device in buildings and the storage of inflammable and highly combustible materials within the municipality; and
  5. Prohibit and/or regulate the establishment, operation, and maintenance of entertainment or amusement facilities, including theatrical performances, circuses,



billiard pools, public dancing schools, public dance halls, sauna baths, massage parlors, and other places of entertainment or amusement; regulate such other events or activities for amusement or entertainment, particularly those which tend to disturb the community or annoy the inhabitants, or require the suspension or suppression of the same; or prohibit certain forms of amusement or entertainment in order to protect the social and moral welfare of the community;

- (e) Enact ordinances which shall ensure the efficient and effective delivery of basic services, including the following:
  - 1. Regulation of traffic on all streets and bridges, prohibiting the putting up of encroachments or obstacles thereon, and when necessary in the interest of public welfare, authorizing the removal of encroachments and illegal constructions in public places;
  - 2. Establishment of a scholarship fund for poor but deserving students residing within the province in schools located within its jurisdiction; and
  - 3. Adoption of quarantine regulations to prevent the introduction and spread of diseases; and
- (f) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SEC. 490. *Compensation of the Sangguniang Bayan Members.*** – The members of the sangguniang bayan shall receive a minimum monthly compensation corresponding to salary grade twenty-four (24) as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

### **TITLE III**

### **THE CITY**

### **CHAPTER I**

### **ROLE OF THE CITY**

**SEC. 491. *Role of the City.*** – The city is a general-purpose government for the coordination and delivery of basic, regular, and direct services and effective governance of the inhabitants within its territorial jurisdiction.

**SEC. 492. *Cities, Classified.*** – A city may be a component, independent, or highly urbanized: *Provided, however,* That the criteria established in this Code shall not affect the classification and corporate status of existing cities.

**SEC. 493. *Independent Component Cities.*** – Independent component cities are those component cities whose charters prohibit their voters from voting for provincial elective officials. Independent component cities shall be independent of the province.

**SEC. 494. *Highly Urbanized Cities.*** – Cities with a minimum population of two hundred thousand (200,000) inhabitants, as certified by the PSA, and with the latest annual income of at least Fifty Million Pesos (Php 50,000,000.00) based on 1991 constant prices, as certified by the city treasurer, shall be classified as highly urbanized cities.

**SEC. 495. *Component Cities.*** – Cities which do not meet the above requirements shall be considered component cities of the province in which they are geographically located. If a component city is located within the boundaries of two (2) or more provinces, such city shall be considered a component of the province of which it used to be a municipality.

## **CHAPTER II**

### **POWERS AND FUNCTIONS OF THE CITY**

**SEC. 496. *Powers, Functions, Services, and Facilities.*** – The city government shall perform the same powers and functions and ensure the delivery of basic services and facilities as that of the municipality and province, as provided under this Code.

## **CHAPTER III**

### **OFFICIALS AND OFFICES OF THE CITY**

#### **ARTICLE I**

#### **CITY OFFICIALS AND OFFICES, IN GENERAL**

**SEC. 497. *Officials of the City Government.*** –

- (a) There shall be in each city a mayor, a vice mayor, and sangguniang panlungsod members.
- (b) There shall also be a secretary to the sangguniang panlungsod, a city treasurer, a city assessor, a city accountant, a city budget officer, a city planning and development coordinator, a city engineer/building official, a city health officer, a city civil registrar, a city agriculturist, a city environment and natural resources officer, a city social welfare and development officer, a city nutrition action officer, a city information officer, a city administrator, a city disaster risk reduction management officer, a city legal officer, a city veterinarian, a city general services officer, a city youth development officer, a city cooperatives development officer, a city senior citizens affairs officer, and a city persons with disability affairs officer.

- (c) The city government may appoint an architect, a human resources management officer, a local economic investment promotion officer, a community-based training for enterprise development officer, an information and communications technology officer, and tourism officer: *Provided*, That the appointment of a tourism officer shall be mandatory for a city with major tourism industries.
- (d) The minimum qualifications for the above-mentioned positions shall be determined in accordance with applicable laws and rules and regulations.
- (e) The creation and appointment of officers in paragraphs (b) and (c) above shall be subject to the limitations on personal services as provided in Book II of this Code.
- (f) The sangguniang panlungsod may:
  - 1. Maintain existing offices not mentioned in subsections (a), (b), and (c) hereof;
  - 2. Create such other offices as may be necessary to carry out the purposes of the city government; and
  - 3. Consolidate the functions of any office with those of another in the interest of efficiency and economy.
- (g) Unless otherwise provided herein, heads of departments and offices shall be appointed by the city mayor with the concurrence of the majority of all the sangguniang panlungsod members, subject to civil service law, rules, and regulations. The sangguniang panlungsod shall act on the appointment within fifteen (15) days from the date of its submission, otherwise the same shall be deemed confirmed.
- (h) Elective and appointive city officials shall receive such compensation, allowances, and other emoluments as may be determined by law or ordinance, subject to the budgetary limitations on personal services prescribed under Title V, Book II of this Code: *Provided*, That no increase in compensation of the mayor, vice mayor, and sangguniang panlungsod members shall take effect until after the expiration of the full term of the said local officials approving such increase.

**SEC. 498. *Non-Reduction of Positions and Non-Diminution of Benefits.*** – Nothing herein shall be interpreted to affect the positions already existing nor diminish the benefits already provided by the individual cities at the time of the enactment of this Code.

## **ARTICLE II**

### **THE CITY MAYOR**

**SEC. 499. *Powers, Duties, and Functions.*** – The city mayor, as chief executive of the city government, shall exercise the same powers and perform such duties and functions as that of the

municipal mayor as provided by this Code and other laws, as applicable and subject to the succeeding sections.

**SEC. 500. *Annual and Supplemental Reports.*** – The city mayor must submit to the provincial governor and to the Chief Minister, through the MILG, in the case of the component city, and to the Chief Minister, through the MILG, in the case of independent component and highly urbanized cities, the following reports:

- (a) An annual report containing a summary of all matters pertinent to the management, administration, and development of the city and all information and data relative to its political, social, and economic conditions; and
- (b) Supplemental reports when unexpected events and situations arise at any time during the year, particularly when man-made or natural disasters or calamities affect the general welfare of the city, province, region, or country.

**SEC. 501. *Executive Orders.*** – The city mayor shall furnish copies of executive orders issued by him/her, within seventy-two (72) hours after their issuance to the provincial governor and to the Chief Minister, through the MILG, in the case of component cities, and to the Chief Minister, through the MILG, and to the office of the president, in the case of independent component and highly urbanized cities.

**SEC. 502. *Membership in the Council of Leaders.*** – The city mayor shall be a member of the council of leaders, as provided by the BOL.

**SEC. 503. *Membership in the Bangsamoro Economic Development Council.*** – In the case of independent component and highly urbanized cities, the mayor shall represent the city in the BEDC, as provided in BAA No. 13.

**SEC. 504. *Place of Office.*** – During his/her incumbency, the city mayor shall hold office in the city hall.

**SEC. 505. *Compensation of the City Mayor.*** – The city mayor shall receive a minimum monthly compensation corresponding to salary grade thirty (30) as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

### ARTICLE III

#### THE CITY VICE MAYOR

**SEC. 506. *Powers, Duties, and Functions.*** – The city vice mayor shall exercise the same powers and perform such duties and functions as that of the municipal vice mayor, as provided in this Code and other laws, as applicable and subject to the succeeding sections.

**SEC. 507. *Compensation of the City Vice Mayor.*** – The monthly compensation of the city vice mayor of a component city shall correspond to salary grade twenty-six (26), and that of a highly

urbanized city to salary grade twenty-eight (28), as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

## ARTICLE IV

### THE SANGGUNIANG PANLUNGSOD

**SEC. 508. Composition.** – The sangguniang panlungsod, the legislative body of the city, shall be composed of the city vice mayor as presiding officer, the regular sanggunian members, the president of the city chapter of the liga ng mga barangay sa Bangsamoro, the president of the panlungsod na pederasyon ng mga sangguniang kabataan, and the three (3) sectoral representatives, as members.

For the three (3) sectoral representatives: one (1) shall come from the women; another shall come from the agricultural or industrial workers, as shall be determined by the sanggunian concerned within ninety (90) days prior to the holding of the local elections; and lastly, one (1) from the other sectors, including the urban poor, indigenous cultural communities, or persons with disabilities: *Provided*, That where the IPs comprise at least five percent (5%) of the population of the city but not more than fifty percent (50%) of its elective officials, or when a native title recognized by the MIPA is situated within the city, the third (3<sup>rd</sup>) sectoral representative shall be from the IPs who will be selected in accordance with the guidelines to be issued by the MIPA and the MILG, which shall respect and uphold their respective indigenous customs, traditions, and norms.

Another seat for representation of settler communities in the sangguniang bayan shall be guaranteed: *Provided*, That there is a substantial presence, comprising at least five percent (5%) of the total population in that city but not more than fifty percent (50%) of its elective officials.

The election of sectoral representatives, except for the IPs, shall be provided for in an ordinance enacted by the sanggunian in accordance with Section 41 (c) of this Code.

**SEC. 509. Powers, Duties, and Functions.** – The sangguniang panlungsod, as the legislative body of the city shall, within its jurisdiction, exercise the powers, duties, and functions of the sangguniang bayan and sangguniang panlalawigan: *Provided*, That the sanggunian may enact ordinances imposing a fine not exceeding Five Thousand Pesos (Php 5,000.00), an imprisonment for a period not exceeding one (1) year, or both, for the violation of a city ordinance.

**SEC. 510. Compensation of the Sangguniang Panlungsod Members.** – The monthly compensation of the sangguniang panlungsod members of a component city shall correspond to salary grade twenty-five (25), and that of a highly urbanized city to salary grade twenty-seven (27), as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

## TITLE IV

### THE PROVINCE

#### CHAPTER I

#### ROLE OF THE PROVINCE

**SEC. 511. *Role of the Province.*** – The province is a political and corporate unit of government that serves as a dynamic mechanism for developmental processes and effective governance of local government units within its territorial jurisdiction.

#### CHAPTER II

#### POWERS AND FUNCTIONS OF THE PROVINCE

**SEC. 512. *Powers, Functions, Services, and Facilities.*** – The provincial government shall perform the powers and functions and ensure the delivery of basic services and facilities, as follows:

##### **I. On Agriculture**

- (a) Formulate and implement the agriculture, fisheries, and livestock programs of the province, within the framework of the Bangsamoro Government policies and plans.

For this purpose, the province shall, among others:

1. Provide for, maintain, and deliver agriculture, fisheries, and poultry and livestock production extension services and facilities, including but not limited to:
  - i. Prevention and control of plant and animal pests and diseases;
  - ii. Dairy farms, livestock markets, animal breeding stations, and artificial insemination centers;
  - iii. Transfer of appropriate technology; and
  - iv. Assistance in the organization of farmers' and fishers' cooperatives and other collective organizations;
2. Establish, provide for, and maintain on-site or location-specific research services and facilities related to agriculture, livestock, poultry, and fishery activities, including the establishment, operation, and maintenance of demonstration farms; and
3. Provide maximum assistance and access to resources in the production, processing, and marketing of agricultural and aqua-cultural and marine products

to farmers, fishers, and local agri-fisheries enterprises within the province and its constituent municipalities, cities, and barangays;

- (b) Formulate and implement the provincial agriculture, fisheries, and biosystems modernization and mechanization programs, integrating and consolidating the programs of the constituent municipalities and cities consistent with standards set by national and regional laws, and subject to monitoring and performance assessment thru, and in collaboration and/or cooperation with MAFAR.

Through the provincial agriculture and biosystems engineer, the province shall, within its territorial jurisdiction and funded by the provincial funds intended to primarily serve the needs of its residents, administer, supervise, and coordinate the construction, operation, maintenance, improvement, and management of:

1. Inter-municipal irrigation and soil and water conservation projects, such as, but not limited to:
  - i. Small-scale irrigation;
  - ii. SWIPs;
  - iii. Diversion dams; and
  - iv. Bioengineering for flood control;
2. Agri-fisheries machinery and infrastructures extension and on-site research centers;
3. Post-harvest facilities, including support and augmentation to the constituent municipalities and cities;
4. Support to projects geared toward the development of the barangay agriculture and biosystems engineering facilities, such as:
  - i. Farm-to-market roads;
  - ii. Multi-purpose drying pavement; and
  - iii. Ice processing centers;
5. Mechanized demonstration farms and learning sites or centers that shall provide skills and capacity development of farmers, fishers, and farm workers on the proper operation and maintenance of agri-fisheries machinery;
6. Agricultural and biological solid waste management and utilization facilities, such as, but not limited to, composting for biogas technologies;
7. Climate change agriculture and biosystems mitigation and adaptation facilities, such as, but not limited to:
  - i. Renewable energy facilities for agri-fisheries enterprise; and
  - ii. Precision agriculture technologies, equipment, and materials utilized for land laser levelling, hydroponics, and greenhouse agriculture;

- (c) Augment in the municipality, programs to regulate the keeping of animals in homes or as part of a business; and the slaughter, sale, or disposition of the same within the territorial jurisdiction municipality, subject to regulations and standards set by the national and the Bangsamoro governments;
- (d) Augment in the municipality, programs to adopt measures to prevent and penalize cruelty to animals and ensure animal welfare. For this purpose, the municipality shall provide a place for impounding stray animals;
- (e) Construct and provide for agriculture, fisheries, and livestock production facilities for and in support of the constituent cities, municipalities, and barangays which shall be turned over to them.

The province shall also undertake the maintenance, in particular, the major repairs and rehabilitation, of such facilities and provide such other financial and other technical support to augment the constituent cities, municipalities, and barangays in the achievement of their agriculture, fisheries, livestock, and other food production and supply goals.

In the exercise of these functions, the province must ensure proper coordination among all the concerned local government units.

*Provided*, That the ownership, operation, and maintenance of Research, Development and Extension (RDE) facilities, such as the existing BARMM Integrated Agri-fishery Research Center (BARMMIARC), situated in Simuay, Maguindanao del Norte and its research outreach stations, laboratories, and facilities shall remain with the MAFAR.

*Provided, further*, That, the provincial governments shall have the power to establish their own facilities with the technical assistance of MAFAR for purposes enhancing their services;

- (f) Augment, in the barangay, programs to establish, operate, and maintain community gardens, small communal or collective food farms, including, but not limited to “*gulayan sa barangay*;”
- (g) Maintain the provincial database and master list of farmers, fishers, livestock producers, and other agriculture, fisheries, and food production stakeholders, including agri-venture enterprises, cooperatives, and the like, and containing other relevant information from the consolidated databases of its constituent municipalities and cities.

The province shall share and give access to such database and master list to the MAFAR for consolidation and integration in the Bangsamoro centralized regional information systems on agriculture, fisheries, and food supply enterprise, subject to existing data privacy laws and issuances;



- (h) In pursuit of food security and nutrition goals and targets of the province, the province shall give priority to directly sourcing and procuring from the farmers, fishers, and other food producers in the area;
- (i) Ensure participation of farmers, fishers, agricultural entrepreneurs, and stakeholders in policy making, planning, and program formulation of the province, in accordance with mechanisms established by the MAFAR;
- (j) Coordinate with government agencies and non-governmental organizations which promote agricultural productivity through appropriate technology compatible with environmental integrity;
- (k) Augment in the municipality, programs in the enforcement of fishery laws on municipal waters including the conservation of mangroves. For this purpose, the province shall enforce and implement requirements under all fishery laws, rules, and regulations, and settle conflicts or resource use and allocation in coordination with the municipal local government unit and the FARMC; and
- (l) Adopt measures to enhance the full implementation of the agrarian reform program in coordination with the MAFAR.

## **II. On Health**

- (a) Formulate the health policies of the province, as well as prepare and implement a plan pursuant thereto within the framework of the Bangsamoro Government's general health policies and plans;
- (b) Augment its constituent cities, municipalities, and barangays, programs to support community-based primary health-care services;
- (c) Provide health services to its constituents, including:
  1. Operation and management of primary and secondary levels of hospital services, through provincial hospital;
  2. Provision for the operation and maintenance of, as well as fund augmentation for, district hospitals;
  3. Provision or augmentation for the implementation of health programs, procurement of medicines, medical supplies and equipment, and the hiring of health personnel;
  4. Feeding and nutrition, immunization, family planning programs, including in the education and information campaigns thereon;
  5. Prevention and containment of diseases within its territorial jurisdiction;
  6. Health education and advocacy programs;

7. Provision of population development services; and
  8. Administrative, technical, financial, and operational management of local health systems, pursuant to R.A. No. 11223 also known as the “*Universal Health Care Act*;”
- (d) Provide other tertiary health services;
  - (e) Enforce all laws, rules, and regulations relating to health, including quarantine laws and food and drug safety laws;
  - (f) Coordinate with the MOH on health-related programs and activities provided by the national government, by other interest groups, non-government organizations, and international organizations;
  - (g) Monitor the local health situation and submit regular reports thereon to the MOH, through the provincial health officer; and
  - (h) Undertake health and medical research in support of the province’s programs and activities related to health.

### **III. On Social Services**

- (a) Formulate and implement directly, when able, its own programs on social welfare and development: *Provided*, That it shall coordinate with the municipality or city for purposes of harmonization and avoiding the duplication of services, projects, and interventions;
- (b) Augment the programs implemented by the component municipalities and cities, and/or their barangays in the field of social services;
- (c) When necessary, provide technical assistance and resource augmentation to component municipalities, cities, and barangays on the matters of formulation, planning, implementation, monitoring, and evaluation of social welfare programs;
- (d) Coordinate and cooperate with the MSSD, the national government, and the component municipalities and cities in the implementation of national and regional programs and when able, augment said programs;
- (e) Conduct trainings for social welfare officers and other employees and workers of component cities, municipalities, and barangays for the enhancement of the latter’s social welfare and development programs;
- (f) Assist the MSSD in the registration and licensing of social welfare and development agencies (SWDAs) and in the accreditation of social welfare and development programs within the province;
- (g) In coordination with the MSSD, maintain information systems related to vulnerable sectors and social welfare programs;

- (h) Establish local mechanisms to support the implementation of social welfare and development programs and services in the province, such as, but not limited to, the Provincial Inter-Agency Committee Against Trafficking and Violence Against Women and Children (PIACAT-VAWC), Provincial Committee for the Protection of Children (PCPC), Provincial Early Childhood Care and Development Coordinating Committee (PECCDCC), Provincial Youth Development Council (PYDC), and Provincial Council for the Elderly (PCE);
- (i) Augment resources for the construction and rehabilitation of CDCs;
- (j) Ensure delivery of quality ECCD services through technical assistance, capacity building, conduct of external assessment, support and augmentation of the operation and maintenance of CDCs, especially those in fourth (4<sup>th</sup>) to sixth (6<sup>th</sup>) class component municipalities, including the provision of honoraria of CDC workers;
- (k) When able, construct and maintain residential care institutions, and/or augment the operations of such institutions;
- (l) Develop and implement programs to strengthen CSOs and people's organizations operating in the province, including their accreditation, and the federation in the provincial level of these organizations of vulnerable sectors in order for them to participate in governance, exercise self-empowerment, advocacy for their rights, and interests;
- (m) Lead or participate in information dissemination activities and campaigns on issues affecting vulnerable sectors and on programs that address them; and
- (n) Disseminate information on social welfare services that are available to its constituents in the provincial, component city, municipal, and barangay levels.

#### **IV. On Environmental Services**

- (a) Support the efforts of its component municipalities and cities on community action for cleanliness, general hygiene and sanitation, and beautification: *Provided*, That the province may directly undertake or provide the necessary augmentation to the concerned municipalities or cities where the action for cleanliness, hygiene, sanitation, and beautification extends to or involves more than one of its constituent municipalities or cities or when it shall be undertaken exclusively within provincial properties;
- (b) Establish the provincial solid waste management board, pursuant to national and Bangsamoro solid waste management laws, rules, and regulations, to be chaired by the governor and composed of all the mayors of its component cities and municipalities, representatives from the sangguniang panlalawigan, the provincial health officer, the provincial environment and natural resources officer, the provincial engineer, the private sector and the non-governmental organization representatives, among others, as members;

The provincial solid waste management board shall:

1. Formulate and implement a provincial solid waste management plan by consolidating the submitted solid waste management plans of the component cities and municipalities.

For this purpose, the board shall review and integrate the submitted plans and ensure that the various plans complement each other and have the requisite components to achieve the goals of ecological solid waste management;

2. Adopt the general program of action and initiatives of the provincial government on solid waste management that would support the various initiatives of its component cities and municipalities, and provide the necessary funding, logistical, and operational support to them;
  3. Coordinate the efforts of the component cities and municipalities in the implementation of the solid waste management goals;
  4. Develop an appropriate incentive scheme as an integral component thereof; and
  5. Allow for the clustering of municipalities or cities for the solution of common solid waste management problems;
- (c) Augment in its component cities and municipalities, programs to regulate the consumption, use, or wastage of water and protect the purity and quantity of the water supply of the municipality;
- (d) Augment in its component barangays, programs on the maintenance and operation of water supply systems exclusively within its jurisdiction, including undertaking minor and major repairs or rehabilitations thereon;
- (e) Augment in its constituent cities and municipalities, programs to enforce regulations on air contamination and pollution from smoking and air pollution from motor vehicle and other mobile sources, pursuant to national and regional laws and policies on comprehensive air pollution control and air quality management;
- (f) Provide technical assistance, enforcement, and information management support to the constituent municipal and city climate change action plans.

The province shall maximize inter-local government unit collaboration in the conduct of climate-related activities;

- (g) Enforce national and Bangsamoro forestry laws within the areas of the community-based forestry projects, communal forests, the integrated social forestry programs, and small watershed areas of the constituent city or municipality by way of, but not limited to:
1. Prevention of forest fires, illegal cutting, and *kaingin*;
  2. Apprehension of violators of forest laws, rules, and regulations;

3. Confiscation of illegally extracted forest products on site;
  4. Imposition of appropriate penalties for illegal logging, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and other unlawful activities; and
  5. Confiscation, forfeiture, and disposition of conveyances, equipment and other implements used in the commission of offenses penalized;
- (h) Recommend to the Bangsamoro Parliament, through the MENRE, the declaration of nature reserves and marine parks, forests, watershed reservations and other protected areas;
  - (i) Enact and approve ordinances that safeguard against pollution and enforce pollution control laws;
  - (j) Enact and approve ordinances and enforce national and regional laws on the protection of the environment and for the preservation of the natural ecosystem in the province, in consonance with approved national and regional standards, laws, and regulations.

It may impose appropriate penalties for acts which endanger the environment, such as dynamite and cyanide fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, throwing of garbage, waste materials, acceleration of eutrophication of rivers and lakes, or of ecological imbalance, without prejudice to application of criminal liabilities under national and regional laws;

- (k) Undertake mini-hydroelectric projects for local purposes, following regional and national laws, rules, regulations, and standards thereon;
- (l) Regulate and authorize the undertaking of small-scale mining within the province, ensuring the strict enforcement and implementation of the applicable national and regional laws, rules, and regulations on small-scale mining;
- (m) Issue the permits to extract sand, gravel, and other quarry resources covering an area of not more than five (5) hectares upon the favorable recommendation of the city or municipal mayor where the resources will be extracted and pursuant to an ordinance of the sangguniang panlalawigan, in consonance with of Section 161 Book II of this Code;
- (n) Consult constituent local government units, and where necessary, secure the prior approval of the sanggunian concerned as mandated in Section 32 of this Code, the local communities and other concerned stakeholders in the province that are directly affected during the planning and prior to the implementation of any project or program that may cause or aggravate pollution, climate change, depletion of non-renewable resources, loss of crop land, rangeland, or forest cover, and extinction of animal or plant species.

The province, during such consultation period, shall explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof: *Provided*, That occupants in areas where such projects or program are to be implemented shall not be displaced unless appropriate relocation sites and other measures to mitigate the adverse effects of displacement have been provided, in accordance with the provisions of the constitution and applicable national and regional laws, regulations, and standards; and

- (o) Enact appropriate ordinances or issue the appropriate resolutions, after due consultation, signifying the province's approval or disapproval of, concurrence with or opposition to proposed project or programs of the region or the national government, that may cause or aggravate pollution, climate change, the depletion of non-renewable resources, loss of crop land, rangeland, or forest cover, and extinction of animal or plant species within the province.

**V. On Infrastructure, Public Works, and Local Facilities**

- (a) Construct, maintain, and operate, including undertaking the major repairs thereon, infrastructure and facilities primarily intended to service the needs of the residents of the province and which are funded out of provincial funds, such as, but not limited to:
  - 1. Provincial roads and bridges, classified as such by law or issuance;
  - 2. Piers and wharves;
  - 3. Provincial buildings;
  - 4. Provincial jails and detention centers;
  - 5. Freedom parks and other public assembly areas;
  - 6. School buildings, centers, and other facilities for secondary, tertiary, and technical education;
  - 7. Health facilities such as provincial, district hospitals, and other tertiary health stations or centers;
  - 8. Inter-municipal waterworks drainage and sewerage, flood control, and irrigation systems: *Provided*, That the province shall, subject to applicable laws, facilitate or provide for the establishment and maintenance of a waterworks system or district waterworks for supplying water to inhabitants of component cities and municipalities;
  - 9. Reclamation projects; and
  - 10. Similar facilities;

- (b) Construct, maintain, and operate, including undertaking of major repairs, infrastructure and facilities of the component city, municipality, or barangay to augment and assist in the achievement of their infrastructure and other local facilities plans and priorities: *Provided*, That there shall be coordination between the local government units.

For this purpose, the province through the provincial engineer, shall extend technical assistance to the component local government units;

- (c) Acquire and maintain the necessary PPE to fulfill the functions and duties on infrastructure, public works, and other facilities;
- (d) Ensure that construction, public works, and all other infrastructure in the province are done in accordance with approved plans and specifications and in compliance with standards and codes mandated by the national and regional government to maintain safety and structural integrity.

For this purpose, it shall regularly inspect, through the provincial engineer and/or building officer, the safety and integrity of all public and private structures within the province, following the national and regional laws, policies, programs, standards, rules, and regulations regarding infrastructure projects;

- (e) Ensure that all construction or repair of roads and bridges funded by the Bangsamoro Government or by the national government shall, as far as practicable, be carried out in a spatially contiguous manner and in coordination with the local government unit where the project is actually located;
- (f) There must be coordination in the implementation of technical services by the Bangsamoro Government or by national offices for the province and its component cities and municipalities, including public works and infrastructure programs of the provincial government and its component cities and municipalities;
- (g) Taking into account the consolidated submissions and proposals of its component municipalities and cities, and formulate and submit to the Bangsamoro Government or the national government recommendations for funding and/or technical assistance of provincial flagship infrastructure and public work programs, following the guidelines to be promulgated by the MPW therefor; and
- (h) Conduct continuing consultations on the infrastructure and local facilities needs of the province with its constituent local government units, local communities, and essential stakeholders to ensure the responsiveness of the projects and programs.

## **VI. On Disaster Risk Reduction and Management**

- (a) Direct, develop, implement, and coordinate a comprehensive and integrated provincial DRRM program including a DRRM plan, contingency plans, and other DRRM-related and climate change adoption plans in accordance with relevant regional and national framework, laws, and guidelines, and appropriate funds therefor;

- (b) Maintain a provincial risk map based on conducted risk assessments on climate change, natural hazards, and other vulnerabilities, as well as local contingency plans.

For the purpose, the province shall identify, assess, monitor, and consider in the plans, the hazards, vulnerabilities, and risks that may occur in their locality.

The province shall regularly submit local disaster risk information of all hazards, vulnerabilities, monitored incidents, preparedness measures, and situational reports to the Bangsamoro DRRMC;

- (c) Recommend to the Bangsamoro DRRMC, the adoption and improvement of DRRM policies;
- (d) Operate a multi-hazard early warning emergency response system in the province that provides accurate and timely advice to local emergency response organizations in the affected province and region, and to the general public;
- (e) Disseminate information and raise public awareness on hazards, vulnerabilities, risks, early warning signs, and regional and provincial DRRM policies;
- (f) Organize and train provincial response team, including volunteers, in the province for disaster preparedness, rescue operations, and relief distribution;
- (g) Ensure preposition of necessary resources to increase overall capacity to respond to any calamity or disaster;
- (h) Declare a state of calamity or emergency and the lifting thereof, in accordance with law, upon the recommendation of the provincial DRRMC;
- (i) Carry out emergency measures and provision of direct services, such as rescue and relief operations to affected communities and internally displaced persons in the province, through the institutional mechanisms, offices, and structures established therefor, before, during, and after human-induced or natural disasters and calamities and allocate resources therefor;
- (j) Mobilize provincial government instrumentalities, CSOs, private groups, and organized volunteers, in accordance with regional and provincial policies and procedures, for the protection and preservation of life and property during emergencies;
- (k) Provide individuals and communities affected by disasters and calamities adequate social services, such as mental health and psychosocial support and livelihood assistance programs, in accordance with needs assessment and applicable national and regional laws;
- (l) Augment the resources of municipalities, cities, and barangays, as needed, and in accordance with relevant laws, plans, and protocols, to provide relief assistance and other interventions in response to the impacts of calamities and disasters;



- (m) Submit to the OCM, through the MILG, PDNA reports and their report on the utilization of the LDRRMF;
- (n) Conduct or cause the conduct of priority DRRM-centered studies and assessments, including the determination and consolidation of local disaster risk information such as natural hazards, vulnerabilities, and climate change risks;
- (o) Undertake preventive and mitigating measures that would reduce the risk and adverse effects of calamities and disasters; and
- (p) Develop priority DRRM centered studies and assessment particularly on disaster prevention and mitigation, including the transfer of and use of modern and latest information technologies.

The province shall assist the constituent cities and municipalities through the provision of technical, financial, and other support and augmentation on DRRM prevention and mitigation research, studies, and transfer of and use of modern technologies, including the procurement, operation, and maintenance of early warning devices and systems.

## **VII. On Public Order**

- (a) Maintain peace and order in the province through the:
  1. Prevention and suppression of lawlessness, disorder, riot, terrorism, violent extremism, rebellion, and sedition;
  2. Institutionalization of alternative dispute resolution mechanisms for the settlement of *rido* and other conflicts between and among residents of different municipalities within the province subject to the policies, procedures, and guidelines of the MPOS on the matter; and
  3. Rehabilitation of communities affected by conflict, *rido*, and other acts of violence in coordination and collaboration with other agencies of the Bangsamoro and national governments. The MPOS, MHSD, and other relevant ministries, offices, and agencies of the Bangsamoro Government shall provide logistical, technical, and other assistance to the concerned local government units in their rehabilitation efforts;
- (b) Preserve the welfare and morals of the inhabitants of the province through prevention and suppression of habitual drunkenness in public places, mendicancy, prostitution, establishment, and maintenance of houses of ill-repute, gambling, other prohibited games of chance, fraudulent devices and ways to obtain money or property, drug dens, drug trafficking, juvenile delinquency, and printing/distribution/exhibition of obscene or pornographic materials or publications;

- (c) Participate, through the governor, in the administration of the Philippine National Police, as provided in R.A. No. 6975, as amended, otherwise known as the “*Department of the Interior and Local Government Act of 1990*;”
- (d) Provide support to fire, jail, detention and police services and facilities including the construction and maintenance of provincial jails and detention centers, institution of sound jail management program, and appropriation of funds for the subsistence of detainees and convicted prisoners in the province; and
- (e) Support the administration of the juvenile justice system through the construction and maintenance of facilities for the care, rehabilitation, and reintegration of children at risk or in conflict with the law, in accordance with the accreditation standards set by the MSSD.

### **VIII. On Education, Information, And Sports**

- (a) Assist, through the provincial school board, in the achievement of the goals of the integrated Bangsamoro education system under BAA No. 18, otherwise known as the “*Bangsamoro Education Code of 2021*.”

For this purpose, the province shall give priority to:

1. Supplementing the needs for the operation and maintenance of public schools;
  2. Construction, repair, acquisition, provision, and maintenance of school buildings, facilities, and equipment; and
  3. Funding of education research, sports development, and ECCD within the province;
- (b) Establish and maintain a public library or reading center, including the responsibility to purchase and provide for the books, chairs, tables, and others implements needed for such: *Provided*, That whenever feasible, such provincial public library and reading center shall include computers and other information and communication technological devices, tools, hardware, and software capable of internet and broadband connection, communication, and networking;
  - (c) Conduct an annual school-based palarong panlalawigan, and where applicable, district-level palaro, among the component cities and municipalities which shall feature traditional sports and disciplines included in national and international games, in coordination with the MBHTE and the BSC.

For this purpose, the MBHTE and the BSC shall identify and develop traditional games and contests to be featured in the palaro;

- (d) Participate in inter-provincial or regional sports councils or committees, and coordinate the efforts of component cities or municipalities of the province in the Bangsamoro, national palaro, or other sports development activities; and

- (e) Establish and provide for the operation of vocational and technical schools and similar post-secondary educational institutions subject to the availability of funds and to existing laws, rules, and regulations, and fix reasonable tuition fees and other school charges with the approval of the MBHTE.

## **IX. On Trade, Investments, and Industry**

- (a) Adopt local policies and programs for the development of trade, investments, and industries in the province, including the enactment of the provincial development, investments, and incentive code, subject to the applicable national and regional policies, guidelines, rules, and regulations.

There shall be coordination with the MTIT in the enactment and implementation thereof;

- (b) Provide capacity development trainings for the creation of local investment promotion units or centers;
- (c) Formulate and implement the province's local economic development plan, as provided in Section 118 of this Code;
- (d) Provide technical support, and subject to availability of funds, provide financial assistance to component municipalities or cities for the following:
  - 1. Establishment of the latter's local economic development and implementation plan of component cities and municipalities; and
  - 2. In formulating long-term industry sectoral plans with the private sector, including the identification of the priority industry cluster and the crafting of its industrial roadmap;
- (e) Establish and maintain a database, consolidating information collected and generated after conduct of industry profiling and resource mapping and other data collection processes, for use in the provincial economic development, industries, trade, and investments promotion policies, programs, and activities, subject to existing data privacy laws and issuances.

This shall also serve the data management and validation system requirement for MSMEs in the province.

The province shall provide access to the database to the Bangsamoro Government through the MTIT for use in the implementation of programs to strengthen industries adversely affected by crisis and for other purposes related to the strengthening and promotion of trade, investment, and industry;

- (f) Develop and implement an MSMEs development plan for the province consistent with the Bangsamoro MSME development targets.

The province, when able, may organize and constitute a local MSME development council, for this purpose;

- (g) Organize local chambers of commerce and industry;
- (h) Grant accreditation to industry councils or associations;
- (i) Implement and enforce regional and national laws related to consumer protection, handling of consumer complaints, and price monitoring.

It shall coordinate and rationalize programs of the province to stabilize prices of necessities and prime commodities and the management and monitoring of unwanted price increases. For this purpose, the province shall establish, strengthen, and support the Local Price Coordinating Council (LPCC) pursuant to relevant regional and national laws, rules, and regulations;

- (j) Establish local consumer complaint desks and hotline;
- (k) Establish, operate, and maintain the BDSC or “*Negosyo Centers*”, and BOSS in the province;
- (l) Support the *halal* industry development programs of the Bangsamoro Government, giving priority to the implementation of advocacy and awareness campaigns.

In coordination with the relevant ministries, facilitate the training and accreditation of interested local *halal* certifying bodies, *halal* certified businesses and establishments in the province;

- (m) Coordinate with local suppliers, traders, manufacturers, farmers and fishers, partner agencies, and other stakeholders to strengthen market linkages; and
- (n) Provide investment support services, including access to credit financing.

## **X. On Tourism**

- (a) Establish and maintain a local tourism database of the province, consolidating the data of its constituent local government units and other province-specific data, for the crafting of the provincial tourism policies, programs, and projects.

The province shall provide access to the same to the region to be used for the crafting of Bangsamoro tourism policies, programs, and projects, subject to existing data privacy laws and issuances;

- (b) Develop and implement provincial tourism policies and programs based on Bangsamoro tourism plans and following the standards set by the MTIT;

- (c) In coordination with the relevant Bangsamoro ministries, offices, and agencies, facilitate the training and accreditation of local tour guides and hotels, resorts, and tourist-oriented facilities and establishments in the province;
- (d) Craft a provincial tourism master plan on private sector investment and participation, and implement the same based on the integrated marketing program promulgated by the Bangsamoro Government;
- (e) In coordination with the appropriate relevant Bangsamoro ministries, offices, and agencies, establish, operate, and maintain museums and other enterprises that showcase historical, cultural, and natural assets with tourism potential;
- (f) Support the training and activities of provincial law enforcement officers on tourism;
- (g) Establish a provincial tourism information and assistance center, including a tourism hotline;
- (h) Construct, operate, and maintain tourism and recreation management infrastructure and facilities of the province; and
- (i) Support and augment the provision and maintenance of tourism and recreation management infrastructure and facilities in cities and municipalities.

## **XI. On Labor and Employment**

- (a) Provide capacity development assistance to their constituents seeking gainful employment, including providing information on and support access to the Bangsamoro Government Internship Program (BGIP) and Special Program for Employment of Students (SPES) and on-the-job training (OJT) program of the MOLE;
- (b) Support and augment the constituent municipalities and cities through the provision of financial and/or technical assistance in the implementation of the programs against illegal recruitment and promotion of the welfare of OBWs within its jurisdiction;
- (c) Consolidate the data from the constituent cities and municipalities, and maintain a province-wide database and master list of OBWs residing in their province, classified according to occupation, job category, civil status, gender, by country or state of destination, including visa classification, name, home and email address, and contact number of the employer.

The province shall extend access to the database and master list to the MOLE, whenever necessary, subject to existing data privacy laws and issuances;

- (d) Establish, operate, and maintain a provincial PESO under the office of the governor, which shall ensure the prompt, timely, and efficient delivery of employment services and the provision of adequate information on the labor market situation in the province for job seekers and employers, and information on the employment programs of the regional and national governments; and

- (e) Administer and maintain the registry of domestic workers or “*kasambahay*” in the province in coordination with the component municipalities, cities, and barangays, pursuant to applicable national and regional laws, rules, and regulations.

## **XII. On Transportation and Communications**

- (a) Augment the municipalities’ provision for the construction, improvement, repair and maintenance of adequate transportation facilities in the province such as, but not limited to:
  - 1. Bus and vehicle stops and terminals, garages, the operation of conveyances for hire, and use of the same by privately-owned vehicles which serve the public;
  - 2. Traffic signals and road signs, signposts, awnings, and awning posts on the streets/waiting shed; and
  - 3. Designated stands to be occupied by public vehicles when not in use.

The municipality or the component city may provide the land for these facilities. The province may, at a later time, turn over the facilities to the municipality or the component city for the operation and maintenance thereof;

- (b) Prepare the local transportation route plan, including the identification of inter-municipality or city and intra-provincial land routes, in accordance with the guidelines prescribed by and subject to the approval of the MOTC;
- (c) Regulate and grant franchise on non-motorized bancas operating as transport for inter-provincial waters and ways, subject to relevant regional rules and regulations;
- (d) Provide inter-municipal telecommunications services, subject to the region’s policy and guidelines;
- (e) Coordinate and assist MOTC in the administration and enforcement of transportation and communications laws, rules, and regulations;
- (f) Implement the regional policies and regulations relating to transportation and communication;
- (g) Recommend to the region policies and guidelines on matters relating to transportation and communication; and
- (h) Hold proper consultations with affected communities and the concerned constituent local government unit regarding the implementation of transportation and communication activities, policies, and regulations.

### **XIII. On Housing, Human Settlements, and Urban Development**

- (a) Develop local integrated housing and human settlements plans and programs for the province in close coordination with its component local government units, and consultation with local stakeholders consistent with national and regional standards and plans;
- (b) Formulate or update the PDPFP in conformity with national and regional plans;
- (c) Review and approve the comprehensive land use plans and zoning ordinances of the component cities and municipalities, and adopt a comprehensive provincial land use plan that would integrate and align with the Bangsamoro Physical and Framework Plan (BPFP) and Bangsamoro Spatial Strategy (BSS), subject to regional and national standards and guidelines;
- (d) Augment in its component cities and municipalities, programs for resilient housing and human settlements for post-disaster housing, and implement programs, projects, and activities to protect vulnerable communities from the adverse effects of climate change and disasters;
- (e) In cooperation with the appropriate government agencies including MHSD, promote the production and use of indigenous, alternative, and low-cost construction materials and technologies for socialized housing; and
- (f) Support or augment socialized housing or resettlement programs of its component local government units with access to basic services and facilities.

### **XIV. On Industrial Research and Development, Science and Technology**

- (a) Identify the provincial S&T priority agenda, and formulate and implement the provincial S&T plan and policies, consolidating the submission from its constituent municipalities and cities as well as identifying the province-specific ones, which shall be made an integral part of the provincial CLUP and the CDP-ELA of the province: *Provided*, That the plan and policies shall be harmonized with the Bangsamoro S&T plan, policies, and guidelines;
- (b) Provide, generate, and update necessary data to support the Bangsamoro's centralized regional information system and databank on S&T, consolidating the data submitted by the constituent municipalities and cities and providing for the province-specific data as well.

The province shall extend access to the database to the MOST, subject to existing data privacy laws and issuance;

- (c) Assess, evaluate, and monitor the conditions of S&T education capacities and facilities of STEM schools within the jurisdiction of the province through the provincial school board.

When able, the province shall provide capacity building support to such STEM schools, facilities, and teachers, including developing and upgrading S&T laboratories and

equipment, in cooperation with the Bangsamoro Government, private, and non-government institutions or organizations.

The province shall also assist and augment the STEM priorities and goals of its component municipalities and cities;

- (d) Coordinate with the MOST for the effective promotion of scholarship programs aimed to attract science-oriented students to pursue basic and applied sciences to broaden the S&T human resource in the province or within clusters of the component local government units;
- (e) Provide support to the formulation of the research and development agenda of the Bangsamoro by identifying priority and emerging technologies in the province and to assist the Bangsamoro Government, through the MOST, in the conduct of research and development on information technology and advanced fields, maturing of the emerging technologies towards productivity, the building-up of S&T literatures through development of research compendium, and formulation of an informed policy, among others.

The province shall collaborate with the relevant regional and national agencies, priority industry clusters, business and private sectors in pushing for the R&D agenda of the Bangsamoro;

- (f) Adopt policies and measures to ensure compliance within the province with the development and quality standards of food and non-food including *halal* industry through testing, analysis, and capacity building; and
- (g) Ensure the inclusion of an innovation agenda and formulate the relevant policies thereon for the province. For this purpose, an innovation committee may be organized as part of the provincial development council.

The innovation policies and programs of the province shall be aligned with and guided by the national and regional innovation strategies and policies, and shall be undertaken through collaboration with other government agencies, non-government organizations, academic institutions and private companies.

The province, whenever feasible and practicable, may provide incentives for the implementation of the innovation agenda of the province and support and augment the agenda of its constituent municipalities and cities, especially giving priority to the encouragement and adoption of publicly funded and locally generated technologies.

## **XV. On Tax Information and Modernization**

- (a) Establish, operate, and maintain information services which include tax and marketing information systems in the province: *Provided*, That the provincial government shall submit a periodic report to the MFBM on the revenues collected within their jurisdiction, subject to the guidelines to be issued by the MFBM on the form, manner, and timing of submission of report;



- (b) Upgrade and modernize the provincial tax information and collection services through the adoption of electronic and digital technologies in tax administration and other business processes in order to build revenue generation and mobilization capabilities: *Provided*, That the province shall provide assistance and augmentation to the component cities and municipalities and ensure coordination of all the concerned local government units therein; and
- (c) Through the provincial treasurer, the province shall endeavor to link up with the online payment and similar facilities already offered and utilized by national and Bangsamoro Government financial institutions, which also serve as their depository and servicing banks to ensure safe, efficient, and convenient ways of transacting with province.

## **XVI. On Cooperatives and Social Enterprises**

- (a) Encourage and support the building up of entrepreneurial capability within the province, and recognize, promote, protect, and support the development of cooperatives and social enterprises as vehicles of poverty reduction, job creation, and socioeconomic development of the province;
- (b) Develop and implement plans and strategies on the integration of cooperatives and social enterprises values, principles and practices in programs and projects of the province, in consultation with the cooperative sector and concerned stakeholders and in consonance with the Bangsamoro Government integrated plans and programs for cooperatives and social enterprises;
- (c) Ensure the delivery of basic services and provision of facilities in the province through the organizing, promotion, and development of cooperatives and social enterprises.

For this purpose, the province shall organize a cooperative office and appoint a cooperatives and social enterprises development officer under the office of the governor;

- (d) Provide assistance in the organization of cooperatives, including farmers' and fishers' cooperatives, and social enterprises in the province, as well as the transfer of appropriate technology to existing cooperatives and social enterprises to enhance their viability as an economic enterprise and social organization.

For this purpose, the province shall, among others:

1. Identify groups, sectors, or communities within the province that can be organized into cooperatives;
2. Provide assistance to prospective cooperatives and social enterprises in facilitating registration and other preparatory organizational requirements, including conduct of pre-registration seminars, in partnership and collaboration with the CSEA;
3. Provide technical and other forms of assistance to existing and registered cooperatives and social enterprises to further enhance, and strengthen their economic viability, including conduct of trainings and education on business

management, risk management, business continuity, contingency planning, and finance and financial management, in coordination with the CSEA, MTIT, and other private and non-government organizations and the academe; and

4. Assist cooperatives in establishing linkages with government agencies and non-government organizations involved in the promotion and integration of the concept of cooperatives in the livelihood of the people and other community activities, in coordination with the Bangsamoro Government through the CSEA;
- (e) Provide assistance in the conduct of policy dialogues, research, and knowledge sharing to support and encourage an enabling environment for social enterprise;
  - (f) Assist and facilitate the submission of the cooperatives and social enterprises within the province of their annual reports and financial statement to the CSEA;
  - (g) In the procurement of goods and services, the province shall grant preferential status to cooperatives located in the province which can provide such goods and services, or to such entities which source their goods and services from said cooperatives; and
  - (h) Augment the programs of component cities and municipalities in providing financial and other forms of assistance to cooperatives and social enterprises, or in facilitating their access thereto from domestic or foreign governmental or non-governmental sources.

## **XVII. On Human Rights**

- (a) Develop local policies and legislation, and enact appropriate ordinances that will address issues on human rights, rule of law, and access to justice within the province.

For this purpose, the human rights committee shall be one of the standing committees of the sangguniang panlalawigan, pursuant to Section 58 of Book I of this Code, which shall, among others:

1. Propose to and work for the passage of ordinances that will protect, promote, and fulfill human rights in the province, which includes the establishment of the provincial HRAC, and initiate the review of the ordinances on human rights enacted by the sanggunian of the constituent cities and municipalities;
  2. Ensure the inclusion of human rights programs, projects, and activities in the annual budget appropriation ordinance of the province; and
  3. Coordinate with the BHRC and when applicable, the national CHR and other agencies, non-government, and local and international human rights organizations, for support in developing human rights legislations and for trainings and capacity building, among others;
- (b) Establish the HRAC for the province, and organize the HRACTs. The provincial HRAC shall be the focal unit or office on human rights matters, including human rights promotion

and complaints of human rights violations, within its jurisdiction. It shall be stationed at the office of the legal officer.

The provincial HRAC shall regularly coordinate with the BHRC. For this purpose, the provincial HRAC shall:

1. Provide technical inputs on human rights to the human rights committee of the sangguniang panlalawigan;
2. Provide legal and/or paralegal assistance to victims of human rights violations;
3. Encourage the participation of and mobilize local government officials, sectoral groups, locally based people's organizations, and CSOs in the community to participate in human rights education and promotion activities;
4. Prepare the provincial human rights situationer report, consolidating the reports submitted by the constituent municipalities and cities and containing other pertinent data, submit the same to the BHRC, and have it published in the provincial websites, newsletters, and bulletin boards;
5. Conduct of human rights advocacy, information and education activities, and maintain and update the directory of human rights programs and services within its respective territorial jurisdiction; and
6. Provide technical, financial, and other assistance to augment the HRACS of the component cities and municipalities, including assisting the HRACs in referral of complaints of human rights violations to the BHRC or the national CHR and other appropriate agencies and in monitoring the status thereof;

### **XVIII. On Culture and the Arts**

- (a) Conserve, develop, promote, and popularize the local tangible and intangible historical and cultural heritage properties, and resources, as well as artistic creations, in the province, in accordance with regional and national laws and regulations;
- (b) Ensure and support the enrichment of the local culture, heritage, and arts, and develop the locality's creative industries, and promote their appreciation inside and outside the locality for local tourism as well as to cultivate in the inhabitants' pride in and ownership of their cultural identity and heritage.

For this purpose, the province shall, among others:

1. Establish, organize, or strengthen the provincial culture and arts council, pursuant to regional and national laws, rules, and regulations. Where the provincial culture and arts council has not yet been established or, if already established, otherwise requires strengthening, the Bangsamoro Government shall provide technical assistance through the BCPCH;

2. Undertake cultural mapping, maintain the database or inventory of cultural and heritage resources and properties, including artistic creations, and furnish the BCPCH a copy of the same;
3. Document traditional, indigenous, and contemporary arts and crafts, including their processes and makers, and as much as practicable, sustain the sources of their raw materials, and explore and realize their potential as active and viable sources of income for the community;
4. Coordinate the registration of all cultural, artistic, and heritage properties and resources in appropriate Bangsamoro and national registries;
5. Construct, maintain, and operate cultural center, museum, galleries, art and cultural performance exhibition venues, institutes of living tradition, and other similar facilities; and
6. Provide technical, financial, and other assistance and augmentation to the culture and arts programs, projects, facilities, and services of the constituent municipalities, cities, and barangays: *Provided*, That there shall be proper coordination among all local government units;

(c) The provincial culture and arts council shall, among others:

1. Prepare an annual plan on culture, arts, and local heritage, in consonance with the regional and national plans, guidelines, and policies, which shall be integrated in the local development plan and in the annual appropriation ordinances of the province;
2. Spearhead cultural events and celebrations such as cultural festivals, competition, lectures, seminars, and symposia. Toward this end, it shall give priority to sustaining all sociocultural practices and custom such as, but not limited to, traditional celebrations, historical battles, and other similar events or activities that are unique to a locality;
3. Issue resolution recommending to the BCPCH the declaration of heritage zones within the province and to maintain the same, in accordance with applicable regional and national policies, rules, and guidelines;
4. Protect and strengthen the capacities of cultural and creative workers, including artists, artisans, creators, creative workers of indigenous cultural communities, local content providers, creative firms, and other stakeholders in the creative industries, support their professional development and wellbeing to encourage, and sustain excellence in the creative industries, in cooperation with the regional and national governments and with private and non-governmental organizations; and
5. Adopt prompt measures to secure the integrity of cultural treasures or important cultural, artistic, and heritage properties or resources within the province whenever they are found to be in danger of destruction or significant alteration from its original state, including the issuance of orders for temporary suspension of work or activities

therein, and immediately report and recommend to the BCPCH or the appropriate agencies or petition the courts for the issuance of a cease and desist order;

- (d) Undertake a systematic collection and regular updating of statistical and other data, including the integrated data from its component cities or municipalities, which reflects the state of cultural conditions in the province to serve as essential quantitative and qualitative basis for formulating cultural policies of the provincial government and the Bangsamoro Government.

The province shall provide access to such data and other information to the BCPCH, subject to existing data privacy laws and issuances;

- (e) Establish and maintain a master list of local artists, cultural workers, business support organizations, and associations of cultural and artistic workers within the province, integrating the lists of its constituent municipalities and cities, which it shall transmit to the BCPCH for coordination of applicable programs, activities, and policies;
- (f) Name and change the names of historical streets and buildings designated as cultural treasure or as important cultural property within the province, subject to the provisions of Book I of this Code and other applicable regional and national laws, policies, and guidelines; and
- (g) Formulate a cultural heritage education program, including, where relevant, the institutionalization of schools or laboratories of living tradition, and recommend their incorporation into the integrated Bangsamoro education system, with emphasis on the protection, conservation, and preservation of cultural heritage property.

### **CHAPTER III**

#### **OFFICIALS AND OFFICES OF THE PROVINCE**

##### **ARTICLE I**

##### **PROVINCIAL OFFICIALS AND OFFICES, IN GENERAL**

###### **SEC. 513. *Officials of the Provincial Government.* –**

- (a) There shall be in each province a governor, a vice governor, and members of the sangguniang panlalawigan.
- (b) There shall also be a secretary to the sangguniang panlalawigan, a provincial treasurer, a provincial assessor, a provincial accountant, a provincial engineer, a provincial budget officer, a provincial planning and development coordinator, a provincial legal officer, a provincial administrator, a provincial health officer, a provincial social welfare and development officer, a provincial nutrition action officer, a provincial general services officer, a provincial agriculturist, a provincial veterinarian, a provincial local disaster risk and reduction management officer; a provincial tourism officer; an environmental and

natural resources officer; a cooperative development officer, a provincial persons with disability affairs officer; a provincial youth development officer, and a provincial information officer.

- (c) The provincial government may appoint an architect, a population officer, a human resources management officer, a local economic investment promotion officer, a community-based training for enterprise development officer, and a communications technology officer.

The appointment of a provincial population officer shall be optional in the province: *Provided, however,* That provinces which have existing population offices shall continue to maintain such offices for a period of five (5) years from the date of the effectivity of this Code, after which said offices shall become optional.

- (d) The minimum qualifications for the above-mentioned positions shall be determined in accordance with applicable laws, rules, and regulations.
- (e) The creation of offices and appointment of officers in paragraphs (b) and (c) above shall be subject to the limitations on personal services as provided in Book II of this Code.
- (f) In the appointment of provincial employees especially in career positions, preference shall be given to qualified residents of the province.

**SEC. 514. *Non-Reduction of Positions and Non-Diminution of Benefits.*** – Nothing herein shall be interpreted to affect the positions already existing in, nor diminish the benefits already provided by, the individual provinces at the time of the enactment of this Code.

**SEC. 515. *Residence and Office.*** – During the incumbency of the governor, he/she shall have his/her official residence in the capital of the province. All elective and appointive provincial officials shall hold office in the provincial capital: *Provided,* That upon resolution of the sangguniang panlalawigan, elective and appointive provincial officials may hold office in any component city or municipality within the province for a period of not more than seven (7) days for any given month.

## ARTICLE II

### THE PROVINCIAL GOVERNOR

**SEC. 516. *Powers, Duties, and Functions.*** –

- (a) The provincial governor, as the chief executive of the provincial government, shall exercise such powers and perform such duties and functions as provided by this Code and other laws.
- (b) For efficient, effective, and economical governance, and for the general welfare of the province and its inhabitants pursuant to Section 16 of Book I and Section 512 hereof, the provincial governor shall:

1. Exercise general supervision and control over all programs, projects, services, and activities of the provincial government, and in this connection, shall:
  - i. Formulate the guidelines of provincial policies, and be responsible to the sangguniang panlalawigan for the program of government;
  - ii. Present the program of government, and propose policies and projects for the consideration of the sangguniang panlalawigan at the opening of the regular session of the sangguniang panlalawigan every calendar year and as often as may be deemed necessary as the general welfare of the inhabitants and the needs of the provincial government may require;
  - iii. Initiate and propose legislative measures to the sangguniang panlalawigan, and as often as may be deemed necessary, provide such information and data needed or requested by said sanggunian in the performance of its legislative functions;
  - iv. Approve ordinances of the sanggunian, and when warranted, veto the same, as provided in Section 63 of Book I of this Code;
  - v. Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of provincial funds and whose appointments are not otherwise provided for in this Code, as well as those he/she may be authorized by law to appoint;
  - vi. Represent the province in all its business transactions, and sign in its behalf all bonds, contracts, and obligations, and such other documents upon authority of the sangguniang panlalawigan or pursuant to law or ordinance;
  - vii. Determine the time, manner and place of payment of salaries or wages of the officials and employees of the province, in accordance with law or ordinance;
  - viii. Allocate and assign office space to provincial and other officials and employees who, by law or ordinance, are entitled to such space in the provincial capitol and other buildings owned or leased by the provincial government;
  - ix. Ensure that all executive officials and employees of the province faithfully discharge their duties and functions as provided by law and this Code, and cause to be instituted administrative or judicial proceedings against any official or employee of the province who may have committed an offense in the performance of his/her official duties;
  - x. Examine the books, records, and other documents of all offices, officials, agents, or employees of the province and in aid of his/her executive powers and authority, require all national officials and employees stationed in the

province to make available to him/her such books, records, and other documents in their custody, except those classified by law as confidential;

- xi. Furnish copies of executive orders issued by him/her to the OCM through the MILG within seventy-two (72) hours after issuance;
- xii. Visit component cities and municipalities of the province at least once every six months, and consider such visit an outreach program for delivering basic services to component cities and municipalities and to deepen his/her understanding on problems or conditions therein. He/She may also conduct “*Ulat sa Bayan*” for each component city and municipality or clusters thereof to inform the local officials and inhabitants of general laws and ordinances which especially concern them, and listen and give appropriate counsel to local officials or inhabitants, featuring achievement of the component cities and municipalities concerned and the provincial government, financial reporting, recognition of local innovations, good practices and present the proposed comprehensive land use plan;
- xiii. Act on leave applications of officials and employees appointed by him/her and the commutation of the monetary value of leave credits in accordance with law;
- xiv. Authorize official trips of provincial officials and employees outside of the province for a period not exceeding thirty (30) days;
- xv. Call upon any national official or employee stationed in or assigned to the province to advise him/her on matters affecting the province, and to make recommendations thereon; coordinate with said official or employee in the formulation and implementation of plans, programs and projects; and when appropriate, initiate an administrative or judicial action against a national government official or employee who may have committed an offense in the performance of his/her official duties while stationed in or assigned to the province;
- xvi. Authorize payment for medical care, necessary transportation, subsistence, hospital or medical fees of provincial officials and employees who are injured while in the performance of their official duties and functions, subject to availability of funds;
- xvii. Represent the province in inter-provincial or regional sports councils or committees, and coordinate the efforts of component cities or municipalities in the regional or national palaro or sports development activities; and
- xviii. Submit to the OCM, through the MILG, the following reports: (a) an annual report containing a summary of all matters pertinent to the management, administration and development of the province and all information and data relative to its political, social, and economic conditions; and (b) supplemental reports when unexpected events and situations arise at any time during the



year, particularly when man-made or natural disasters or calamities affect the general welfare of the province, region or country;

2. Enforce all laws and ordinances relative to the governance of the province and the exercise of the appropriate corporate powers provided under this Code, implement all approved policies, programs, projects, services and activities of the province and in addition to the foregoing, shall:

- i. Submit to the OCM, through the MILG, the following reports: (a) an annual report containing a summary of all matters pertinent to the management, administration and development of the province and all information and data relative to its political, social and economic conditions; and (b) supplemental reports when unexpected events and situations arise at any time during the year, particularly when man-made or natural disasters or calamities affect the general welfare of the province, region or country;
- ii. Ensure that the acts of the component cities and municipalities of the province and of its officials and employees are within the scope of their prescribed powers, duties and functions;
- iii. Call conventions, conferences, seminars, or meetings of any elective and appointive officials of the province and its component cities and municipalities, including national officials and employees stationed in or assigned to the province, at such time and place and on such subject as he/she may deem important for the promotion of the general welfare of the province and its inhabitants.

All conventions, seminars, conferences or meetings funded by local government unit concerned must be held in the establishments within the territorial jurisdiction of the province or, if not available, in any nearest establishments within the BARMM or, for justifiable reason, outside of BARMM upon approval of the MILG; and

- iv. Issue such executive orders for the faithful and appropriate enforcement and execution of laws and ordinances;
3. Initiate and maximize the generation of resources and revenues, and apply the same to the implementation of development plans, program objectives and priorities as provided for under this Code, particularly those resources and revenues programmed for agro-industrial development and country-wide growth and progress and relative thereto, shall:
    - i. Require each head of an office or department to prepare and submit an estimate of appropriations for the ensuing calendar year, in accordance with the budget preparation process under this Code;

- ii. Prepare and submit to the sanggunian for approval the executive and supplemental budgets of the province for the ensuing calendar year in the manner provided for under this Code;
  - iii. Ensure that all taxes and other revenues of the province are collected, and that provincial funds are applied to the payment of expenses and settlement of obligations of the province, in accordance with law or ordinance;
  - iv. Issue licenses and permits, and suspend or revoke the same for any violation of the conditions upon which said licenses or permits had been issued, pursuant to law or ordinance;
  - v. Provide efficient and effective property and supply management in the province, and protect the funds, credits, rights, and other properties of the province; and
  - vi. Institute or cause to be instituted administrative or judicial proceedings for violation of ordinances in the collection of taxes, fees or charges, and for the recovery of funds and property, and cause the province to be defended against all suits to ensure that its interests, resources and rights shall be adequately protected;
4. Advise the Chief Minister on matters of governance in the BARMM council of leaders;
  5. Represent the province in the BEDC to ensure active participation in the socio-economic planning, monitoring, and coordination for all development plans, programs, and projects of the Bangsamoro Government; and
  6. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SEC. 517. *Compensation of the Provincial Governor.*** – The provincial governor shall receive a minimum monthly compensation corresponding to salary grade thirty (30) prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

### **ARTICLE III**

#### **THE PROVINCIAL VICE GOVERNOR**

**SEC. 518. *Powers, Duties, and Functions.*** – The vice governor shall:

- (a) Preside over the sangguniang panlalawigan, and sign all warrants drawn on the provincial treasury for all expenditures appropriated for the operation of the sangguniang panlalawigan;

- (b) Subject to civil service law, rules, and regulations, appoint all officials and employees of the sangguniang panlalawigan, except those whose manner of appointment is specifically provided in this Code;
- (c) Assume the office of the governor for the unexpired term of the latter in the event of permanent vacancy as provided for in this Code;
- (d) Exercise the powers and perform the duties and functions of the governor in cases of temporary vacancy as provided for in this Code; and
- (e) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SEC. 519. Compensation of the Provincial Vice Governor.** – The vice governor shall receive a monthly compensation corresponding to salary grade twenty-eight (28) as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

## ARTICLE IV

### THE SANGGUNIANG PANLALAWIGAN

**SEC. 520. Composition.** – The sangguniang panlalawigan, the legislative body of the province, shall be composed of the provincial vice governor as presiding officer, the regular sanggunian members, the president of the provincial chapter of the liga ng mga barangay sa Bangsamoro, the president of the panlalawigang pederasyon ng mga sangguniang kabataan, the president of the provincial federation of sanggunian members of municipalities and component cities, and the sectoral representatives, as members.

For the three (3) sectoral representatives: one (1) shall come from the women; another shall come from the agricultural or industrial workers, as shall be determined by the sanggunian concerned within ninety (90) days prior to the holding of the local elections; and lastly, one (1) from the other sectors, including the urban poor, indigenous cultural communities, or persons with disabilities: *Provided*, That where the IPs comprise at least five percent (5%) of the population of the province but not more than fifty percent (50%) of its elective officials, or when a native title recognized by the MIPA is situated within the province, the third (3<sup>rd</sup>) sectoral representative shall be from the IPs who will be selected in accordance with the guidelines to be issued by the MIPA and the MILG, which shall respect and uphold their respective indigenous customs, traditions, and norms.

The election of sectoral representatives, except for the IPs, shall be provided for in an ordinance enacted by the sanggunian in accordance with Section 41 (c) of this Code.

**SEC. 521. Powers, Duties, and Functions.** – The sangguniang panlalawigan, as the legislative body of the province, shall enact ordinances, approve resolutions, and appropriate funds for the general welfare of the province and its inhabitants, and shall:

- (a) Enact and approve ordinances, and pass resolutions necessary for an efficient and effective provincial government in accordance with the powers, functions, and services devolved to the provincial government as provided in Section 511. In this connection, it shall also:
1. Review all ordinances approved by the sanggunian of component cities and municipalities and executive orders issued by the mayors of said component units to determine whether these are within the scope of the prescribed powers of the sanggunian and of the mayor;
  2. Approve ordinances imposing a fine not exceeding Five Thousand Pesos (Php 5,000.00), imprisonment not exceeding one (1) year, or both, for the violation of a provincial ordinance;
  3. Subject to the provisions of this Code and pertinent laws, determine the powers and duties of officials and employees of the province;
  4. Determine the positions and the salaries, wages, allowances, and other emoluments and benefits of officials and employees paid wholly or mainly from provincial funds, and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the provincial government;
  5. Authorize the payment of compensation to a qualified person not in the government service who fills up a temporary vacancy, or grant honorarium to any qualified official or employee designated to fill a temporary vacancy in a concurrent capacity, at the rate authorized by law;
  6. Provide a mechanism and the appropriate funds therefor, to ensure the safety and protection of all provincial government property, public documents, or records such as those relating to property inventory, land ownership, records of births, marriages, deaths, assessments, taxation, accounts, business permits, and such other records and documents of public interest in the offices and departments of the provincial government; and
  7. When the finances of the provincial government allow, provide for additional allowances and other benefits to judges, prosecutors, public elementary and high school teachers, and other national government officials stationed or assigned to the province;
- (b) Generate and maximize the use of resources and revenues for the development plans, program objectives, and priorities of the province as provided for under Section 21 in this Code, with particular attention to agro-industrial development and country-wide growth and progress and relative thereto, shall:
1. Enact the annual and supplemental appropriations of the provincial government, and appropriate funds for specific programs, projects, services, and activities of the province, or for other purposes not contrary to law, in order to promote the general welfare of the province and its inhabitants;

2. Subject to the provisions of Book II of this Code, BOL, and applicable laws and upon the majority vote of all the members of the sangguniang panlalawigan, enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes, and granting tax exemptions, incentives or reliefs;
  3. Subject to the provisions of Book II of this Code and applicable laws and upon the majority vote of all the members of the sangguniang panlalawigan, authorize the provincial governor to negotiate and contract loans and other forms of indebtedness: *Provided*, That the necessary certification for the grant of loans or other forms of indebtedness shall be issued by the BLGF, in consultation with the appropriate agency of the Bangsamoro Government;
  4. Subject to the provisions of Book II of this Code and applicable laws and upon the majority vote of all the members of the sangguniang panlalawigan, enact ordinances authorizing the floating of bonds or other instruments of indebtedness, for the purpose of raising funds to finance development projects;
  5. Enact and approve ordinances that would appropriate funds for the construction and maintenance or the rental of buildings for the use of the province; and upon the majority vote of all the members of the sangguniang panlalawigan, authorize the provincial governor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations; and
  6. Enact and approve an ordinance that would regulate or prohibit the use of property within the jurisdiction of the province;
- (c) Subject to the provisions of Book II of this Code and the BOL, grant franchises, approve the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the province, and pursuant to this legislative authority, shall:
1. Fix and impose reasonable fees and charges for all services rendered by the provincial government to private persons or entities; and
  2. Regulate and fix the license fees for such activities as provided for under this Code;
- (d) Enact ordinances which shall ensure the efficient and effective delivery of basic services and facilities, including the establishment of a scholarship fund for the poor but deserving students in schools located within its jurisdiction or for students residing within the province; and
- (e) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SEC. 522. Compensation of the Sangguniang Panlalawigan Members.** – The members of the sangguniang panlalawigan shall receive a minimum monthly compensation corresponding to salary grade twenty-seven (27) as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

## TITLE V

### APPOINTIVE LOCAL OFFICIALS COMMON TO ALL MUNICIPALITIES, CITIES, AND PROVINCES

#### ARTICLE I

##### SECRETARY TO THE SANGGUNIAN

**SEC. 523. *Qualifications, Powers, and Duties.* –**

- (a) There shall be a secretary to the sanggunian who shall be a career official with the rank and salary equal to a head of department or office.
- (b) No person shall be appointed secretary to the sanggunian unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in law, commerce or public administration from a recognized college or university, and a second (2<sup>nd</sup>) level civil service eligible or its equivalent.

The appointment of a secretary to the sanggunian by the vice governor or the vice mayor, as the case may be, shall be mandatory for provincial, city, and municipal governments.

- (c) The Secretary to the sanggunian shall take charge of the office of the secretary to the sanggunian and shall:
  - 1. Attend meetings of the sanggunian and keep a journal of its proceedings;
  - 2. Keep the seal of the local government unit and affix the same with his/her signature to all ordinances, resolutions, and other official acts of the sanggunian and present the same to the presiding officer for his/her signature;
  - 3. Forward to the governor or mayor, as the case may be, for approval, copies of ordinances enacted by the sanggunian and duly certified by the presiding officer, in the manner provided in Section 62 of this Code;
  - 4. Forward to the sangguniang panlungsod or bayan concerned, in the case of the sangguniang barangay, and to the sangguniang panlalawigan concerned, in the case of the sangguniang panlungsod of component cities or sangguniang bayan, copies of duly approved ordinances, in the manner provided in Sections 64 and 65 of this Code;
  - 5. Furnish, upon request of any interested party, certified copies of records of public character in his/her custody, upon payment to the treasurer of such fees as may be prescribed by ordinance;

6. Record in a book kept for the purpose, all ordinances and resolutions enacted or adopted by the sanggunian, with the dates of passage and publication thereof;
  7. Keep his/her office and all non-confidential records therein open to the public during the usual business hours;
  8. Translate into the dialect used by the majority of the inhabitants all ordinances and resolutions immediately after their approval, and cause the publication of the same together with the original version in the manner provided under this Code; and
  9. Take custody of the local archives and where applicable, the local library and annually account for the same.
- (c) The secretary to the sanggunian shall also exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance relative to his/her position.

## **ARTICLE II**

### **THE TREASURER**

#### **SEC. 524. *Appointment, Qualifications, Powers and Duties.* –**

- (a) The treasurer shall be appointed by the Secretary of Finance from a list of at least three (3) ranking, eligible recommendees of the governor or mayor, as the case may be, subject to civil service law, rules, and regulations.
- (b) The treasurer shall be under the administrative supervision of the governor or mayor, as the case may be, to whom he/she shall report regularly on the tax collection efforts in the local government unit.
- (c) No person shall be appointed treasurer unless he/she is a citizen of the Philippines, resident of the local government unit concerned, of good moral character, holder of a college degree preferably in commerce, public administration or law from a recognized college or university, and must possess the eligibility for local treasurers. He/She must have acquired experience in treasury or accounting service for at least five (5) years in the case of the city or provincial treasurer, and three (3) years in the case of the municipal treasurer.

The appointment of a treasurer shall be mandatory for provincial, city, and municipal governments.

- (d) The treasurer shall take charge of the treasury office, and perform the duties provided for under Book II of this Code, and shall:

1. Advise the governor or mayor, as the case may be, the sanggunian, and other local government and national officials concerned regarding disposition of local government funds, and on such other matters relative to public finance;
  2. Take custody of and exercise proper management of the funds of the local government unit concerned;
  3. Take charge of the disbursement of all local government funds and such other funds the custody of which may be entrusted to him/her by law or other competent authority;
  4. Inspect private commercial and industrial establishments within the jurisdiction of the local government unit concerned in relation to the implementation of tax ordinances, pursuant to the provisions under Book II of this Code;
  5. Maintain and update the tax information system of the local government unit; and
  6. Submit a report on their collections, including other sources of revenues, to the appropriate office under the MFBM.
- (e) In the case of the provincial treasurer, he/she exercise technical supervision over all treasury offices of component cities and municipalities.
- (f) The treasurer shall also exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SEC. 525. Assistant Treasurer. –**

- (a) An assistant treasurer may be appointed by the Secretary of Finance from a list of at least three (3) ranking, eligible recommendees of the governor or mayor, subject to civil service law, rules, and regulations.
- (b) No person shall be appointed assistant treasurer unless he/she is a citizen of the Philippines, resident of the local government unit concerned, of good moral character, holder of a college degree preferably in commerce, public administration, or law from a recognized college or university, and must possess the eligibility for local treasurers. He/She must have acquired at least five (5) years experience in the treasury or accounting service in the case of the city or provincial assistant treasurer, and three (3) years in the case of the municipal assistant treasurer.

The appointment of an assistant treasurer shall be optional for provincial, city, and municipal governments.

- (c) The assistant treasurer shall assist the treasurer and perform such duties as the latter may assign to him/her. He/She shall have authority to administer oaths concerning notices and notifications to those delinquent in the payment of the real property tax and concerning



official matters relating to the accounts of the treasurer or otherwise arising in the offices of the treasurer and the assessor.

### **ARTICLE III**

#### **THE ASSESSOR**

##### **SEC. 526. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed assessor unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in real estate management, civil or mechanical engineering, commerce, or any other related course from a recognized college or university, and must possess a real estate service license. He/She must have acquired experience in real property assessment work or in any related field for at least five (5) years in the case of the city or provincial assessor, and three (3) years in the case of the municipal assessor.

The appointment of an assessor shall be mandatory for provincial, city and municipal governments.

- (b) The assessor shall take charge of the assessor's office, perform the duties provided for under Book II of this Code and shall:
1. Ensure that all laws and policies governing the appraisal and assessment of real properties for taxation purposes are properly executed;
  2. Initiate, review, and recommend changes in policies and objectives, plans and programs, techniques, procedures and practices in the valuation, and assessment of real properties for taxation purposes;
  3. Establish a systematic method of real property assessment;
  4. Install and maintain a real property identification and accounting system;
  5. Prepare, install and maintain a system of tax mapping, showing graphically all property subject to assessment and gather all data concerning the same;
  6. Conduct frequent physical surveys to verify and determine whether all real properties within the province are properly listed in the assessment rolls;
  7. Exercise the functions of appraisal and assessment primarily for taxation purposes of all real properties in the local government unit concerned;
  8. Prepare a schedule of the fair market value for the different classes of real properties, in accordance with Title II under Book II of this Code;

9. Issue, upon request of any interested party, certified copies of assessment records of real property and all other records relative to its assessment, upon payment of a service charge or fee to the treasurer;
  10. Submit every semester a report of all assessments, as well as cancellations and modifications of assessments, to the local chief executive and the sanggunian concerned;
  11. In the case of the assessor of a component city or municipality attend, personally or through an authorized representative, all sessions of the local board of assessment appeals whenever his/her assessment is the subject of the appeal, and present or submit any information or record in his/her possession as may be required by the board; and
  12. In the case of the provincial assessor, exercise technical supervision and visitorial functions over all component city and municipal assessors, coordinate with component city or municipal assessors in the conduct of tax mapping operations and all other assessment activities, and provide all forms of assistance therefor: *Provided, however,* That, upon full provision by the component city or municipality concerned to its assessor's office of the minimum personnel, equipment, and funding requirements as may be prescribed by the Secretary of Finance, such functions shall be delegated to the said city or municipal assessor.
- (c) The assessor shall also exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

**SEC. 527. Assistant Assessor.** –

- (a) No person shall be appointed assistant assessor unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in real estate management, civil or mechanical engineering, commerce, or any related course from a recognized college or university, and must possess a real estate service license. He/She must have acquired experience in assessment or in any related field for at least three (3) years in the case of the city or provincial assistant assessor, and one (1) year in the case of the city or provincial assistant assessor.

The appointment of an assistant assessor shall be optional for provincial, city, and municipal governments.

- (b) The assistant assessor shall assist the assessor and perform such other duties as the latter may assign to him/her. He/She shall have the authority to administer oaths on all declarations of real property for purposes of assessment.

## ARTICLE IV

### THE ACCOUNTANT

#### **SEC. 528. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed accountant unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a certified public accountant. He/She must have acquired experience in the treasury or accounting service for at least five (5) years in the case of the provincial or city accountant, and three (3) years in the case of the municipal accountant.

The appointment of an accountant is mandatory for the provincial, city, and municipal governments.

- (b) The accountant shall take charge of both the accounting and internal audit services of the local government unit concerned and shall:
1. Install and maintain an internal audit system in the local government unit concerned;
  2. Prepare and submit financial statements to the governor or mayor, as the case may be, and to the sanggunian concerned;
  3. Apprise the sanggunian and other local government officials on the financial condition and operations of the local government unit concerned;
  4. Certify to the availability of budgetary allotment to which expenditures and obligations may be properly charged;
  5. Review supporting documents before preparation of vouchers to determine completeness of requirements;
  6. Prepare statements of cash advances, liquidation, salaries, allowances, reimbursements and remittances pertaining to the local government unit;
  7. Prepare statements of journal vouchers and liquidation of the same and other adjustments related thereto;
  8. Post individual disbursements to the subsidiary ledger and index cards;
  9. Maintain individual ledgers for officials and employees of the local government unit pertaining to payrolls and deductions;
  10. Record and post in index cards details of purchased furniture, fixtures, and equipment, including disposal thereof, if any;

11. Account for all issued requests for obligations and maintain and keep all records and reports related thereto;
  12. Prepare journals and the analysis of obligations and maintain and keep all records and reports related thereto; and
  13. Exercise such other powers, and perform such other duties and functions as may be provided by law or ordinance.
- (c) The incumbent chief accountant in the office of the treasurer shall be given preference in the appointment to the position of accountant.

## **ARTICLE V**

### **THE BUDGET OFFICER**

#### **SEC. 529. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed budget officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in accounting, economics, public administration or any related course from a recognized college or university, and a second level civil service eligible or its equivalent. He/She must have acquired experience in government budgeting or in any related field for at least five (5) years in the case of the provincial or city budget officer, and at least three (3) years in the case of the municipal budget officer.

The appointment of a budget officer shall be mandatory for the provincial, city, and municipal governments.

- (b) The budget officer shall take charge of the budget office and shall:
1. Prepare forms, orders, and circulars embodying instructions on budgetary and appropriation matters for the signature of the governor or mayor, as the case may be;
  2. Review and consolidate the budget proposals of different departments and offices of the local government unit;
  3. Assist the governor or mayor, as the case may be, in the preparation of the budget and during budget hearings;
  4. Study and evaluate budgetary implications of proposed legislation and submit comments and recommendations thereon;

5. Submit periodic budgetary reports to the DBM and the MFBM;
  6. Coordinate with the treasurer, accountant, and the planning and development coordinator for the purpose of budgeting;
  7. Assist the sanggunian concerned in reviewing the approved budgets of component local government units; and
  8. Coordinate with the planning and development coordinator in the formulation of the local government unit development plan.
- (c) Exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## **ARTICLE VI**

### **THE PLANNING AND DEVELOPMENT COORDINATOR**

#### **SEC. 530. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed planning and development coordinator unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in urban planning, development studies, economics, public administration, or any related course from a recognized college or university, and must be a licensed environmental planner. He/She must have acquired experience in development planning or in any related field for at least five (5) years in the case of the provincial or city planning and development coordinator, and three (3) years in the case of the municipal planning and development coordinator.

The appointment of a planning and development coordinator shall be mandatory for provincial, city, and municipal governments.

- (b) The planning and development coordinator shall take charge of the planning and development office and shall:
1. Formulate integrated economic, social, physical, and other development plans and policies for consideration of the local government development council;
  2. Conduct continuing studies, researches, and training programs necessary to evolve plans and programs for implementation;
  3. Integrate and coordinate all sectoral plans and studies undertaken by the different functional groups or agencies;

4. Monitor and evaluate the implementation of the different development programs, projects, and activities in the local government unit concerned in accordance with the approved development plan;
  5. Prepare comprehensive plans and other development planning documents for the consideration of the local development council;
  6. Analyze the income and expenditure patterns, and formulate and recommend fiscal plans and policies for consideration of the finance committee of the local government unit concerned as provided under Title V, Book II of this Code;
  7. Promote people participation in development planning within the local government unit concerned; and
  8. Exercise supervision and control over the Secretariat of the local development council.
- (c) The planning and development coordinator shall also exercise such other powers and perform such other functions and duties as may be prescribed by law or ordinance.

## **ARTICLE VII**

### **THE ENGINEER**

#### **SEC. 531. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed engineer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a licensed civil engineer. He/She must have acquired experience in the practice of his/her profession for at least five (5) years in the case of the provincial or city engineer, and three (3) years in the case of the municipal engineer.

The appointment of an engineer shall be mandatory for the provincial, city and municipal governments. The city and municipal engineer shall also act as the local building official.

- (b) The engineer shall take charge of the engineering office and shall:
1. Initiate, review, and recommend changes in policies and objectives, plans and programs, techniques, procedures, and practices in infrastructure development and public works in general of the local government unit concerned;
  2. Advise the governor or mayor, as the case may be, on infrastructure, public works, and other engineering matters;

3. Administer, coordinate, supervise, and control the construction, maintenance, improvement, and repair of roads, bridges, and other engineering and public works projects of the local government unit concerned;
  4. Provide engineering services to the local government unit concerned, including investigation and survey, engineering designs, feasibility studies, and project management; and
  5. In the case of the provincial engineer, exercise technical supervision over all engineering offices of component cities and municipalities.
- (c) The engineer shall also exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

## **ARTICLE VIII**

### **THE HEALTH OFFICER**

#### **SEC. 532. *Qualifications, Powers and Duties.* –**

- (a) No person shall be appointed health officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a licensed medical practitioner. He/She must have acquired experience in the practice of his/her profession for at least five (5) years in the case of the provincial or city health officer, and three (3) years in the case of the municipal health officer.

The appointment of a health officer shall be mandatory for provincial and city governments.

- (b) The health officer shall take charge of the office on health and shall:
1. Take charge of the office on health services, supervise the personnel and staff of said office, and formulate program implementation guidelines and rules and regulations for the operation of the said office for the approval of the governor or mayor, as the case may be, in order to assist him/her in the efficient, effective, and economical implementation of a health services program geared to implementation of health-related projects and activities;
  2. Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out activities to ensure the delivery of basic services and provision of adequate facilities relative to health services provided under Section 18 of this Code;
  3. Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with

health programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;

4. In addition to the foregoing duties and functions, the health officer shall:
  - i. Formulate and implement policies, plans, programs, and projects to promote the health of the people in the local government unit concerned;
  - ii. Advise the governor or mayor, as the case may be, and the sanggunian on matters pertaining to health and nutrition;
  - iii. Execute and enforce all laws, ordinances, and regulations relating to public health and nutrition;
  - iv. Recommend to the sanggunian, through the local health board, the passage of such ordinances as he may deem necessary for the preservation of the general health of the people;
  - v. Recommend the prosecution of any violation of sanitary laws, ordinances, or regulations;
  - vi. Direct the sanitary inspection, and ensure compliance with local sanitation code as part of the regulation of all business establishments selling food items or providing accommodations such as hotels, motels, lodging houses, pension houses, and the like;
  - vii. Conduct health information campaigns, and render health intelligence services;
  - viii. Facilitate the implementation of health and rehabilitation programs for victims of drug addiction;
  - ix. Coordinate with other government agencies and non-governmental organizations involved in the promotion and delivery of health services; and
  - x. In the case of the provincial health officer, exercise general supervision over health officers of component cities and municipalities; and
5. Be in the frontline of health services delivery, particularly during and in the aftermath of man-made and natural disasters and calamities.

- (c) The health officer shall also exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.



## ARTICLE IX

### THE CIVIL REGISTRAR

#### **SEC. 533. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed civil registrar unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree from a recognized college or university, and a second level civil service eligible or its equivalent. He/She must have acquired experience in civil registry work for at least five (5) years in the case of the city civil registrar, and three (3) years in the case of the municipal civil registrar.

The appointment of a civil registrar shall be mandatory for city and municipal governments.

- (b) The civil registrar shall be responsible for the civil registration program in the local government unit concerned, pursuant to the Civil Registry Law, the Civil Code, and other national and regional laws, rules, and regulations issued to implement them.
- (c) The civil registrar shall take charge of the office of the civil registry and shall:
1. Develop plans and strategies, and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with civil registry programs and projects which the mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  2. In addition to the foregoing duties and functions, the civil registrar shall:
    - i. Accept all registrable documents, and judicial decrees affecting the civil status of persons;
    - ii. File, keep, and preserve in a secure place the books required by law;
    - iii. Transcribe and enter immediately, upon receipt, all registrable documents and judicial decrees affecting the civil status of persons in the appropriate civil registry books;
    - iv. Transmit to the Office of the Civil Registrar-General, within the prescribed period, duplicate copies of registered documents required by law;
    - v. Issue certified transcripts or copies of any certificate or registered documents, upon payment of the prescribed fees, to the treasurer;

- vi. Receive applications for the issuance of a marriage license, and after determining that the requirements and supporting certificates and publication thereof for the prescribed period have been complied with, issue the license upon payment of the authorized fee to the treasurer; and
  - vii. Coordinate with the PSA in conducting educational campaigns for vital registration and assist in the preparation of demographic and other statistics for the local government unit concerned; and
3. Exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## **ARTICLE X**

### **THE ADMINISTRATOR**

#### **SEC. 534. *Qualifications, Term, Powers, and Duties.* –**

- (a) No person shall be appointed administrator unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in public administration, law, or any other related course from a recognized college or university, and a second level civil service eligible or its equivalent. He/She must have acquired experience in management and administration work for at least five (5) years in the case of the provincial or city administrator, and three (3) years in the case of the municipal administrator.

The term of administrator is coterminous with the appointing authority.

The appointment of an administrator shall be mandatory for the provincial, city, and municipal governments.

- (b) The administrator shall take charge of the office of the administrator and shall:
  1. Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same particularly those which have to do with the management and administration-related programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  2. In addition to the foregoing duties and functions, the administrator shall:
    - i. Assist in the coordination of the work of all the officials of the local government unit, under the supervision, direction, and control of the governor or mayor, and for this purpose, he/she may convene the chiefs of offices and other officials of the local government unit;

- ii. Establish and maintain a sound personnel program for the local government unit designed to promote career development and uphold the merit principle in the local government service; and
  - iii. Conduct a continuing organizational development of the local government unit with the end in view of instituting effective administrative reforms;
3. Be in the frontline of the delivery of administrative support services, particularly those related to the situations during and in the aftermath of man-made and natural disasters and calamities;
  4. Recommend to the sanggunian and advise the governor and mayor, as the case may be, on all other matters relative to the management and administration of the local government unit; and
  5. Exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## **ARTICLE XI**

### **THE LEGAL OFFICER**

**SEC. 535. *Qualifications, Term, Powers and Duties.* –**

- (a) No person shall be appointed legal officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a member of the Philippine Bar. He/She must have practiced his/her profession for at least five (5) years in the case of the provincial and city legal officer, and three (3) years in the case of the municipal legal officer. The term of the legal officer shall be coterminous with the appointing authority.

The appointment of legal officer shall be mandatory for the provincial and city governments and optional for the municipal government.

- (b) The legal officer, the chief legal counsel of the local government unit, shall take charge of the office of legal services and shall:
  1. Formulate measures for the consideration of the sanggunian, and provide legal assistance and support to the governor or mayor, as the case may be, in carrying out the delivery of basic services and provisions of adequate facilities as provided for under Section 18 of this Code;
  2. Develop plans and strategies, and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with

programs and projects related to legal services which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;

3. In addition to the foregoing duties and functions, the legal officer shall:
  - i. Represent the local government unit in all civil actions and special proceedings wherein the local government unit or any official thereof, in his/her official capacity, is a party: *Provided*, That in actions or proceedings where a component city or municipality is a party adverse to the provincial government or to another component city or municipality, a special legal officer may be employed to represent the adverse party;
  - ii. When required by the governor, mayor, or sanggunian, draft ordinances, contracts, bonds, leases, and other instruments, involving any interest of the local government unit, and provide comments and recommendations on any instruments already drawn;
  - iii. Render his/her opinion in writing on any question of law when requested to do so by the governor, mayor, or sanggunian;
  - iv. Investigate or cause to be investigated any local official or employee for administrative neglect or misconduct in office, and recommend appropriate action to the governor, mayor, or sanggunian, as the case may be;
  - v. Investigate or cause to be investigated any person, firm, or corporation holding any franchise or exercising any public privilege for failure to comply with any term or condition in the grant of such franchise or privilege, and recommend appropriate action to the governor, mayor or sanggunian, as the case may be;
  - vi. When directed by the governor, mayor, or sanggunian, initiate and prosecute in the interest of the local government unit concerned any civil action on any bond, lease or other contract upon any breach or violation thereof; and
  - vii. Review and submit recommendations on ordinances approved and executive orders issued by component units;
4. Recommend measures to the sanggunian, and advise the governor or mayor, as the case may be, on all other matters related to upholding the rule of law;
5. Be in the frontline of protecting human rights and prosecuting any violations thereof, including those which occur during and in the aftermath of man-made or natural disasters or calamities; and

6. Exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## **ARTICLE XII**

### **THE AGRICULTURIST**

#### **SEC. 536. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed agriculturist unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree in agriculture or any related course from a recognized college or university, and must possess the eligibility for agriculturists. He/She must have practiced his/her profession in agriculture or acquired experience in a related field for at least five (5) years in the case of the provincial and city agriculturist, and three (3) years in the case of the municipal agriculturist.

The position of the agriculturist shall be mandatory for the provincial, city, and municipal governments.

- (b) The agriculturist shall take charge of the office for agricultural services, and shall:
  1. Formulate measures for the approval of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out said measures to ensure the delivery of basic services and provision of adequate facilities relative to agricultural services as provided for under Section 18 of this Code;
  2. Develop plans and strategies, and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with agricultural programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  3. In addition to the foregoing duties and functions, the agriculturist shall:
    - i. Ensure that maximum assistance and access to resources in the production, processing, and marketing of agricultural, aqua-cultural, and marine products are extended to farmers, fishermen, and local entrepreneurs;
    - ii. Conduct, or cause to be conducted, location-specific agricultural researches and assist in making available the appropriate technology arising out of and disseminating information on basic research on crops, preventive and control of plant diseases and pests, and other agricultural matters which will maximize productivity;

- iii. Assist the governor or mayor, as the case may be, in the establishment and extension services of demonstration farms or aqua-culture and marine products;
  - iv. Enforce rules and regulations relating to agriculture and aquaculture; and
  - v. Coordinate with government agencies and non-governmental organizations which promote agricultural productivity through appropriate technology compatible with environmental integrity;
4. Be in the frontline of delivery of basic agricultural services which will improve the livelihood and living conditions of the inhabitants, particularly those needed for the survival of the inhabitants during and in the aftermath of man-made and natural disasters; and
  5. Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all other matters related to agriculture and aqua-culture which will improve the livelihood and living conditions of the inhabitants.
- (c) The agriculturist shall also exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

### **ARTICLE XIII**

#### **THE SOCIAL WELFARE AND DEVELOPMENT OFFICER**

**SEC. 537. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed social welfare and development officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in social work or any other related course from a recognized college or university, and a duly licensed social worker. He/She must have acquired experience in the practice of social work for at least five (5) years in the case of the provincial or city social welfare and development officer, and three (3) years in the case of the municipal social welfare and development officer.

The appointment of a social welfare and development officer is mandatory for provincial, city, and municipal governments.

- (b) The social welfare and development officer shall take charge of the office on social welfare and development services and shall:
1. Formulate measures for the approval of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to social welfare and development services as provided for under Section 18 of this Code;

2. Develop plans and strategies, and upon approval thereof by the governor or mayor, as the case may be, implement the same particularly those which have to do with social welfare programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  3. In addition to the foregoing duties, the social welfare and development officer shall:
    - i. Identify the basic needs of the needy, the disadvantaged, and the impoverished, and develop and implement appropriate measures to alleviate their problems and improve their living conditions;
    - ii. Provide relief and appropriate crisis intervention for victims of abuse and exploitation, and recommend appropriate measures to deter further abuse and exploitation;
    - iii. Assist the governor or mayor, as the case may be, in implementing the barangay level program for the total development and protection of children up to six (6) years of age;
    - iv. Facilitate the implementation of welfare programs for the disabled, elderly, the rehabilitation of prisoners and parolees, the prevention of juvenile delinquency and such other activities which would eliminate or minimize the ill-effects of poverty;
    - v. In cases wherein the local government unit has yet to appoint a Local Youth and Development Officer (LYDO), initiate and support youth welfare programs that will enhance the role of the youth in nation-building; and
    - vi. Coordinate with government agencies and non-governmental organizations which have for their purpose the promotion and the protection of all needy, disadvantaged, underprivileged or impoverished groups or individuals, particularly those identified to be vulnerable and high-risk to exploitation, abuse and neglect;
  4. Be in the frontline of service delivery, particularly those which have to do with immediate relief during and assistance in the aftermath of human-induced, natural disasters and natural calamities; and
  5. Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all other matters related to social welfare and development services which will improve the livelihood and living conditions of the inhabitants.
- (c) The Social Welfare and Development Officer shall also exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## ARTICLE XIV

### THE ENVIRONMENT AND NATURAL RESOURCES OFFICER

#### **SEC. 538. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed as environment and natural resources officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in environment, forestry, agriculture or any related course from a recognized college or university, and a second level civil service eligible or its equivalent. He/She must have acquired experience in environmental and natural resources management, conservation, and utilization, of at least five (5) years in the case of the provincial or city environment and natural resources officer, and three (3) years in the case of the municipal environment and natural resources officer.

The appointment of the environment and natural resources officer is mandatory for provincial, city and municipal governments.

- (b) The environment and natural resources management officer shall take charge of the office on environment and natural resources and shall:
1. Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources services as provided for under Section 18 of this Code;
  2. Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with environment and natural resources programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  3. In addition to the foregoing duties and functions, the environment and natural resources officer shall:
    - i. Establish, maintain, protect, and preserve communal forests, watersheds, tree parks, mangroves, greenbelts, and similar forest projects and commercial forest, like industrial tree farms and agro-forestry projects;
    - ii. Provide extension services to beneficiaries of forest development projects and technical, financial and infrastructure assistance;



- iii. Manage and maintain seed banks, and produce seedlings for forests and tree parks;
  - iv. Provide extension services to beneficiaries of forest development projects, and render assistance for natural resources-related conservation and utilization activities consistent with ecological balance;
  - v. Promote the small-scale mining and utilization of mineral resources, particularly mining of gold; and
  - vi. Coordinate with government agencies and non-governmental organizations in the implementation of measures to prevent and control land, air, and water pollution with the assistance of the MENRE;
4. Be in the frontline of the delivery of services concerning the environment and natural resources, particularly in the renewal and rehabilitation of the environment during and in the aftermath of man-made and natural calamities and disasters; and
  5. Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all matters relative to the protection, conservation, maximum utilization, application of appropriate technology, and other matters related to the environment and natural resources.
- (c) The environment and natural resources officer shall also exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

## **ARTICLE XV**

### **THE ARCHITECT**

#### **SEC. 539. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed architect unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a duly licensed architect. He/She must have practiced his/her profession for at least five (5) years in the case of the provincial or city architect, and three (3) years in the case of the municipal architect.

The appointment of the architect is optional for provincial, city, and municipal governments.

- (b) The architect shall take charge of the office on architectural planning and design and shall:
1. Formulate measures for the consideration of the sanggunian, and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out

measures to ensure the delivery of basic services and provision of adequate facilities relative to architectural planning and design as provided for under Section 18 of this Code;

2. Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with architectural planning and design programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  3. In addition to foregoing duties and functions, the architect shall:
    - i. Prepare and recommend for consideration of the sanggunian the architectural plan and design for the local government unit or a part thereof, including the renewal of slums and blighted areas, land reclamation activities, the greening of land, and appropriate planning of marine and foreshore areas;
    - ii. Review and recommend for appropriate action of the sanggunian, governor or mayor, as the case may be, the architectural plans and design submitted by governmental and non-governmental entities or individuals, particularly those for undeveloped, underdeveloped, and poorly-designed areas; and
    - iii. Coordinate with government and non-government entities and individuals involved in the aesthetics and the maximum utilization of the land and water within the jurisdiction of the local government unit, compatible with environmental integrity and ecological balance;
  4. Be in the frontline of the delivery of services involving architectural planning and design, particularly those related to the redesigning of spatial distribution of basic facilities and physical structures during and in the aftermath of man-made and natural calamities and disasters; and
  5. Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all other matters relative to the architectural planning and design as it relates to the total socioeconomic development of the local government unit.
- (c) The architect shall also exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## ARTICLE XVI

### THE INFORMATION OFFICER

#### **SEC. 540. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed information officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in journalism, mass communication or any related course from a recognized college or university, and a second level civil service eligible or its equivalent. He/She must have experience in writing articles and research papers, or in writing for print, television, or broadcast media of at least three (3) years in the case of the provincial or city information officer, and at least one (1) year in the case of municipal information officer.

The appointment of the information officer is mandatory for the provincial, city, and municipal governments.

The term of the information officer is coterminous with that of the appointing authority.

- (b) The information officer shall take charge of the office on public information and shall:
1. Formulate measures for the consideration of the sanggunian, and provide technical assistance and support to the governor or mayor, as the case may be, in providing the information and research data required for the delivery of basic services and provision of adequate facilities so that the public becomes aware of said services and may fully avail of the same;
  2. Develop plans and strategies, and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with public information and research data to support programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  3. In addition to the foregoing duties and functions, the information officer shall:
    - i. Provide relevant, adequate, and timely information to the local government unit and its residents;
    - ii. Furnish information and data on local government units to government agencies or offices as may be required by law or ordinance, and non-governmental organizations to be furnished to said agencies and organizations; and

- iii. Maintain effective liaison with the various sectors of the community on matters and issues that affect the livelihood and the quality of life of the inhabitants, and encourage support for programs of the local and national government;
  - 4. Be in the frontline in providing information during and in the aftermath of manmade and natural calamities and disasters, with special attention to the victims thereof, to help minimize injuries and casualties during and after the emergency, and to accelerate relief and rehabilitation; and
  - 5. Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all other matters relative to public information and research data as it relates to the total socioeconomic development of the local government unit.
- (c) The information officer shall also exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## **ARTICLE XVII**

### **THE COOPERATIVES AND SOCIAL ENTERPRISE DEVELOPMENT OFFICER**

#### **SEC. 541. *Qualifications, Powers and Duties.* –**

- (a) No person shall be appointed cooperatives development officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in business administration with special training in cooperatives or any related course from a recognized college or university, and a second level civil service eligible or its equivalent. He/She must have experience in cooperatives organization and management of at least five (5) years in the case of the provincial or city cooperatives officer, and three (3) years in the case of municipal cooperatives officer.

The appointment of the cooperatives officer is mandatory for the provincial, city, and municipal governments.

- (b) The cooperatives development officer shall take charge of the office for the development of cooperatives registered with the CSEA and shall:
- 1. Formulate measures for the consideration of the sanggunian, and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of facilities through the development of cooperatives, and in providing access to such services and facilities;
  - 2. Develop plans and strategies, and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with

the integration of cooperatives values, principles, and practices in programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;

3. In addition to the foregoing duties and functions, the cooperatives development officer shall:
    - i. Take the lead in identifying groups, sectors, or communities that can be organized into cooperatives with the objective that the cooperatives to be organized shall be vehicles in poverty reduction, job creation, and socioeconomic development of the municipality, city, or province;
    - ii. In collaboration with the CSEA, provide assistance to prospective cooperatives in the conduct of the required pre-registration seminar and/or pre-membership education seminar and in the preparation of required documents for registration;
    - iii. In partnership with the CSEA, MTIT, other government agencies, cooperative unions and federations, academe, and other private organizations, provide technical and other forms of assistance to duly registered cooperatives to enhance their viability as an economic enterprise and social organization including, but not limited to, training and education, business management, finance, and financial management; and
    - iv. Assist cooperatives in establishing linkages with government agencies, cooperative unions and federations, academe, and non-government organizations involved in the promotion and integration of the concept of cooperatives in the livelihood of the people and other community activities;
  4. Assist cooperatives in the development and implementation of risk management plans and business continuity plans and management as a response to anticipated or unexpected man-made and natural calamities and disasters, to aid in their survival, and if necessary, subsequent rehabilitation; and
  5. Recommend to the sanggunian, and advise the governor or mayor, as the case may be, on all other matters relative to cooperatives development and viability-enhancement which will improve the livelihood and quality of life of the inhabitants.
- (c) The cooperatives and social enterprise development officer shall also exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## ARTICLE XVIII

### THE POPULATION OFFICER

#### **SEC. 542. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed population officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree from a recognized college or university with specialized training in population development, and a second level civil service eligible or its equivalent. He/She must have experience in the implementation of programs on population development or responsible parenthood for at least five (5) years in the case of the provincial or city population officer and three (3) years in the case of the municipal population officer.

The appointment of a population officer shall be optional in the local government unit.

- (b) The population officer shall take charge of the office on population development and shall:
1. Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to the integration of the population development principles and in providing access to said services and facilities;
  2. Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with the integration of population development principles and methods in programs and projects which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code; and
  3. In addition to the foregoing duties and functions, the population officer shall:
    - i. Assist the governor or mayor, as the case may be, in the implementation of the Constitutional provisions, national and regional laws, and local ordinances relative to population and development and the promotion of responsible parenthood;
    - ii. Establish and maintain an updated data bank for program operations, development planning and an educational program to ensure the people's participation in and understanding of population and development; and
    - iii. Implement appropriate training programs responsive to the traditional practices of the inhabitants;

- (c) The population officer shall also exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## **ARTICLE XIX**

### **THE VETERINARIAN**

#### **SEC. 543. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed veterinarian unless he/she is a citizen of the Philippines, a resident of the local government concerned, of good moral character, and a licensed Doctor of Veterinary Medicine. He/She must have practiced his/her profession for at least three (3) years in the case of provincial or city veterinarian and at least one (1) year in the case of the municipal veterinarian.

The appointment of a veterinarian officer is mandatory for the provincial and city governments, and optional for municipal governments.

- (b) The veterinarian shall take charge of the office for veterinary services and shall:
1. Formulate measures for the consideration of the sanggunian, and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities pursuant to this Code;
  2. Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with the veterinary-related activities which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;
  3. In addition to the foregoing duties and functions, the veterinarian shall:
    - i. Advise the governor or the mayor, as the case may be, on all matters pertaining to the slaughter of animals for human consumption and the regulation of slaughterhouses;
    - ii. Regulate the keeping of domestic animals;
    - iii. Regulate and inspect poultry, milk, and dairy products for public consumption;
    - iv. Enforce all laws and regulations for the protection and promotion of the welfare of all animals; and

- v. Take the necessary measures to eradicate, prevent or cure all forms of animal diseases;
  - 4. Be in the frontline of veterinary related activities, such as in the outbreak of highly-contagious and deadly diseases and in situations resulting in the depletion of animals for work and human consumption, particularly those arising from and in the aftermath of man-made and natural calamities and disasters; and
  - 5. Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all other matters relative to veterinary services which will increase the number and improve the quality of livestock, poultry, and other domestic animals used for work or human consumption.
- (c) The veterinarian shall also exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## **ARTICLE XX**

### **THE GENERAL SERVICES OFFICER**

#### **SEC. 544. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed general services officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree on public administration, business administration and management from a recognized college or university, and a second level civil service eligible or its equivalent. He/She must have acquired experience in general services, including management of supply, property, solid waste disposal, and general sanitation, of at least five (5) years in the case of the provincial or city general services officer, and at least three (3) years in the case of the municipal general services officer.

The appointment of a general services officer is mandatory for the provincial, city, and municipal governments.

- (b) The general services officer shall take charge of the office on general services and shall:
- 1. Formulate measures for the consideration of the sanggunian, and provide technical assistance and support to the governor or mayor, as the case may be, in carrying out measures to ensure the delivery of basic services and provision of adequate facilities pursuant to Section 18 of this Code which require general services expertise and technical support services;
  - 2. Develop plans and strategies, and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with the general services supportive of the welfare of the inhabitants which the governor



or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;

3. In addition to the foregoing duties and functions, the general services officer shall:
  - i. Take custody of and be accountable for all properties, real or personal, owned by the local government unit, and those granted to it in the form of donation, reparation, assistance and counterpart of joint projects;
  - ii. With the approval of the governor or mayor, as the case may be, assign building or land space to local officials or other public officials, who by law, are entitled to such space;
  - iii. Recommend to the governor or mayor, as the case may be, the reasonable rental rates for local government properties, whether real or personal, which will be leased to public or private entities by the local government;
  - iv. Recommend to the governor or mayor, as the case may be, reasonable rental rates of private properties which may be leased for the official use of the local government unit;
  - v. Maintain and supervise janitorial, security, landscaping, and other related services in all local government public buildings and other real property, whether owned or leased by the local government unit;
  - vi. Collate and disseminate information regarding prices, shipping, other costs of supplies, and other items commonly used by the local government unit;
  - vii. Perform archival and record management with respect to records of offices and departments of the local government unit; and
  - viii. Perform all other functions pertaining to supply and property management heretofore performed by the local government treasurer, and enforce policies on records creation, maintenance, and disposal;
4. Be in the frontline of general services related activities, such as the possible or imminent destruction or damage to records, supplies, properties, structures, and the orderly and sanitary clearing up of waste materials or debris, particularly during and in the aftermath of man-made and natural calamities and disasters; and
5. Recommend to the sanggunian and advise the governor or mayor, as the case may be, on all other matters relative to general services.

- (c) The general services officer shall also exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## ARTICLE XXI

### THE INFORMATION AND COMMUNICATIONS TECHNOLOGY OFFICER

#### SEC. 545. *Qualifications, Powers and Duties.* –

- (a) No person shall be appointed information and communications technology officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree on information and communications technology, computer science, computer engineering, data science, electronics and communications engineering, or other courses directly relevant to any aforementioned courses from a recognized college or university, and a second level civil service eligible or its equivalent. He/She must have acquired experience in information and communications technology and relevant experiences for at least five (5) years in the case of the provincial or city information and communications technology officer, or at least three (3) years in the case of the municipal information or communications technology officer.

The appointment of an information and communications technology officer is optional for the local government unit.

- (b) The information and communications technology officer shall:
1. Formulate measures for the consideration of the sanggunian to provide technical assistance and support to the local chief executive in carrying out measures to ensure the digitization of public documents, digitalization of government processes, and overall digital transformation of government;
  2. Develop plans and strategies, and upon approval thereof, by the local chief executive, implement the same, particularly those which have to do with developing, harnessing, integrating, and utilizing information and communications technology for the digital transformation of government and relevant purposes;
  3. In addition to the foregoing duties and functions, the ICT officer shall:
    - i. Recommend to the local chief executive the reasonable purchase, lease, or rental rates of digital equipment for the implementation of digital transformation;
    - ii. Develop, maintain, and supervise all information and communications technology programs and services of the local government;
    - iii. Collate and disseminate information regarding information and communications technology programs and services of the local government to the public;

- iv. Perform database and record management with respect to records of offices and departments of the local government units; and
  - v. Perform all other functions pertaining to information and communications technology programs and services of the local government, and enforce policy in relation thereto;
4. Be in the frontline of information and communications technology programs and services of the local government in partnership with the private sector;
  5. Develop, implement, and evaluate all programs aimed at ensuring that all personnel under his/her supervision including himself/herself are constantly trained or exposed to knowledge in information and communications technology and other relevant areas; and
  6. Recommend to the sanggunian and advise the local chief executive on all other matters relative to information and communications technology.
- (c) Exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## **ARTICLE XXII**

### **THE TOURISM OFFICER**

#### **SEC. 546. *Qualifications, Powers, and Duties.* –**

- (a) No person shall be appointed tourism officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, has obtained a relevant bachelor's degree, and a second level civil service eligible or its equivalent. He/She must have acquired experience of at least five (5) years of substantial involvement in the tourism industry.

The appointment of a tourism officer is mandatory for provincial government and optional for city and municipal governments: *Provided*, That the appointment shall be mandatory for a city or municipality with major tourism industries.

- (b) The tourism officer shall take charge of the tourism office and shall:
1. Be responsible for preparing, implementing, and updating local tourism development plans for adoption and approval of the governor or mayor, as the case may be: *Provided*, That the local tourism development plans shall integrate zoning, land use, infrastructure development, national and regional standards for tourism

enterprises, heritage, and environmental protection imperatives in a manner that encourages sustainable tourism development;

2. Be responsible for enforcing tourism laws, rules, and regulations including enforcement of tourism standards and collection of statistical data for tourism purposes; and
  3. Coordinate with the MTIT and its attached agencies in the performance of his/her functions.
- (c) The tourism officer shall also exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

### **ARTICLE XXIII**

#### **THE LOCAL WOMEN'S DEVELOPMENT OFFICER**

**SEC. 547. *Qualifications, Powers and Duties.* –**

- (a) To effectively address the concerns of women and promote their representation, participation, welfare, and development within the local government, a Local Women's Development Officer (LWDO) may be appointed in each local government unit.

The LWDO shall possess relevant education, experience, and skills in gender and development, women's rights, or women's empowerment. The specific qualifications and requirements for the position shall be determined by the local government unit in accordance with guidelines established by the Bangsamoro Women Commission (BWC).

- (b) The LWDO shall work closely with the LWDC and BWC to support their activities, decision-making processes, and implementation of programs and projects addressing women's concerns.
- (c) The LWDO shall be responsible for organizing and conducting capacity-building activities and training programs for the LWDC members and other relevant stakeholders within the local government unit. These activities shall focus on gender equity, women's rights, women's empowerment, and other relevant topics.
- (d) The LWDO shall be allocated an adequate budget for staffing, office space, and activities, including the implementation of programs and projects addressing women's concerns, as well as monitoring and evaluation efforts. The LWDO shall also be responsible for mobilizing additional resources from both government and non-government sources, as necessary.
- (e) The LWDO shall establish a mechanism for regular monitoring, evaluation, and reporting of activities, programs, and projects related to women's development in accordance with

the guidelines and other issuances of the BWC. This mechanism shall involve the local chief executive, the LWDC, and other relevant stakeholders.

- (f) The LWDO shall actively engage in policy advocacy and coordinate with BWC, other government agencies, CSOs, and other relevant stakeholders for the implementation of established conventions and strategies for women's development at the local level.
- (g) The LWDO shall collaborate with other relevant local government offices such as the local youth development officer, to address intersectional issues and concerns affecting women and other marginalized groups.
- (h) The LWDO shall be appointed by the local chief executive and shall be under the direct supervision of the Office of the Local Chief Executive or an appropriate department within the local government unit, as determined by the local government unit.
- (i) The LWDO shall exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## **ARTICLE XXIV**

### **THE NUTRITION ACTION OFFICER**

#### **SEC. 548. *Qualifications, Powers and Duties.* –**

- (a) No person shall be appointed nutrition action officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a duly licensed nutritionist-dietitian. He/She must have practiced his/her profession for at least five (5) years in the case of the provincial or city nutrition action officer and three (3) years in the case of the municipal nutrition action officer.

The appointment of a nutrition action officer is mandatory for provincial, city, and municipal governments.

- (b) The nutrition action officer shall be in charge of the overall nutrition situation and shall:
  - 1. Schedule quarterly meetings of the Local Nutrition Committee (LNC) with corresponding communications/letters and agenda;
  - 2. Provide overall management of the provincial/city nutrition program, and supervise the day-to-day operations of the provincial/city nutrition office;
  - 3. Ensure the operation/updating of the LNC members on the Philippine Plan of Action for Nutrition (PPAN) and nutrition-related laws, policies, programs, facilitates passage, and monitoring of policies on nutrition;

4. Initiate the organization of the nutrition planning team and ensures the conduct of multi-sectoral preparation of the Provincial/City Nutrition Action Plan (P/CNAP), ensure the integration of P/CNAP in the PDPFP, if province, and Comprehensive Development Plan (CDP), Local Development Investment Program (LDIP), and Annual Investment Program (AIP), if city;
  5. Coordinate with other agencies/departments in the planning of nutrition-related programs, projects, and activities (PPAs) and link to existing PPAs to desired nutrition outcomes by making programs nutrition sensitive;
  6. Ensure the periodic assessment of the Local Nutrition Action Plan (LNAP) implementation through paper evaluation and field visits, prepare quarterly and annual reports, presents the report to the LNC, and facilitates its submission to the Department of Interior and Local Government (DILG), and facilitate the recognition and awarding mechanism for deserving municipalities (if province) or barangays (if city);
  7. Provide technical assistance to municipalities (if province) or barangays (if city) as requested and based on results of monitoring activities;
  8. Mobilize nutrition cluster during disasters and emergencies;
  9. Review and approve the consolidated results of the program for weighing and measuring children, present the same to the LNC, facilitate its submission to higher level local government unit, and provide a copy to the Municipal Health Center (MHC);
  10. Conduct nutrition promotion/advocacy activities; and
  11. Conduct resource generation activities for nutrition.
- (c) The nutrition action officer shall also exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## **ARTICLE XXV**

### **THE LIBRARIAN**

#### **SEC. 549. *Qualifications, Powers and Duties.* –**

- (a) No person shall be appointed librarian unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and must possess the eligibility for librarian. He/She must have practiced his/her profession for at least two (2) years in the case of the provincial or city librarian, and at least one (1) year in the case of the municipal librarian.

The appointment of a librarian is optional for the provincial, city, and municipal government.

- (b) The librarian shall take charge of the library or reading center, and shall perform the following functions:
1. Selection and acquisition of multi-media sources of information which would best respond to clientele's need for adequate, relevant and timely information;
  2. Cataloguing and classification of knowledge or sources of information into relevant organized collections, and creation of local databases for speedy access, retrieval or delivery of information;
  3. Development of computer-assisted/computer-backed information systems which would permit online and network services;
  4. Establishment of library system and procedures, dissemination of information, rendering of information, reference and research assistance, archiving, and education of users;
  5. Teaching, lecturing and reviewing of library, archives, and information science subjects, including subjects given in the licensure examination;
  6. Rendering of services involving technical knowledge/expertise in abstracting, indexing, cataloguing, and classifying or the preparation of bibliographies, subject authority lists, thesauri, and union catalogues/lists;
  7. Preparation, evaluation, or appraisal of plans, programs, and/or projects for the establishment, organization, development, and growth of libraries or information centers, and the determination of library requirements for space, buildings, structures or facilities;
  8. Provision of professional and consultancy services or advice on any aspect of librarianship; and
  9. Organization, conservation, preservation, and restoration of historical and cultural documents and other intellectual properties.
- (c) The librarian shall also exercise such other powers, and perform such other duties and functions as may be prescribed by law or ordinance.

## TITLE VI

### LEAGUES OF BANGSAMORO LOCAL GOVERNMENT UNITS AND ELECTIVE OFFICIALS

#### CHAPTER I

#### LEAGUES OF BANGSAMORO LOCAL GOVERNMENT UNITS

#### ARTICLE I

#### LIGA NG MGA BARANGAY SA BANGSAMORO

**SEC. 550. Purpose of Organization.** – There shall be an organization of all barangays in the BARMM to be known as the Liga ng mga Barangay sa Bangsamoro, hereinafter “*liga*”, for the primary purpose of determining the representation of the liga in the sanggunians and for ventilating, articulating, and crystallizing issues affecting barangay government administration and securing, through proper and legal means, solutions thereto.

**SEC. 551. Representation, Chapters, and Regional Liga.** – Every barangay shall be represented in said liga by the punong barangay, or in his/her absence or incapacity, by a sanggunian member duly elected for the purpose among its members, who shall attend all meetings or deliberations called by the different chapters of the liga. The liga shall have chapters at the municipal, city, provincial, and regional levels. The municipal and city chapters of the liga shall be composed of the barangay representatives of municipal and city barangays respectively. The duly elected presidents of component municipal and city chapters shall constitute the provincial chapter. The duly elected presidents of independent component cities, highly-urbanized cities, and provincial chapters shall constitute the regional or Bangsamoro chapter. The regional or Bangsamoro chapter shall become part of the National Liga ng mga Barangay, as provided in R.A. No. 7160.

**SEC. 552. Organization.** – The liga at the municipal, city, provincial, and regional levels shall directly elect a president, a vice president, and five (5) members of the board of directors. The board shall appoint its secretary and treasurer and create such other positions as it may deem necessary for the management of the chapter. A secretary-general shall be elected from among the members of the regional or Bangsamoro liga and shall be charged with the overall operation of the liga at the regional level. The board shall coordinate the activities of the chapters of the liga.

**SEC. 553. Ex Officio Membership in Sanggunians.** – The duly elected presidents of the liga at the municipal, city, and provincial levels shall serve as *ex officio* members of the sangguniang bayan, sangguniang panlungsod, sangguniang panlalawigan, respectively. They shall serve as such only during their term of office as presidents of the liga chapters, which, in no case, shall be beyond the term of office of the sanggunian concerned. The duly elected president of the liga at the regional level shall be an *ex officio* member representing the barangays in regional bodies requiring the participation of barangay officials or of the liga ng barangays.



**SEC. 554. Powers, Functions, and Duties of the Liga.** – The liga shall:

- (a) Give priority to programs designed for the total development of the barangays and in consonance with the policies, programs, and projects of the Bangsamoro and national governments;
- (b) Assist in the education of barangay residents for people’s participation in local government administration in order to promote united and concerted action to achieve region- or country-wide development goals;
- (c) Supplement the efforts of government in creating gainful employment within the barangay;
- (d) Adopt measures to promote the welfare of barangay officials;
- (e) Serve as a forum of the barangays in order to forge linkages with government and non-governmental organizations, and thereby promote the social, economic and political well-being of the barangays;
- (f) Each barangay league must submit to the office of the MILG a quarterly written report of their meetings and activities, including some recommendation for effective delivery of public services and for good governance. The liga may also, at any time, submit to the MILG a report, in written or electronic form, on problems they have observed in the implementation of government projects within their territorial jurisdiction and/or the acts/performance of any government officials within their territorial jurisdiction; and
- (g) Exercise such other powers, and perform such other duties and functions which will bring about stronger ties between barangays and promote the welfare of the barangay inhabitants.

## **ARTICLE II**

### **LEAGUE OF MUNICIPALITIES**

**SEC. 555. Purpose of Organization.** – There shall be an organization of all municipalities in the Bangsamoro to be known as League of Municipalities in the Bangsamoro for the primary purpose of ventilating, articulating, and crystallizing issues affecting municipal government administration, and securing, through proper and legal means, solutions thereto. The league shall form provincial chapters composed of the league presidents for all component municipalities of the province. The league shall form a regional chapter composed of the league presidents for all provincial chapters. The regional league shall affiliate with and form part of the league of municipalities at the national level, as provided in R.A. No. 7160.

**SEC. 556. Representation.** – Every municipality shall be represented in the league by the municipal mayor or in his/her absence, by the vice mayor or a sanggunian member duly elected for the purpose by the members, who shall attend all meetings and participate in the deliberations of the league.

**SEC. 557. Powers, Functions, and Duties of the League of Municipalities.** – The league of municipalities shall:

- (a) Assist the Bangsamoro and national governments in the formulation and implementation of the policies, programs, and projects affecting municipalities as a whole;
- (b) Promote local autonomy at the municipal level;
- (c) Adopt measures for the promotion of the welfare of all municipalities and its officials and employees;
- (d) Encourage people’s participation in local government administration in order to promote united and concerted action for the attainment of region- and countrywide development goals;
- (e) Supplement the efforts of the Bangsamoro and national governments in creating opportunities for gainful employment within the municipalities;
- (f) Give priority to programs designed for the total development of the municipalities in consonance with the policies, programs, and projects of the Bangsamoro and national governments;
- (g) Submit to the MILG a quarterly written report of their meetings and activities, including some recommendations for the effective delivery of public services and for good governance. The league may also, at any time, submit to the MILG a report, written or electronic form, on problems they have observed in the implementation of government projects within their territorial jurisdiction and/or the acts/performance of any government official within their territorial jurisdiction;
- (h) Serve as a forum for crystallizing and expressing ideas, seeking the necessary assistance of the Bangsamoro and national governments, and providing the private sector avenues for cooperation in the promotion of the welfare of the municipalities;
- (i) Represent the municipalities in provincial and regional bodies in the BARMM, requiring the participation of municipal governments or of the league of municipalities; and
- (j) Exercise such other powers, and perform such other duties and functions as the league may prescribe for the welfare of the municipalities.

## ARTICLE III

### LEAGUE OF CITIES

**SEC. 558. *Purpose of Organization.*** – There shall be an organization of all cities in the BARMM to be known as the Bangsamoro League of Cities for the primary purpose of ventilating, articulating, and crystallizing issues affecting city government administration, and securing, through proper and legal means, solutions thereto. The league shall affiliate with and form part of the national league, as provided in R.A. No. 7160.

**SEC. 559. *Representation.*** – Every city shall be represented in the league by the city mayor or in his/her absence, by the city vice mayor or a sanggunian member duly elected for the purpose by the members, who shall attend all meetings and participate in the deliberations of the league.

**SEC. 560. *Powers, Functions, and Duties of the League of Cities.*** – The league of cities shall:

- (a) Assist the Bangsamoro and national governments in the formulation and implementation of the policies, programs and projects affecting cities as a whole;
- (b) Promote local autonomy at the city level;
- (c) Adopt measures for the promotion of the welfare of all cities, its officials, and employees;
- (d) Encourage people's participation in local government administration in order to promote united and concerted action for the attainment of region- and country-wide development goals;
- (e) Supplement the efforts of Bangsamoro and national governments in creating opportunities for gainful employment in the cities;
- (f) Give priority to programs designed for the total development of cities in consonance with the policies, programs, and projects of the Bangsamoro and national governments;
- (g) Serve as a forum for crystallizing and expressing ideas, seeking the necessary assistance of the Bangsamoro and national governments and providing the private sector avenues for cooperation in the promotion of the welfare of the cities;
- (h) Submit to the MILG a quarterly written report of their meetings and activities, including some recommendations for the effective delivery of public services and for good governance. The league may also, at any time, submit a report to the MILG, written or electronic form, on problems they have observed in the implementation of government projects and/or the acts/performance of any government official within their territorial jurisdiction;

- (i) Represent the cities in provincial and regional bodies in the Bangsamoro region requiring the participation of city governments or of the league of cities; and
- (j) Exercise such other powers, and perform such other duties and functions as the league may prescribe for the welfare of the cities.

## **ARTICLE IV**

### **LEAGUE OF PROVINCES**

**SEC. 561. *Purpose of Organization.*** – There shall be an organization of all provinces in the Bangsamoro to be known as the Bangsamoro League of Provinces for the primary purpose of ventilating, articulating, and crystallizing issues affecting provincial government administration and securing, through proper and legal means, solutions thereto. The league shall affiliate with and form part of the national league, as provided in R.A. No. 7160.

**SEC. 562. *Representation.*** – Every province shall be represented in the league by the provincial governor or, in his/her absence, by the provincial vice governor or a sanggunian member duly elected for the purpose by the members, who shall attend all meetings and participate in the deliberations of the league.

**SEC. 563. *Powers, Functions, and Duties of the League of Provinces.*** – The league of provinces shall:

- (a) Assist the Bangsamoro and national governments in the formulation and implementation of the policies, programs, and projects affecting provinces as a whole;
- (b) Promote local autonomy at the provincial level;
- (c) Adopt measures for the promotion of the welfare of all provinces, its officials, and employees;
- (d) Encourage people’s participation in local government administration in order to promote united and concerted action for the attainment of region- and country-wide development goals;
- (e) Supplement the efforts of the Bangsamoro and national governments in creating opportunities for gainful employment within the province;
- (f) Give priority to programs designed for the total development of the provinces in consonance with the policies, programs, and projects of the Bangsamoro and national governments;

- (g) Serve as a forum for crystallizing and expressing ideas, seeking the necessary assistance of the Bangsamoro and national governments and providing the private sector avenues for cooperation in the promotion of the welfare of the provinces;
- (h) Submit to the MILG a quarterly written report of their meetings and activities including some recommendations for effective delivery of public services and for good governance; The league, at any time, may also submit to the MILG a report, written or electronic form, on problems they have observed in the implementation of government projects and/or the acts/performance of any government official within their territorial jurisdiction;
- (i) Represent the provinces in regional bodies in the BARMM, requiring the participation of provincial governments or of the league of provinces; and
- (j) Exercise such other powers, and perform such other duties and functions as the league may prescribe for the welfare of the provinces.

## **CHAPTER II**

### **LEAGUES AND FEDERATIONS OF BANGSAMORO LOCAL ELECTIVE OFFICIALS**

#### **SEC. 564. *Organization.* –**

- (a) Vice governors, vice mayors, sanggunian members of barangays, municipalities, component cities, highly-urbanized cities and provinces, and other elective local officials of local government units may form their respective leagues or federation, subject to applicable provisions of this Title and pertinent provisions of this Code.
- (b) Sanggunian members of component cities and municipalities in the Bangsamoro shall form a provincial federation and elect a board of directors and a set of officers headed by the president. The duly elected president of the provincial federation of sanggunian members of component cities and municipalities shall be an *ex officio* member of the sangguniang panlalawigan concerned and shall serve as such only during his/her term of office as president of the provincial federation of sanggunian members of component cities and municipalities, which in no case, shall be beyond the term of office of the sangguniang panlalawigan concerned.

## **CHAPTER III**

### **PROVISIONS COMMON TO ALL LEAGUES**

#### **SEC. 565. *Funding.* –**

- (a) All leagues shall derive its funds from contributions of member local government units and from fund-raising projects and activities without the necessity of securing permits therefor: *Provided*, That the proceeds from said fund-raising projects and activities shall

be used primarily to fund the projects for which the said proceeds have been raised, subject to the pertinent provision of this Code and the pertinent provisions of the omnibus election code, as amended.

- (b) All funds of leagues shall be deposited as trust funds with its treasurer, and shall be disbursed in accordance with the board of director's resolutions, subject to pertinent accounting and auditing rules and regulations: *Provided*, That the treasurer shall be bonded in an amount to be determined by the board of directors. The funds of a chapter shall be deposited as chapter funds and that of the regional or Bangsamoro league as regional funds.
- (c) The municipal, city, provincial, and regional governments may provide augmentation to the funds of the leagues in support of their activities.

**SEC. 566. *Organizational Structure.*** – To ensure the effective and efficient administration, the leagues for municipalities, cities, and provinces shall elect chapter and regional level boards of directors and a set of officers headed by the president. The board of directors on the chapter or regional level may create such other positions as may be deemed necessary for the management of the chapters and of the regional league.

**SEC. 567. *Constitution and By-Laws of the Liga and the Leagues.*** – All other matters not herein otherwise provided for affecting the internal organization of the leagues of local government units shall be governed by their respective constitution and by-laws which are hereby made supplementary to the provision of this chapter: *Provided*, That said constitution and by-laws shall always conform to the provisions of the constitution and existing regional and national laws.

**SEC. 568. *Elections and Other Activities of the Liga and Leagues.*** – The MILG shall issue the necessary guidelines, rules, and regulations to implement the provisions of this title. It shall oversee the election of the officers of the liga, leagues, and its different chapters at the municipal, city, provincial, and regional levels. The MILG shall coordinate and cooperate with the DILG and the national chapters of the different leagues for the recognition of the leagues formed and the officers elected under this title as the exclusive and official leagues for the Bangsamoro constituent local government unit.

**SEC. 569. *Non-Diminution of Rights, Privileges, and Prerogatives of the Liga and Leagues in the Bangsamoro.*** – Nothing herein shall be understood to diminish the rights, privileges, and prerogatives already enjoyed by liga and league members and officers in the BARMM as such, between and among themselves, and in relation to the chapters outside of the region including the national chapter.

**SEC. 570. *Transition for Existing Ligas.*** – The existing composition and officers of the liga and leagues in the BARMM shall continue to exist and hold office until the expiration of their term.

## BOOK IV

### MISCELLANEOUS AND FINAL PROVISIONS

#### TITLE I

#### PENAL PROVISIONS

**SEC. 571. *Posting and Publication of Ordinances with Penal Sanctions.* –**

- (a) Ordinances with penal sanctions shall be posted at three (3) conspicuous places in the provincial capitol, city, municipal, or barangay hall, as the case may be, for a minimum period of six (6) consecutive weeks. Whenever available, such ordinances shall also be published in a newspaper of general circulation, within the territorial jurisdiction of the local government unit concerned, or by any other mode of publication. Unless otherwise provided therein, said ordinances shall take effect on the day following its publication or at the end of the period of posting, whichever occurs later.
- (b) Any public officer or employee who violates an ordinance shall be meted administrative disciplinary action, without prejudice to the filing of the appropriate civil or criminal action.
- (c) The secretary to the sanggunian concerned shall transmit official copies of such ordinances to the chief executive officer of the Bangsamoro Gazette within twelve (12) days following the approval of the said ordinance for publication purposes. The Bangsamoro Gazette may publish ordinances with penal sanctions for archival and reference purposes.
- (d) Publication shall include its translation to local languages.

**SEC. 572. *Withholding of Benefits Accorded to Local Government Units Officials and Employees.* –** Willful and malicious withholding of any of the benefits accorded to barangay, municipal, city, or provincial officials and employees provided by this Code shall be punished with suspension or dismissal from office of the official or employee responsible therefor.

**SEC. 573. *Failure to Post and Publish the Itemized Monthly Collections and Disbursements.* –** Failure by the local treasurer or the local chief accountant to post the itemized monthly collections and disbursements of the local government unit concerned within ten (10) days following the end of every month and for at least two (2) consecutive weeks at prominent places in the main office building of the local government unit concerned, its plaza and main street, and to publish said itemization in a newspaper of general circulation, where available, in the territorial jurisdiction of such unit, or by any other mode of publication, shall be punished by a fine not exceeding One Million Two Hundred Thousand Pesos (Php 1,200,000.00) but is not less than Forty Thousand Pesos (Php 40,000.00) or by suspension or by imprisonment not exceeding one (1) year or both such fine, suspension or imprisonment at the discretion of the court.

**SEC. 574. *Engaging in Prohibited Business Transactions or Possessing Illegal Pecuniary Interest.*** – Any local official and any person or persons dealing with him/her who violate the prohibitions provided in Section 101 hereof, shall be punished with imprisonment for six (6) months and one (1) day to six (6) years, or a fine of not less than Forty Thousand Pesos (Php 40,000.00) nor more than One Million Two Hundred Thousand Pesos (Php 1,200,000.00), or both such imprisonment and fine, at the discretion of the court.

**SEC. 575. *Refusal or Failure of Any Party or Witness to Appear before the Lupon or Pangkat.*** – Refusal or willful failure of any party or witness to appear before the lupon or pangkat in compliance with a summons issued pursuant to the provisions on the Katarungang Pambarangay under Book III of this Code may be punished by the city or municipal court as indirect contempt of court upon application filed therewith by the lupon chairperson, the pangkat chairperson, or by any of the contending parties. Such refusal or willful failure to appear shall be reflected in the records of the lupon secretary or in the minutes of the pangkat secretary, and shall bar the complainant who fails to appear, from seeking judicial recourse for the same cause of action, and the respondent who refuses to appear, from filing any counterclaim arising out of, or necessarily connected with the complaint.

A pangkat member who serves as such shall be entitled to an honorarium, the amount of which is to be determined by the sanggunian concerned, subject to the provisions in this Code cited above.

**SEC. 576. *Penalties for Violation of Tax Ordinances.*** – Notwithstanding the provisions of Sections 489 (a) (2), 509, and 521 (a) (2), the sanggunian of a local government unit is authorized to prescribe fines or other penalties for violation of tax ordinances but in no case shall such fines be less than Forty Thousand Pesos (Php 40,000.00) nor more than One Million Two Hundred Thousand Pesos (Php 1,200,000.00), nor shall imprisonment be less than one (1) month nor more than six (6) months. Such fine or other penalty, or both, shall be imposed at the discretion of the court. The sangguniang barangay may prescribe a fine of not less than One Thousand Pesos (Php 1,000.00) nor more than Ten Thousand Pesos (Php 10,000.00).

**SEC. 577. *Omission of Property from Assessment or Tax Rolls by Officers and Other Acts.*** – Any officer charged with the duty of assessing real property who willfully fails to assess, or who intentionally omits from the assessment or tax roll any real property which he/she knows to be taxable, or who willfully or negligently underassesses any real property, or who intentionally violates or fails to perform any duty imposed upon him/her by law relating to the assessment of taxable real property shall, upon conviction, be punished by a fine of not less than Forty Thousand Pesos (Php 40,000.00) nor more than One Million Two Hundred Thousand Pesos (Php 1,200,000.00), or by suspension or imprisonment of not less than one (1) month nor more than six (6) months, or both such fine and suspension or imprisonment, at the discretion of the court.

The same penalty shall be imposed upon any officer charged with the duty of collecting the tax due on real property who willfully or negligently fails to collect the tax and institute the necessary proceedings for the collection of the same.



Any other officer required by this Code to perform acts relating to the administration of the real property tax or to assist the assessor or treasurer in such administration, who willfully fails to discharge such duties shall, upon conviction be punished by a fine of not less than Forty Thousand Pesos (Php 40,000.00) nor more than One Million Two Hundred Thousand Pesos (Php 1,200,000.00), suspension, or imprisonment of not less than one (1) month nor more than six (6) months, or both such fine and suspension or imprisonment, at the discretion of the court.

**SEC. 578. *Government Agents Delaying Assessment of Real Property and Assessment Appeals.*** – Any government official who intentionally and deliberately delays the assessment of real property or the filing of any appeal against its assessment shall be liable for suspension, or upon conviction, be punished by a fine of not less than Forty Thousand Pesos (Php 40,000.00) nor more than One Million Two Hundred Thousand Pesos (Php 1,200,000.00), imprisonment of not less than one (1) month or more than six (6) months, or both such fine and imprisonment, at the discretion of the court.

**SEC. 579. *Failure to Dispose of Delinquent Real Property at Public Auction.*** – The local treasurer concerned who fails to dispose of delinquent real property at public auction in compliance with the pertinent provisions of this Code and any other local government official whose acts hinder the prompt disposition of delinquent real property at public auction shall, upon conviction, be subject to a fine of not less than Forty Thousand Pesos (Php 40,000.00) nor more than One Million Two Hundred Thousand Pesos (Php 1,200,000.00), imprisonment of not less than one (1) month nor more than six (6) months, or both such fine and imprisonment, at the discretion of the court.

**SEC. 580. *Prohibited Acts Related to the Award of Contracts Under the Provisions on Credit Financing.*** – It shall be unlawful for any public official or employee in the provincial, city, or municipal government, or their relatives within the fourth (4<sup>th</sup>) civil degree of consanguinity or affinity to enter into or have any pecuniary interest in any contract for the construction, acquisition, operation, or maintenance of any project awarded pursuant to the provisions of Title V in Book II hereof, or for the procurement of any supplies, materials, or equipment of any kind to be used in the said project. Any person convicted for violation of the provisions of said Title shall be removed from office and shall be punishable by imprisonment of not less than two (2) months, nor more than three (3) years, at the discretion of the court, without prejudice to prosecution under other laws.

**SEC. 581. *Act of Officials in Violation of the Provisions of this Code.*** – Any official or employee acting in violation of the provisions of this Code shall be administratively liable, without prejudice to the filing of a criminal and/or civil case.

**SEC. 582. *Non-compliance with Requirements for a Gender and Development (GAD) Plan and Focal Point System.*** – The following shall constitute dereliction of duty within the purview of Section 70 (c) of this Code:

- (a) Non-submission of the GAD Plan as required by law for two (2) consecutive fiscal years;
- (b) Failure to submit the accomplishment report on the utilization of the GAD Plan; and
- (c) Non-establishment of the Gender Focal Point System (GFPS).

Administrative action on any of the above shall lie against the official legally responsible for the performance therefor.

**SEC. 583. *Failure to Implement GAD Plan.*** – The failure to implement the GAD Plan for two (2) consecutive years shall be considered dereliction of duty on the part of the local chief executive within the purview of Section 70 (c) of this Code.

**SEC. 584. *Misuse of GAD Budget.*** – The misuse of the GAD budget towards purposes beyond those contemplated in the GAD Plan shall constitute abuse of authority on the part of the local chief executive under Section 70 (e) of this Code.

**SEC. 585. *Other Actions or Suits Against Erring Officials.*** – Administrative action under the foregoing provisions is without prejudice to any other liability under other national and regional laws and issuances.

## TITLE II

### PROVISIONS FOR IMPLEMENTATION

**SEC. 586. *Parliamentary Oversight and Mandatory Periodic Review.*** – The Bangsamoro Parliament, through the Committee on Local Government, shall exercise its oversight function over the implementation of this Code and undertake a mandatory review thereof ten (10) years after its enactment and at least three (3) years thereafter or as often as it may deem necessary, with the primary objective of providing a more responsive and accountable local government.

Any amendment of this Code shall only be based on the results, and upon the completion of the mandatory review.

For this purpose, the Devolution Committee and upon its dissolution, the MILG shall submit a report to the Committee on Local Government on the implementation of the provisions of this Code, integrating therein reports from relevant ministries, offices, and agencies as well as national and local government instrumentalities.

**SEC. 587. *Insurance Coverage.*** – There shall be a system that will provide insurance coverage for the punong barangay, the members of the sangguniang barangay, the barangay secretary, the barangay treasurer, the members of the barangay tanod, and the members of the Barangay Peacekeeping Action Team (BPAT) as provided in this Code and other pertinent laws.

For this purpose, the MILG, in partnership with the GSIS or other institutions, shall undertake or cause to undertake an actuarial study to determine the premiums payable and report to Parliament and the local government units concerned the amount of appropriations needed to support the system, for consideration in the annual appropriations act or ordinances.

**SEC. 588. *Personnel Retirement and Separation Benefits.*** – An official or employee of the Bangsamoro Government or local government unit separated from the service as a result of reorganization effected under this Code shall, if entitled under the laws then in force, receive the retirement and other benefits accruing thereunder: *Provided, however,* That such benefits shall be given

funding priority by the MFBM, in the case of Bangsamoro Government employees, and the local government unit concerned, in the case of local officials and employees.

Where the employee concerned is not eligible for retirement, he/she shall be entitled to a separation pay from the national, regional, or the local government concerned, as the case may be, equivalent to an amount not lower than one (1) month salary for every year of service over and above the monetary value of the leave credits said employee is entitled to receive pursuant to existing laws.

**SEC. 589. *Inventory of Infrastructure and Other Community Facilities.* –**

- (a) Each local government unit shall conduct a periodic inventory of infrastructure and other community facilities and undertake the maintenance, repair, improvement, or reconstruction of these facilities through a closer cooperation among the various agencies of the Bangsamoro and national governments operating within the province, city, or municipality concerned.
- (b) No infrastructure or community project within the territorial jurisdiction of any local government unit shall be undertaken without informing the local chief executive and the sanggunian concerned.

**SEC. 590. *Records and Properties.* –** All records, equipment, buildings, facilities, and other properties of any office or body of a local government unit abolished or reorganized under this Code shall be transferred to the office or body to which its powers, functions, and responsibilities are substantially devolved.

**SEC. 591. *Monitoring and Evaluation System.* –** The MILG shall establish a monitoring and evaluation system to ensure full delivery of basic services, faithful implementation of plans, programs, projects, and compliance to existing policies, laws, rules, and regulations.

### **TITLE III**

#### **TRANSITORY PROVISIONS**

**SEC. 592. *Devolution Committee; Devolution Period.* –**

- (a) Within one (1) month after the approval of this Code, the Chief Minister shall convene the Devolution Committee, as herein provided.
- (b) The Devolution Committee shall be composed of the following:
  - 1. Senior Minister who shall be the chairperson;
  - 2. Minister of the Interior and Local Government, as vice chairperson;
  - 3. The Cabinet, represented by member ministries thereof;

4. The chairperson of the Committee on Local Government and five (5) Members of the Bangsamoro Parliament to be appointed by the Speaker, upon the recommendation of the chairperson of the Committee on Local Government; and
  5. One (1) representative from each of the following:
    - i. provinces,
    - ii. municipalities, and
    - iii. barangays in the Bangsamoro Autonomous Region.
- (c) The Committee shall supervise the transfer of such powers and functions mandated under this Code to the local government units, together with the corresponding properties, assets, and liabilities of the offices or agencies concerned, with the least possible disruption to existing programs and projects. For this purpose, it shall form a technical working group on devolution which shall perform the following tasks:
1. Conduct an assessment on the technical and financial capacity of the local government units to perform the powers and functions devolved herein, and submit a report thereon within six (6) months after the enactment of this Code; and
  2. Within the next three (3) months, submit a devolution plan outlining the timeline and milestones towards full devolution and transfer of assets and personnel, if any, to the local government units within the period provided in Section 18 (b) of Book I.
- (d) The Devolution Committee shall, in overseeing the implementation of the devolution process, receive reports from ministries and local government units and recommend solutions for bottlenecks.
- (e) The initial sum of Ten Million Pesos (Php 10,000,000.00) to be charged against the appropriations of the OCM, is hereby allotted to the Committee for the performance of its functions which shall include undertaking an information campaign on this Code.

**SEC. 593. *Records, Equipment, and Other Assets, and Personnel of Agencies.*** – The gradual devolution contemplated in this Code shall include the transfer to local government units of the records, equipment, and other assets of agencies and offices corresponding to the devolved powers, functions, and responsibilities: *Provided,* That those assets utilized by the ministries’ provincial offices that are necessary for the retained powers and for augmentation may be retained by the Bangsamoro Government as determined by the Devolution Committee.

All records, equipment, and assets of the ministries in its municipal offices shall be transferred to the municipal government.

**SEC. 594. *Personnel of Ministries, Offices, and Agencies.*** – Ministries, offices, and agencies, as well as their regional offices, shall review their mandates and functions, may reorganize their structures accordingly, and shall submit a report to the Committee on Amendments in case there is

reorganization that necessitates amendment of laws other than this Code. Pursuant to appropriate civil service law, rules, and regulations, affected personnel of ministries and regional offices may, in the following order be:

- (a) Absorbed by the local government units they serve or are assigned to;
- (b) Given another assignment without diminution of rank, compensation, and other benefits;  
or
- (c) Separated from service, as provided in Section 588 hereof.

**SEC. 595. *Transitory Provision for Anti-Dynasty and Mandatory Training.*** – The implementation of Sections 43 and 45 (g) of this Code shall only be applicable starting from the May 2028 elections.

**SEC. 596. *Transitory Provision for Incumbent Appointive Officials.*** – All incumbent appointive officials holding permanent appointments prior to the effectivity of this Code shall continue to perform their functions without need for reappointment and without diminution of status, rank, and salary grade, and shall enjoy security of tenure. However, they cannot be promoted to a higher position unless they meet the eligibility requirements for that higher position as provided for by relevant laws and issuances.

**SEC. 597. *Tax Ordinances or Revenue Measures.*** – All existing tax ordinances or revenue measures of local government units shall continue to be in force and effect after the effectivity of this Code unless amended by the sanggunian concerned, or inconsistent with, or in violation of, the provisions of this Code.

**SEC. 598. *Mandatory Review of Tax Ordinances.*** – Upon the effectivity of this Code, all local government units shall initiate a review of existing tax ordinances and commence with the synchronization of their systems and procedures to comply with the provisions of this Code pending the approval of the IRR issued by the MFBM and MILG.

**SEC. 599. *Transitory Provisions for The Municipalities in the SGA.*** – Until such time that the sixty-three (63) barangays in Pikit (Macabual, Gli-Gli, Rajah Muda, Bagoinged, Bulol, Kabalasan, Buliok, Balungis, Bualan, Lagunde, Panicupan, Batulawan, Fort Pikit, Pamalian, Manaulanan, Balong, Barungis, Nabundas, Gokotan, Nalapaan, Macasendeg, Nunguan), Pigkawayan (Lower Baguer, Balacayon, Buricain, Datu Binasing, Datu Mantil, Kadingilan, Libungan Torreta, Matilac, Lower Pangangkalan, Upper Pangangkalan, Patot, Simsiman), Carmen (Kitulaan, Pebpoloan, Manarapan, Langogan, Tupig, Kibayao, Nasapian), Kabacan (Tamped, Simbuhay, Simone, Nanga-An, Buluan, Pedtad, Sanggadong), Midsayap (Central Labas, Malingao, Tumbras, Kapinpilan, Sambulawan, Tugal, Mudseng, Kadingilan, Nabalawag, Kadigasan, Damatulan, Olandang, Kudarangan), and Aleosan (Dunguan and Tapodoc), all of the Province of Cotabato that voted for inclusion in the Bangsamoro Autonomous Region, are constituted into municipalities pursuant to BAA Nos. 41, 42, 43, 44, 45, 46, 47, and 48, the SGA constituted under Section 14, Title VIII, Chapter 6 of BAA No. 13 shall continue to be governed thereby. Upon their conversion into municipalities, the SGA and the Special Geographic Area Development Authority or “*the authority*” shall be reconstituted as follows:

- (a) The eight (8) new municipalities created pursuant to BAA Nos. 41, 42, 43, 44, 45, 46, 47, and 48, as a cluster, shall constitute the SGA which shall be under the general supervision of the Chief Minister;
- (b) Pending the creation of a new province for the municipalities in the SGA, the Special Geographic Area Development Authority created under Section 15, Title VIII, Chapter 6 of BAA No. 13, is hereby re-organized and shall henceforth perform planning, implementation, monitoring, and coordinating functions and serve as a dynamic inter-municipal mechanism for developmental processes and the effective governance of the cluster of the eight (8) SGA municipalities, for the promotion of the general welfare of the people therein. This shall be without prejudice to the autonomy of the constituent municipal and barangay local government units;
- (c) The Authority shall be attached to the OCM for purposes of policy and program coordination, and shall be composed of the board of directors as the governing board and highest policy-making body, and the Administrator;
- (d) The Authority shall perform the following powers and functions:
  1. Promulgation of policies, rules, regulations, and other issuances and the implementation of the powers and functions and delivery of services and facilities devolved to the provinces: *Provided*, That the Board of Directors shall guide and supervise the exercise of such devolved provincial powers, functions, services, and facilities, which shall be delivered directly by the member ministries pursuant to their individual mandates;
  2. Implementation, enforcement, and monitoring of the execution of national and regional laws and policies in the area;
  3. Formulation and implementation of comprehensive inter-municipal development plans and investment programs;
  4. Receipt and administration of inter-municipal donations and grants, subject to existing regional and national policies;
  5. Adoption of measures that promote the general welfare of the constituents of the area; and
  6. Performance of other tasks as may be assigned by the Chief Minister; and
- (e) The powers and functions of the Authority shall be exercised by the Board of Directors consisting of the all the mayors of the municipalities in the SGA and the ministers of all of the ministries of the Bangsamoro Government or their representatives.

The Board of Directors shall be chaired by the Senior Minister who shall be substituted by the Minister of the Interior and Local Government in the former's absence. The vice

chairperson shall be one of the mayors of the SGA elected to sit as such by all the mayors. The Board of Directors shall be supported by a secretariat headed by the Administrator.

**SEC. 600. *Additional Revenue Generation and Taxing Powers of the Municipalities in the SGA.*** – Until such a time that a new province shall have been constituted, the municipalities in the SGA shall be authorized to levy, impose, and collect, pursuant to a tax ordinance they shall enact, the following additional taxes:

- (a) Real property tax, as provided in Title II, Book II of this Code; and
- (b) Professional tax, as provided in Section 163, Title I, Book II of this Code.

*Provided,* That to safeguard any vested rights, the initial rates to be imposed by the SGA municipalities hereunder shall not be higher than the rates already prevailing in these areas prior to their inclusion in the BARMM: *Provided, further,* That the municipalities may subsequently modify or adjust the rates following the provisions of Book II of this Code.

**SEC. 601. *Enactment of a Law Creating a New Province for the Municipalities in the SGA.*** – The above provisions on the SGA and the Authority shall continue to exist and be operational for the purposes they are established until such a time that a new province shall have been constituted for the municipalities in the SGA.

Affected personnel, whether hired on a permanent, temporary, casual, or contractual basis, and with appointments attested by the CSC, shall be given an option to be absorbed by the new local government unit or separated in accordance with law.

## TITLE IV

### FINAL PROVISIONS

**SEC. 602. *Implementing Rules and Regulations.*** – In consultation with pertinent stakeholders from the Bangsamoro and local governments, the MILG shall, within three (3) months from the effectivity of this Code, promulgate the necessary rules and regulations for the implementation of the provisions of this Code.

**SEC. 603. *Repealing Clause.*** –

- (a) MMAA No. 25, otherwise known as the “*Local Government Code of the Autonomous Region in Muslim Mindanao*”, is hereby repealed; and
- (b) The provisions of BAA No. 13, insofar as they are in conflict or inconsistent with the provisions of this Code, are hereby repealed or amended.

All laws, orders, acts, charters, decrees, executive orders, proclamations, rules and regulation and all other issuances, or part thereof, which are inconsistent with this Code are hereby repealed or modified accordingly.

**SEC. 604. Separability Clause.** – If, for any reason or reasons, any part or provision of this Code shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**SEC. 605. Effectivity Clause.** – This Code shall take effect immediately following its complete publication in at least one (1) newspaper of general circulation in the BARMM.



**ATTY. PANGALIAN M. BALINDONG**  
Speaker

This Act was passed by the Bangsamoro Parliament on *Rabi Al-Awwal* 13, 1445/ September 28, 2023.



**PROF. RABY E. ANGKAL**  
Secretary General

**APPROVED:**



**AHOD BALAWAG EBRAHIM**  
Chief Minister  
Date: 3-13-45/9-28-23