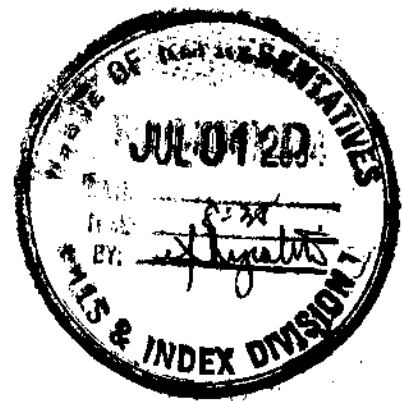


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

THIRTEENTH CONGRESS  
First Regular Session

House Bill NO. 20



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Introduced by HON. EDGAR M. CHATTO  
1<sup>ST</sup> DISTRICT, BOHOL

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EXPLANATORY NOTE

Although the power to issue *subpoena* and *subpoena duces tecum* is impliedly granted to the local *sangguniang panlalawigans* by virtue of the statutory grant of delegated legislative power, there is a need to expressly grant the same because the subpoena power is judicial in character. Allowing local legislative bodies to exercise this power without express statutory basis will impinge on the principle of separation of powers.

Both the Constitution and the Local Government Code are mum about granting the *sangguniang panlalawigans* the power to subpoena witnesses.

This bill seeks to expressly grant the local *sangguniang panlalawigans* the power to issue subpoena and subpoena duces tecum.

Filed during the 12<sup>th</sup> Congress, this measure was for sponsorship in the House Plenary. But due to time constraints, it was never taken up. Hence, the same is re-filed for the consideration of this Congress.

  
REP. EDGAR M. CHATTO

Republic of the Philippines  
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THIRTEENTH CONGRESS  
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House Bill No. 20

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Introduced by HON. EDGAR M. CHATTO  
1<sup>ST</sup> DISTRICT, BOHOL

---

AN ACT GRANTING THE LOCAL *SANGGUNIAN*S, EXCEPT THE *SANGGUNIAN* *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

x x x

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

[(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  
provide for under Section 22 of this  
Code, shall:

(1) x x x

x x x

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

[(6)] (7) Exercise such other powers  
and perform such other duties and  
functions as may be provided for by law  
and 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:

(1) x x x

x x x

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

[(5)] (6) Exercise such other powers and perform such other 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 upon its approval.

Approved,