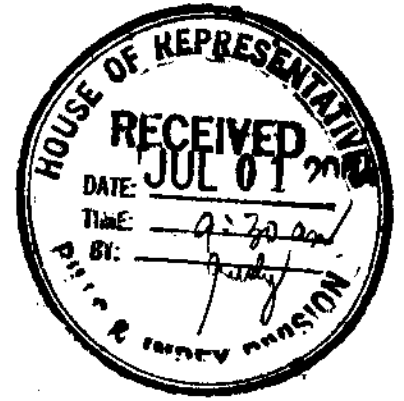


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 51



Introduced by: HON. EMILIO C. MACIAS II

EXPLANATORY NOTE

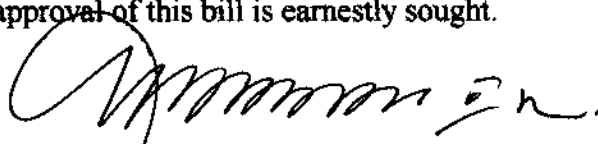
This bill seeks to require the concurrence of the local school board on the assignment of division superintendents, district supervisors, school principals and other school officials to a particular local government unit. The primary objective is to delete the words which beclouden the meaning not only of the provision but of the law itself. Section 99 of the local Government Code mandates the Department of Education (DepEd) to consult the local school board pertaining to the appointment of the aforementioned officials. This ambiguous provision has triggered a legal controversy involving the Province of Negros Oriental and an appointee of the DECS. Unfortunately, the lower court interpreted the phrase "shall consult" to mean merely to inform or to notify as it was not expressed in a mandatory language. Apparently, the lower court gave weight to the "*letter that killeth*" and not "*to the spirit that giveth life.*"

Certainly, when the framers of the Local Government Code bestowed upon the local government units powers and responsibilities, their noble intention was to cloth them with broad authority to decide and have a final say on matters within the ambit of their respective jurisdiction. This is precisely the essence of the decentralization policy of the government.

It is therefore, the intention of this bill to give a crystal clear meaning to this ambiguous provision so as to remove the various interpretations on the subject provision which caused some irritants among local officials and the DepEd appointee. With the enactment of this bill into law, similar controversy that may arise in the future will be avoided. It must be emphasized that in every undertaking TEAMWORK is an essential element of success

This bill was already approved by the House of Representatives during the Eleventh Congress. However, due to intervening political events brought about by the impeachment trial, the Senate failed to act on this important legislative measure.

In view of the foregoing, the approval of this bill is earnestly sought.


EMILIO C. MACIAS II M.D.
Representative
Second District, Negros Oriental

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 51

Introduced by: HON. EMILIO C. MACIAS II

AN ACT
REQUIRING THE CONCURRENCE OF THE LOCAL SCHOOL BOARD ON
THE ASSIGNMENT OF DIVISION SUPERINTENDENTS, DISTRICT
SUPERVISORS, SCHOOL PRINCIPALS, AND OTHER SCHOOL OFFICIALS
AMENDING FOR THE PURPOSE SECTION 99, PARAGRAPH (d) OF
REPUBLIC ACT NO. 7160 OTHERWISE KNOWN AS THE LOCAL
GOVERNMENT CODE OF 1991

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

SECTION 1. Section 99, paragraph (d) of Republic Act No. 7160 is hereby amended to read as follows:

"SECTION 99. Functions of Local School Board. –
The provincial, city or municipal school board shall:

(a) Determine, in accordance with criteria set by the Department of Education, Culture and Sports, 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 of the proceeds of the special levy on real property constituting the Special Education Fund and such other sources of revenue as this Code and other laws or ordinance may provide.

(b) Authorize the provincial, city or municipal treasurer, as the case may be, to disburse funds from the Special Education Fund pursuant to the budget prepared 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 the use of local appropriations for educational purposes; and

(d) Recommend changes in the names of public schools within the territorial jurisdiction of local government unit for the enactment of the sanggunian concerned

The Department of Education (DepEd) shall [consult] **SEEK THE CONCURRENCE OF** the local school board on the appointment **OR ASSIGNMENT** of division superintendents, district supervisors, school principals, and other school officials.”

SEC. 2. This Act shall take effect upon approval.

Approved,