

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Manila

20th CONGRESS

First Regular Session

HOUSE BILL NO. 4167



Introduced by Representative Caroline B. Agyao

EXPLANATORY NOTE

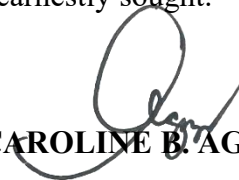
This bill seeks to amend Section 25 (a) of RA 9404 which grants the city mayor of Tabuk City in the Province of Kalinga the power to appoint the secretary to the Sangguniang Panlungsod. Section 25 (a) of RA 9404 violates the principle of separation of powers between the executive and the legislative departments of local government units and the equal protection clause of the Constitution.

The provision deprive the city vice mayor of Tabuk City the power to appoint the secretary to the Sangguniang Panlungsod; a power which is vested to all vice mayors of the Philippines under Section 456 (2) of RA 7160 otherwise known as the Local Government Code of 1991 which specifically states that “ The city vice mayor shall, subject to civil service law, rules and regulations, appoint all officials and employees of the sangguniang panlungsod, except those whose manner of appointment is specifically provided in this code”. Similarly, Section 10 (b) (2) of RA 9404 vested the same power to the city vice mayor of Tabuk City.

There is no substantial distinction between the vice mayor of Tabuk City and the other city vice mayors of the Philippines. It was therefore unreasonable to withhold from the vice mayor of Tabuk City the power to appoint the Secretary to the Sangguniang Panlungsod. It is to be emphasized that the Secretary to the Sangguniang Panlungsod of Tabuk City is with no doubt an official of the Sangguniang Panlungsod, not a department head of the executive branch of the Local Government Unit of Tabuk City.

Section 25 (a) of RA 9404 should therefore be amended to conform and harmonize with the provisions of Section 456 (a) (2) of the Local Government Code of 1991 and Section 10 (b) (2) of RA 9404 vesting to the city vice mayor the power to appoint all officials and employees of the Sangguniang Panglungsod.

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


CAROLINE B. AGYAO

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**AN ACT AMENDING SECTION 25 (a) OF REPUBLIC ACT 9404,
OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF TABUK**

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

SECTION 1. Section 25 (a) of Republic Act No. 9404 otherwise known as the “Charter of the City of Tabuk” is hereby amended to read as follows:

“**SEC. 25.** The Secretary to the Sangguniang Panlungsod. - (a) There shall be a secretary to the sangguniang panlungsod with the rank and salary equal to a head of a department or office, who shall be appointed by the city **VICE** mayor, (with the concurrence of the majority of all the sangguniang panlungsod members,) subject to civil service law, rules and regulations.”

SEC. 2. Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rules and regulation, or part thereof contrary to or inconsistent with this Act is hereby amended, repealed or modified accordingly

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

Approved,