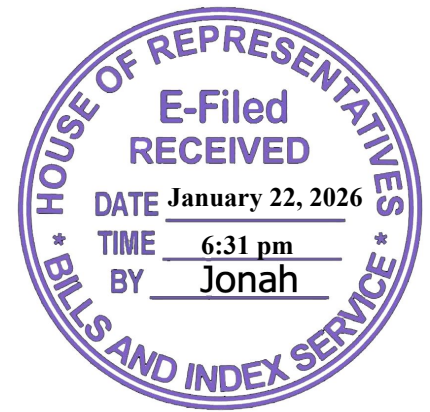


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session
House Bill No. **7242**



Introduced by: Congressman **BIENVENIDO M. ABANTE, JR.**

AN ACT
AMENDING FURTHER REPUBLIC ACT NO. 7160 OTHERWISE KNOWN AS
THE LOCAL GOVERNMENT CODE OF 1991 AND RELATED LAWS, RULES
AND REGULATIONS, AND FOR OTHER PURPOSE

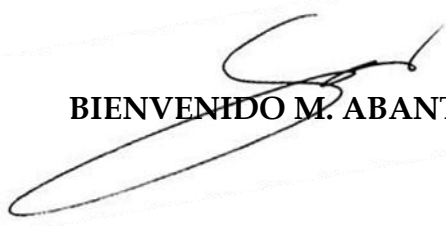
EXPLANATORY NOTE

Notwithstanding pertinent laws, rules and regulations in place, corruption involving government projects continue to be exposed with such magnitude it was never publicly known, like the ghost and sub-standard flood control projects worth billions of pesos of public funds. The Constitution clearly provides that: "The state shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption" (*Sec. 27, Art. II*), and "Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, and act with patriotism and justice, and lead modest" (*Sec. 1, Art. XI*). Yet, corruption involving government projects appears unabated.

While the investigations centered on flood-control projects conducted by both Houses of Congress and other government agencies, including the Independent Commission for Infrastructure created by the President, revealed deep corruption in the level of the national government, it is not far-fetched that corruption involving government projects has also permeated the level of local government units because the projects are within their territorial jurisdiction, hence, they have the capacity to derail, delay or make hard the implementation and/or completion of such projects, thus opening the gate of corruption.

It is therefore the aim of this Bill to check corruption in the level of local government units particularly in the implementation and completion of projects funded in whole or in part by the national government by limiting the powers and jurisdiction of local government units and local government officials particularly on the approval of or grant of permits to such projects, as well as coordination and consultation thereon, disciplinary powers and procedure by reason thereof or in connection therewith, including assistance for the prompt, peaceful and orderly

implementation of these projects, hence, the immediate approval of this Bill is earnestly requested.



BIENVENIDO M. ABANTE, JR.

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

SECTION 1. Section 25 (b) of Republic Act No. 7160 is hereby amended to read as follows:

“(b) National agencies and offices with project implementation functions shall coordinate with one another and with the local government units concerned in the discharge of these functions. They shall ensure the participation of local government units in the planning and implementation of said national projects. **NO PERMIT FROM ANY LOCAL GOVERNMENT UNIT SHALL BE REQUIRED FOR THE IMPLEMENTATION OF ANY PROJECT FUNDED IN WHOLE OR IN PART BY THE NATIONAL GOVERNMENT. LOCAL GOVERNMENT UNITS SHALL EXTEND ALL NECESSARY ASSISTANCE FOR THE PROMPT, ORDERLY AND PEACEFUL IMPLEMENTATION AND COMPLETION OF SUCH PROJECT. ANY LOCAL OFFICIAL, WHETHER ELECTED OR APPOINTED, WHO REQUIRES LOCAL GOVERNMENT UNIT PERMIT FOR THE IMPLEMENTATION OF SUCH PROJECT OR WHO REFUSES OR DELAYS TO COORDINATE IN THE PLANNING OR IMPLEMENTATION OR TO EXTEND ALL NECESSARY ASSISTANCE FOR THE PROMPT, ORDERLY AND PEACEFUL IMPLEMENTATION AND COMPLETION OF SUCH PROJECT SHALL BE SUBJECT TO CRIMINAL AND ADMINISTRATIVE PROSECUTION.**”

SEC 2. – Section 27 of Republic Act No. 7160 is hereby amended to read as follows:

“Section 27. Prior consultations required. – No project or program shall be implemented by government authorities unless the consultations required in sections 2 (c) and 26 hereof are complied with and prior approval of the Sanggunian concerned is obtained: Provided, That occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution: PROVIDED FURTHER, THAT PRIOR APPROVAL OF THE SANGGUNIAN OR ANY LOCAL GOVERNMENT OFFICIAL SHALL NOT APPLY TO THE IMPLEMENTATION OF PROJECTS FUNDED IN WHOLE OR IN PART BY THE NATIONAL GOVERNMENT: PROVIDED FURTHERMORE, THAT ANY LOCAL OFFICIAL, WHETHER ELECTED OR APPOINTED, WHO IMPEDES OR DELAYS THE PROMPT, ORDERLY AND PEACEFUL IMPLEMENTATION AND COMPLETION OF SUCH PROJECTS SHALL BE SUBJECT TO CRIMINAL AND ADMINISTRATIVE PROSECUTION.”

SEC 3. – Section 60 of Republic Act No. 7160 providing grounds for disciplinary action is hereby amended adding another paragraph to be identified as paragraph ‘h’ so that the present paragraph (‘h’) shall become paragraph (‘i’) to read as follows:

“(h) REQUIRING MAYOR’S OR BARANGAY PERMIT FOR THE IMPLEMENTATION OF ANY PROJECT FUNDED IN WHOLE OR IN PART BY THE NATIONAL GOVERNMENT; PREVENTING OR IMPEDING THE IMPLEMENTATION OF SUCH PROJECT WITHOUT SUCH PERMIT; REFUSING TO EXTEND OR DELAYING TO EXTEND ALL NECESSARY ASSISTANCE FOR THE PROMPT, ORDERLY AND PEACEFUL IMPLEMENTATION AND COMPLETION OF SUCH PROJECT; REQUIRING PRIOR APPROVAL OF THE SANGGUNIAN OR ANY LOCAL GOVERNMENT OFFICIAL FOR THE IMPLEMENTATION OF SUCH PROJECT; OR IMPEDING OR DELAYING THE PROMPT, ORDERLY AND PEACEFUL IMPLEMENTATION AND COMPLETION OF SUCH PROJECT.”

SEC 4. – Section 63 of Republic Act No. 7160 is hereby amended adding paragraph (a)-(4) to read as follows:

“(4) By the SECRETARY OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT IF THE RESPONDENT IS CHARGED UNDER SECTIONS 25 (B), 27 OR 60(H) OF R.A. NO. 7160 AS HEREIN AMENDED.”

SEC 5. Section 86 of Republic Act No. 7160 is hereby amended to read as follows:

"SECTION 86. *Administrative Investigation.* - In any local government unit, administrative investigation may be conducted by a person or a committee duly authorized by the local chief executive. Said person or committee shall conduct hearings on the cases brought against appointive local officials and employees and submit their findings and recommendations to the local chief executive concerned within fifteen (15) days from the conclusion of the hearings. The administrative cases herein mentioned shall be decided within ninety (90) days from the time the respondent is formally notified of the charge: **PROVIDED, THAT IF THE CHARGE IS BY REASON OF OR IN CONNECTION WITH THE IMPLEMENTATION OF ANY PROJECT FUNDED IN WHOLE OR IN PART BY THE NATIONAL GOVERNMENT, SUCH PERSON OR COMMITTEE TO CONDUCT THE ADMINISTRATIVE INVESTIGATION SHALL BE DULY AUTHORIZED BY THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT TO WHOM SUCH FINDINGS AND RECOMMENDATION SHALL BE SUBMITTED."**

SEC 6. Section 87 of Republic Act No. 7160 is hereby amended to read as follows:

"SECTION 87. *Disciplinary Jurisdiction.* - Except as otherwise provided by law, the local chief executive may impose the penalty of removal from service, demotion in rank, suspension for not more than one (1) year without pay, fine in an amount not exceeding six (6) month's salary, or reprimand and otherwise discipline subordinate officials and employees under his jurisdiction. If the penalty imposed is suspension without pay for not more than thirty (30) days, the decision shall be appealable to the Civil Service Commission, which shall decide the appeal within thirty (30) days from receipt thereof: **PROVIDED, THAT IF THE GROUND FOR DISCIPLINARY ACTION IS BY REASON OF OR IN CONNECTION WITH THE IMPLEMENTATION OF ANY PROJECT FUNDED IN WHOLE OR IN PART BY THE NATIONAL GOVERNMENT, THE PENALTY SHALL BE DETERMINED AND IMPOSED BY THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT."**

SEC 7. *Separability Clause.* - If any provision of this Act shall be declared invalid or unconstitutional, the remaining part or provisions not otherwise affected shall remain in force.

SEC. 8. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, and other issuances inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.