



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

Sixteenth Congress
First Regular Session

HOUSE BILL NO. 685



Introduced by: **Honorable George P. Arnaiz**

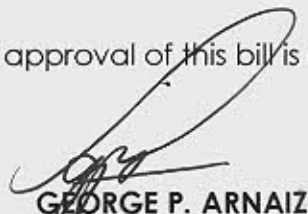
EXPLANATORY NOTE

Republic Act No. 7160 as amended, otherwise known as the Local Government Code of 1991 explicitly devolves gargantuan powers and responsibilities to local government units in pursuance with the decentralization policy enshrined in the Constitution. However, there are certain powers which should have been devolved to local governments but are still retained by the national government like the jurisdiction over the filing of administrative complaints erring local elective officials.

In all cases, a component city is within the administrative and disciplinary jurisdiction of the province where it is geographically located. For which reason, Section 63 of the Local Government Code of 1991 empowers the governor to impose preventive suspension if the respondent is an elective official of a component city or municipality. However, Section 61 of the Code provides a contradictory instance as it requires the filing of administrative complaints against erring local elective officials of component cities before the Office of the President.

This bill therefore seeks to rectify this matter by transferring the jurisdiction for filing administrative complaint against erring local elective officials of a component city from the Office of the President to the Sangguniang Panlalawigan to provide consistency to the purpose, letter and spirit of the Local Government Code of 1991.

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



GEORGE P. ARNAIZ
Representative
2nd District, Oriental Negros



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AN ACT
TRANSFERRING THE JURISDICTION FOR FILING ADMINISTRATIVE COMPLAINT AGAINST
ERRING LOCAL ELECTIVE OFFICIAL OF A COMPONENT CITY TO THE SANGGUNIANG
PANLALAWIGAN AMENDING FOR THE PURPOSE SECTION 61 OF REPUBLIC ACT NO. 7160 AS
AMENDED 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 61 of Republic Act No. 7160, as amended otherwise known as the Local Government Code is hereby amended to read as follows:

"Section 61. Form and Filing of Administrative Complaints. – A verified complaint against any erring local elective official shall be prepared as follows:

- (a) A complaint against any elective official of a province, a highly urbanized city OR an independent component city [or component city] shall be filed before the Office of the President;
- (b) A complaint against any elective official of a municipality of COMPONENT CITY shall be filed before the Sangguniang Panlalawigan whose decision may be appealed to the Office of the President, and
- (c) A complaint against any elective barangay official shall be filed before the Sangguniang Panlungsod or Sangguniang Bayan concerned whose decision shall be final and executor."

SECTION 2. All laws, decrees, executive orders, proclamations, rules and regulations, or parts thereof inconsistent therewith are hereby repealed, amended or modified accordingly.

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

Approved,