

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
Second Regular Session

House Bill No. 4843



Introduced by **HON. IGNACIO T. ARROYO**

EXPLANATORY NOTE

This bill seeks to grant power to the Local Sanggunians to conduct inquiries, in aid of legislation, to issue *subpoena ad testificandum* and *subpoena duces tecum* and to punish for contempt any person who refuses to obey such process.

While the Constitution and the Local Government Code are silent on this matter, the law impliedly grants the implementation of the same. Hence, the need to enact a law to provide express statutory basis in conducting the same without the risk of violating the principle of separation of powers.

The end purpose of this bill is for the Local Sanggunians to exercise its duties and functions effectively in crafting ordinances within their respective areas and to provide an effective check and balance with the Local Executive.

It is for these reasons that the immediate approval and consideration of this proposed measure is requested.


IGNACIO T. ARROYO


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Introduced by **HON. IGNACIO T. ARROYO**

AN ACT GRANTING THE LOCAL SANGGUNIANs, EXCEPT THE SANGGUNIANg BARANGAYS, THE POWER TO CONDUCT INQUIRIES, IN AID OF LEGISLATION, TO ISSUE SUBPOENA AND TO PUNISH FOR CONTEMPT ANY PERSON WHO REFUSES TO OBEY SUCH PROCESS, AMENDING FOR THE PURPOSE SECTIONS 447, 458 AND 468 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1: Sections 447, 458 and 468 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 is hereby amended to read as follows:

“SECTION 447. Powers, Duties, Functions and Compensation. –

(a.) 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 pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:

(1) x x x

(6) CONDUCT INQUIRIES, IN AID OF LEGISLATION,
TO ISSUE *SUBPOENA AD TESTIFICANDUM* AND
SUBPOENA DUCES TECUM AND PUNISH FOR
CONTEMPT ANY PERSON, WHO REFUSES TO OBEY
SUCH PROCESSES.

[(6)] (7) Exercise such other powers and perform such
duties and functions as may be prescribed by law or
ordinance.”

“SECTION 458. Powers, Duties, Functions and Compensation. –

(a.) The Sangguniang Panlungsod, as the legislative body of the
city, shall enact ordinances, approve resolutions and appropriate
funds for the general welfare of the city and its inhabitants
pursuant to Section 16 of this Code and in the proper exercise of
the corporate powers of the city as provided for under Section 22
of this Code, and shall:

(2) x x x

(6) CONDUCT INQUIRIES, IN AID OF LEGISLATION,
TO ISSUE *SUBPOENA AD TESTIFICANDUM* AND
SUBPOENA DUCES TECUM AND PUNISH FOR
CONTEMPT ANY PERSON, WHO REFUSES TO OBEY
SUCH PROCESSES.

[(6)] (7) Exercise such other powers and perform such
duties and functions as may be prescribed by law or
ordinance.”

“SECTION 468. Powers, Duties, Functions and Compensation. –

(a.) 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 pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the province as provided for under Section 22 of this Code, and shall:

(3) x x x

(5) CONDUCT INQUIRIES, IN AID OF LEGISLATION, TO ISSUE *SUBPOENA AD TESTIFICANDUM* AND *SUBPOENA DUCES TECUM* AND PUNISH FOR CONTEMPT ANY PERSON, WHO REFUSES TO OBEY SUCH PROCESSES.

[(5)] (6) Exercise such other powers and perform such duties and functions as may be prescribed by law or ordinance.”

SEC. 2. The Department of the Interior and Local Government (DILG), in coordination with the Union of Local Authorities of the Philippines (ULAP), shall promulgate the necessary rules and regulations within sixty (60) days upon the approval of this Act.

SEC. 3. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation.

Approved.