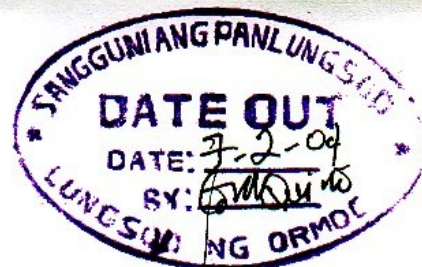


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE TENTH  
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE  
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD  
BUILDING ON JUNE 30, 2004

PRESENT:

Hon. Nepomuceno P. Aparis I,	Vice Mayor & Presiding Officer
Hon. Dennis Y. Capuyan,	City Councilor, Majority Floor Leader
Hon. Jose S. Serafica,	City Councilor, Minority Floor Leader
Hon. Manuel T. Fiel,	City Councilor, Assist. Minority Floor Leader
Hon. Eduardo P. Tan,	City Councilor
Hon. Claudio P. Larrazabal,	City Councilor, Assist. Majority Floor Leader
Hon. Mariano Y. Corro,	City Councilor
Hon. Fe S. Lladoc,	City Councilor
Hon. Gregorio A. Yrastorza, Jr.	City Councilor
Hon. Sotero M. Pepito,	City Councilor
Hon. Jose C. Alfaro, Jr.	City Councilor
Hon. Emeterio Y. Larrazabal, Jr.,	Ex-Officio City Councilor,
	Chapter President, Liga ng mga Barangay ng Ormoc
Hon. Cheryl L. Alfaro,	Ex-Officio City Councilor,
	SK Federation President

ABSENT:

N O N E

RESOLUTION NO. 2004-001

A RESOLUTION ADOPTING IN TOTO AS THE 10TH SANGGUNIANG  
PANLUNGSOD'S AD INTERIM RULES AND PROCEDURES, THE RULES  
AND PROCEDURES OF THE NINTH SANGGUNIANG PANLUNGSOD.

WHEREAS, in conformity with the provisions of Sec. 50 of RA 7160,  
otherwise known as the Local Government Code of 1991 which is quoted  
hereunder and read as follows:

"ON THE FIRST REGULAR SESSION FOLLOWING THE ELECTIONS OF ITS  
MEMBERS AND WITHIN NINETY (90) DAYS THEREAFTER, THE SANGGUNIAN  
CONCERNED SHALL ADOPT OR UPDATE ITS EXISTING RULES OF PROCEDURE";

The Honorable Sangguniang Panlungsod ng Ormoc, through a motion  
presented by City Councilor Mariano Y. Corro, jointly seconded by City  
Councilors Dennis Y. Capuyan & Jose C. Alfaro, Jr.; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to adopt in toto as interim the  
Rules and Procedures of the 9th Sangguniang Panlungsod ng Ormoc;

RULES AND PROCEDURES OF THE NINTH  
SANGGUNIANG PANLUNGSOD NG ORMOC AS AMENDED

RULE I - ORGANIZATION AND ELECTION OF OFFICERS



SECTION 1. INAUGURAL SESSION. - On the very day fixed by law for assumption of each elective officials, or at the first opportunity after their assumption of office as Members (Mga Kagawad) of the Sangguniang Panlungsod ng Ormoc, the City Sanggunian shall convene in the session hall to be presided by the Vice-Mayor-elect who shall be designated as Presiding Officer of the Sangguniang Panlungsod ng Ormoc. The said Presiding Officer shall call the Inaugural Session to order and immediately direct the Kalihim (Secretary) ng Sangguniang Panlungsod to call the roll of Mga Kagawad-elect and require him to report to the Presiding Officer the existence of a quorum.

SECTION 2. ELECTION OF OFFICERS. - The Sanggunian shall immediately proceed to the election of a Floor Leader, Assistant Floor Leader and such other officers as the Sanggunian, by majority vote of those present may decide.

RULE II - OFFICERS, POWERS AND TENURE OF OFFICE

SECTION 1. OFFICERS. - The following shall be the officers of the Sangguniang Panlungsod ng Ormoc:

A. THE VICE-MAYOR. - The Vice-Mayor shall be the Presiding Officer of the Sangguniang Panlungsod ng Ormoc with the following powers and duties, unless otherwise provided for by law:

(a) He shall preside over all sessions of the Sanggunian, call said sessions to order, verify if a quorum is existing and, in the absence of a quorum adopt such measures as to secure the attendance of Mga Kagawad in the sessions;

(b) He shall recognize any Kagawad who is entitled to the floor;

(c) He shall state all questions and/or motions before the Sanggunian and, when moved regularly, put the same into a vote and announce the result thereof. He should not participate in any discussion, except to clarify matters. He shall under no circumstances vote except to break a tie;

(d) He shall rule promptly on all pending questions and points of orders, subject to appeal by any Kagawad which appeal shall not be debatable;

(e) He shall have general control over all officers of the session hall, the ante-chambers and corridors in order that all persons found therein shall be in proper decorum;

(f) He shall maintain and preserve order and decorum during the session and, in case of disturbance or disorderly condition in the aforementioned places, he shall adopt appropriate measures and call upon such peace officers as may be needed to preserve and maintain peace and order therein;

(g) He shall sign and act within 15 working days from receipt of minutes, ordinances, resolutions, communications, whenever necessary, authenticate all orders, acts, memoranda, warrants, order of arrest, subpoena and proceedings of the Sanggunian;

(h) He shall sign all ordinances, motions and resolutions directing the payment of money or creating liability enacted or adopted by the Sanggunian;



(i) He shall appoint members of special or conference committees and members of the permanent committee when so authorized by the Sanggunian;

(j) He shall be the presiding officer in all caucuses of the Kagawads and/or committees created by the Sanggunian, unless otherwise provided by the said Body;

(k) He shall represent the Sanggunian in all matters for which he shall be authorized under existing laws, and shall perform such other powers and duties as may be given to him by the Sanggunian from time to time; and

(l) He shall issue a written order for purposes of supervision, inspection or investigation to be conducted by any Kagawad in the Sanggunian district or other districts requiring his presence for such supervision, inspection or investigation in any barangay of Ormoc City.

(m) He shall approve the agenda of the session of the Sanggunian.

Art. 102, Par. (c). In the event of the inability of the regular Presiding Officer to preside at a sanggunian session, the members present and constituting a quorum shall elect from among themselves a temporary presiding officer. He shall certify within ten (10) days from the passage of ordinances enacted and resolutions adopted by the sanggunian in the session over which he temporarily presided.

The temporary presiding officer may vote on any motion or question as a regular member, but he may not take part in the floor deliberations while presiding.

B. MAJORITY FLOOR LEADER. - The Sanggunian shall elect by a majority vote a Majority Floor Leader from among the members (Mga Kagawad) thereof who shall have the following powers and duties:

(1) He shall assist the Presiding Officer in the speedy transaction of all business in the Sanggunian by announcing from time to time the business in the order in which it is to be acted upon by the Sanggunian as per agenda;

(2) He shall confer with the Kalihim (Secretary) ng Sangguniang Panlungsod from time to time as to the efficient methods of accomplishing the work of the Sanggunian may arise.

(3) He may seek the help of the heads of the different departments of the City Government with a view of collecting data for ready reference of the Presiding Officer of the Sanggunian and Mga Kagawad; and

(4) He shall hold office for such period of time as may be fixed by the Sanggunian and be removable by a majority vote of the Kagawads;

(5) He shall attest the agenda which shall contain matters taken up during the pre-session caucus.

C. ASSISTANT FLOOR LEADER. - The Sanggunian shall elect by a majority vote an assistant majority floor leader from among the members thereof (Kagawads) who shall assume the powers and duties of the majority floor leader in the latter's absence.



D. KALIHIM NG SANGGUNIANG PANLUNGSOD. - There shall be a Kalihim (Secretary) ng Sangguniang Panlungsod, appointed by the Vice Mayor subject to Civil Service laws rules and regulations, who shall perform the following:

(1) He shall attend all the sessions of the Sanggunian and keep a Journal of its proceedings;

(2) He shall draw up, prepare or cause the preparation of the minutes of the sessions of the Sanggunian and certify said minutes;

(3) He shall read or cause to be read, by himself or through a reader designated by him, all ordinances, motions, memorials, petitions or other documents which he shall report to the Sanggunian, or when required by the Sanggunian or its Presiding Officer;

(4) He shall certify all acts, orders, motions, resolutions and ordinances approved by the Sanggunian and stamp them with the official seal of the Sanggunian which shall be under his custody;

(5) He shall transmit to the proper committees all matters referred to them by the Presiding Officer or by the Sanggunian;

(6) He shall send out proper notices of all called sessions, meetings and public hearings; and

(7) He shall provide technical support to the sanggunian as a body and the individual members of the sanggunian in the performance of their legislative functions.

(8) He conducts researches in aid of local legislation.

(9) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance relative to his position.

E. OTHER OFFICERS. - The Sanggunian may, when expedience so demands, create committees and/or positions for other officers as it may deem proper.

### RULE III - ORGANIZATION OF SANGGUNIANG DISTRICTS

SECTION 1. For purposes of efficient supervision and administration of the city, there are hereby created Eleven (11) Sanggunian Districts the composition of which shall from time to time be determined and approved by the members (Kagawad) of the Sanggunian. Until revised, the division and composition of the different barangays are as follows:

DISTRICT I - CITY PROPER (District 1 - 29)

DISTRICT II - Barangays Ipil, Camp Downes, Cogon, Matica-a, Kadauhan, Monterico, Don Potenciano and Valencia.

DISTRICT III - Barangays R.M. Tan, Batuan, Punta, Linao, Naungan, Bagong Buhay, Macabug and Mahayag.

DISTRICT IV - Barangays Libertad, Tambulilid, Lao, Lilo-an, Bagong, Mas-in, Esperanza, Airport and Don Felipe Larrazabal.



- DISTRICT V - Barangays San Jose, Sabang Bao, Labrador, Guintigui-an, San Isidro, San Antonio, Gaas and Bayog.
- DISTRICT VI - Barangays Santo Niño, Salvacion, Nasunogan, Cagbuhangin, Milagro, Luna, Dolores and Catmon.
- DISTRICT VII - Barangays San Juan, Margen, Curva, Domonar, San Vicente, Mabato, Green Valley and Can-adieng.
- DISTRICT VIII - Barangays Magaswe, Mabini, Quezon Jr., San Pablo, Bantigue, Boroc, Danao and Liberty.
- DISTRICT IX - Barangays Can-untog, Tongonan, Donghol, Nueva Vista, Cabaon-an, Concepcion, Licuma and Sumangga.
- DISTRICT X - Barangays Alegria, Hibunaon, Patag, Biliboy, Mahayahay, Cabingtang, Juaton and Alta Vista.
- DISTRICT XI - Barangays Nueva Sociedad, Leondoni, Danhug, Doña Feliza Mejia, Manlilinao, Dayhagan, Cabulihan and Hugpa.

PROVIDED, HOWEVER, That the chairmanship, charge or representation of the districts herein created shall be reshuffled among the Members (Mga Kagawad) of the Sangguniang Panlungsod once every two (2) years or at any time upon proper resolution as approved by the Body.

RULE IV - COMMITTEES OF THE SANGGUNIANG PANLUNGSOD

SECTION 1. STANDING COMMITTEES. - In the Inaugural Session, or thereafter, the Sangguniang Panlungsod shall organize the following standing committees with powers and prerogatives especially on matters herein mentioned:

A. COMMITTEE ON AGRICULTURE AND AGRARIAN REFORM - All matters related to agriculture, food production and agri-business; agricultural economic research, soil survey and conservation; agricultural education and extension services; animal industry and livestock quarantine, farm credits; fisheries and aquatic resource preservation and development of fishing grounds; and construction of fish ponds, corrals, oyster beds, and regulatory measure therefor; and matters relating to agrarian and social problem.

A.1 - COMMITTEE ON FISHERIES

B. COMMITTEE ON CITIES SISTERHOOD PROGRAM - Matters relating to establishing a tie-up with sister cities and promoting an exchange program in public administration, culture and socio-economic activities.

C. COMMITTEE ON COTTAGE INDUSTRY - Matters relating to small scale industries recognized by Department of Trade & Industry and Cooperatives.

C.1 - COMMITTEE ON COOPERATIVE

D. COMMITTEE ON EDUCATION AND CULTURAL DEVELOPMENT - All matters related to education, culture and sports development, i.e., local schools, colleges and universities, libraries and museums, non-formal and community adult education; scientific and technological research; development and advancement, preservation and enrichment of Filipino arts and culture.



E. COMMITTEE ON ENERGY DEVELOPMENT & CONSERVATION - Matters relating to preservation and distribution of petroleum products and the like.

F. COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENTAL CONTROL - All matters related to human ecology and settlements; zoning and human settlement planning; environmental protection, exploration, development, utilization and conservation of natural resources, including flora and fauna; and beautification, cleaning and greening of parks and places of public interest.

G. COMMITTEE ON FINANCE - All matters relating to funds for the expenditures of the city government and for the payment of public indebtedness, claims against the government, appropriation or adjustment of funds and, generally, all matters relating to public expenditures.

H. COMMITTEE ON GENERAL SERVICES - Matters relating to maintenance of janitorial, messengerial, auxiliary and other utility services.

I. COMMITTEE ON GOOD GOVERNMENT & ETHICS - Matters relating to investigation of malfeasance, misfeasance and nonfeasance of officers and employees of the government and other matters of public interest; matters relating to violation of human rights and protection thereof.

I.1 - COMMITTEE ON HUMAN RIGHTS

J. COMMITTEE ON HEALTH. - All matters related to health, sanitation and hygiene; health centers, medical hospitals and clinics; purchase of medicine and other health and sanitary measures. All matters related to public and social welfare and ameliorative services; public social services for the disadvantaged groups in Philippine society including the elderly, disabled, street children, drug dependents, criminal offenders as well as relocation and resettlement of squatters. And all matters related to the protection of women and family; measures to protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and potentials; measures to protect the rights of spouses and children, including assistance for proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development; measures to protect the rights of families or family associations to participate in the planning and implementation of policies and programs that affect them; and other assistance that safeguard the development of women and family.

J.1 - COMMITTEE ON SOCIAL WELFARE, WOMEN & FAMILY

K. COMMITTEE ON INFRASTRUCTURE. - All matters related to planning, construction, maintenance, improvement and repairs of public buildings, highways, roads and bridges, parks, monuments, playgrounds, and other public edifices; drainage, sewerage and flood control and protection; and irrigation and water utilities.

L. COMMITTEE ON INTERNAL RULES - All matters related to order of business, the implementation of national laws and enforcement of local ordinances, revision and interpretation of the sanggunian internal rules of procedures; condonation and misfeasance, malfeasance and nonfeasance against local officials and employees; committees and their jurisdiction; and privileges and disorderly conduct of the members of the sanggunian.



M. COMMITTEE ON AGRICULTURAL AND INDUSTRIAL LABOR - Matters relating to agricultural and industrial labor, stevedoring, arrastre services and the like.

N. COMMITTEE ON LAWS AND ORDINANCES - Matters relating to propose penal ordinances or proposed measures amending city existing penal ordinances, proposed or measures involving legality, lease of lots, donation, naming of streets and schools and legal orders from the courts on city ordinances.

O. COMMITTEE ON MANPOWER DEVELOPMENT - Matters relating to availability of human resources or personnel for competent services in industries in the community.

P. COMMITTEE ON MARKETS & SLAUGHTERHOUSES - Matters relating to the public markets, slaughterhouses, their maintenance, and other market projects and allied matters.

Q. COMMITTEE ON POLICE, FIRE AND PUBLIC SAFETY - All matters related to police matters, maintenance of peace and order, protective services; traffic rules and regulations; fire prevention and control measure, jail management and human rights.

R. COMMITTEE ON PUBLIC INFORMATION - Matters relating to dissemination of information on projects and performances of the city administration through the press, radio and other media.

S. COMMITTEE ON PUBLIC PROPERTIES - Matters relating to acquisition and disposition of public properties, titling and registration of real properties, barangay or school sites, etc.

T. COMMITTEE ON RURAL DEVELOPMENT & BRGY AFFAIRS - Matters relating to development of the barangays and districts.

U. COMMITTEE ON YOUTH AFFAIRS AND YOUTH SPORTS DEVELOPMENT - All matters relating to the upliftment of the moral, physical, and intellectual well-being and development of the youth; Matters relating to sports, operation and maintenance of the sports complex.

U.1 - COMMITTEE ON SPORTS DEVELOPMENT

V. STEERING COMMITTEE - In determination of the order in which business of the Sanggunian shall be taken up.

W. COMMITTEE ON TRADE & COMMERCE - Matters relating to commercial transactions and the marketing of products and merchandise.

X. COMMITTEE ON TRANSPORTATION & COMMUNICATIONS - All matters related to planning, modernization, installation and construction of transportation and telecommunications facilities.

AA. COMMITTEE ON TOURISM - Matters relating to the management, accommodation and guidance of tourists, and other programs relating to and/or pertinent to the development of tourism industry.

BB. COMMITTEE ON URBAN DEVELOPMENT - Matters relating to development of the poblacion.



CC. COMMITTEE ON WAYS AND MEANS - All matters related to taxes, fees, charges, loans; study and revision of tax measures; and generation of other sources and forms of revenues from both public and private sectors, including codification of revenue ordinances.

DD. COMMITTEE ON ZONING AND BEAUTIFICATION - Matters relating to beautification of public or semi-public places, zoning of industrial, commercial and residential districts, subdivision of lots, and the like.

SECTION 2. COMPOSITION. - A Committee shall be composed of a chairman and a vice-chairman and such number of members as the sanggunian may determine. The Vice Mayor and Presiding Officer shall be Ex-Officio member of all the Standing Committees.

SECTION 3. MEETING AND CONFERENCE PROCEDURE. - In any meeting or conference of a committee, the following procedure shall be followed:

- (a) The chairman shall convene the committee to a meeting;
- (b) Any person shall have the right to appear at a committee meeting or meetings and present his views on the matter before it at such time as, upon request, the committee may schedule;
- (c) No person shall be present during the final deliberations of the committee, except its members and such employees of the Sanggunian as may be necessary to facilitate the performance of its functions; and
- (d) After final deliberation by the committee, the said committee, through its chairman, shall submit the report to the Sanggunian or to the Presiding Officer, written or verbal, and in case of written reports the same must be signed by the chairman and members thereof.

SECTION 4. QUORUM. - The attendance or presence of at least two (2) members in any committee or public hearing/meeting is required to constitute a quorum. In case there is no quorum the chairman of the committee shall declare the hearing/meeting adjourned for lack of quorum. Unexplained absences in three successive committee hearings shall operate to relinquish membership thereof.

SECTION 5. COMMITTEE REPORT. - (a) Any written report of the committee must be signed by the chairman and majority of the members present; if presented verbally, it must be with the acquiescence or consent of the majority of the members; (b) Consideration of any report of the committee on internal rules shall be deemed always in order and, while pending, the Presiding Officer shall not entertain any motions unless it be for adjournment, recess or postponement of the question to a certain day.

SECTION 6. TENURE OF OFFICE OF COMMITTEE CHAIRMAN AND MEMBERS. - The committee chairman and members as organized and approved by this Body shall be subject to change only upon proper resolution duly adopted and approved by the Sanggunian.



RULE V - SESSION, QUORUM AND ATTIRE

SECTION 1. PRE-SESSION CAUCUS - Shall be held every Monday at 8:30 in the morning at the Sangguniang Panlungsod Conference Room for the purpose of determining and discussing the agenda for the regular session provided however that if a Monday happens to be a holiday the Pre-Session Caucus shall be held on the next succeeding business day at the same time and place or on any day as may be agreed upon by the Kagawad.

SECTION 2. SESSIONS - (A) Regular Sessions - This Sanggunian shall meet in regular sessions for the transaction of its business every THURSDAY: Provided, however, that if a Thursday happens to be a public holiday, the regular session shall be held on such other day within the week as may be agreed upon by majority votes of the mga Kagawad present.

(B) Special Session - (i) When public interest so demands, special sessions may be called by the City Mayor, Vice-Mayor or by a majority of the members of this sanggunian.

(ii) A written notice to the Sangguniang Members stating the date, time and purpose of the meeting shall be served personally or left with a member of his household at his usual place of residence at least twenty-four (24) hours before the special session is held.

(iii) Unless otherwise agreed upon by two-thirds (2/3) votes of the members present, there being a quorum, no other matter may be considered at a special session except those stated in the notice.

(C) All sessions of this sanggunian shall be open to the public, unless a closed door session is ordered by an affirmative vote of a majority of the members present, there being a quorum, in the public interest or for reasons of security, decency, or morality. No two (2) sessions, whether regular or special, may be held in a single day.

(D) The Sanggunian shall keep the journal and records of the proceedings which may be published upon resolution of this Sanggunian.

SECTION 3. PLACE AND TIME OF SESSION - All sessions, regular or special, shall be held at the Honorable Placido Enecio Hall at 2:00 o'clock in the afternoon.

SECTION 4. QUORUM - (A) majority of all the members of this sanggunian who have been elected and qualified shall constitute a quorum to transact official business.

(B) Should a question of quorum be raised during a session, the Presiding Officer shall immediately direct the City Secretary to proceed to call the roll of the members, and thereafter announce the results.

(C) Where there is no quorum, the Presiding Officer may declare a recess until such time as a quorum is constituted, or a majority of the member present may adjourn from day to day and may compel the immediate attendance of any member absent without justifiable cause by designating a members of the sanggunian, to be assisted by a member or members of the police force assigned in the City of Ormoc, to arrest the absent member and present him at the session.



(D) If there is still no quorum despite the enforcement of the immediately preceding subsection, no business shall be transacted. The Presiding Officer, upon proper motion duly approved by the members present, shall then declare the session adjourned for lack of quorum.

SECTION 4. ATTIRE - All mga Kagawads attending all sessions of this sanggunian, and when conducting an investigation shall be in a formal attire, such as coat and tie or barong tagalog.

Mga Kagawad attending public hearings may be in a formal attire or in barong polo shirt.

#### RULE VI - STEPS PREPARATORY TO CALL A MEASURE

Before calling any measure such as ordinance or resolution requiring time for serious or careful deliberation on the floor, the following procedures shall be observed:

1. Filing with the Kalihim ng Sangguniang Panlungsod;
2. Inclusion in the order of business as a measure on first reading;
3. Transmittal to the proper committee;
4. Submission of the committee report to the Body; and
5. Placing in the calendar for ordinary business.

#### RULE VII - HOW BUSINESS IS CONDUCTED

The order of business of the Sangguniang Panlungsod shall be as follows:

- I. Call to Order
- II. Singing of National Anthem
- III. Pledge of Allegiance to the Flag
- IV. Roll Call
- V. Approval of Minutes of Previous Session
- VI. Reference of Business
  - A. Proposed Ordinances
  - B. Proposed Resolutions
  - C. Petitions or Requests
  - D. Other Communications
- VII. Calendar of Business
  - A. Unfinished Business
  - B. Business for the Day
  - C. Unassigned Business
- VIII. Business on Third and Final Reading
- IX. Other Matters
- X. Adjournment

#### RULE VIII - HOW BUSINESS IS PRESENTED AND DEBATED

SECTION 1. BUSINESS PRESENTATION. - Business is brought before the Sangguniang either by motion of a Kagawad or by the presentation of a communication to the assembly. A Kagawad given the floor shall be allowed to speak not longer than ten (10) minutes, unless with leave of the assembly or body by a majority vote.



SECTION 2. SPEECH TIME LIMITATION AND FREQUENCY. - No Kagawad can speak a second time to a question if any other Kagawad who has not spoken on the question desires to speak. The Kagawad, upon whose motions the subject was brought before the assembly or body, is entitled to close the debate with a speech for five minutes only if he has already exhausted his ten minutes, but not until everyone else wishing to speak has spoken. Merely asking a question or making a suggestion is not considered speaking.

SECTION 3. RIGHT TO DEBATE. - The right of Kagawads to debate and make motion cannot be cut off by the Chair's putting a question to a vote with such rapidity as to prevent the Kagawad's getting the floor after the Chair has inquired if the assembly is ready for the question. Even after the Chair has announced the vote, if it is found that a Kagawad arose and addressed the Chair with reasonable promptness after the Chair asked, "Are you ready for the question?" he is then entitled to the floor, and the question is in exactly the same condition as it was before it was put to a vote. But if the Chair given ample opportunity for Kagawads to claim the floor before putting the question to a vote and they do not avail themselves of it, they cannot claim the right of debate after the voting has commenced.

SECTION 4. DECORUM IN DEBATE. - In any debate a Kagawad must confine himself to the question before the assembly and avoid personalities. He cannot reflect upon any act of the assembly, unless he intends to conclude his remarks with a motion to rescind such action, or else while debating such a motion, it is allowable to arraign the motives of a Kagawad, but the nature or consequences of a measure may be condemned in strong terms.

A Kagawad who has the floor may be interpellated by another after the interpellator is recognized by the Chair, and the Chair may ask the speaker if he is willing to be interrupted, and the speaker may at once consent or decline. Such interruption of the speaker is subject to parliamentary rules.

SECTION 5. CALL TO ORDER. - If at any time the Presiding Officer rises to state a point of order, give information or otherwise speak within his privilege, the Kagawad speaking must take his seat until the Presiding Officer has been heard first. When called to order by the Chair the Kagawad must sit down until the question of order is decided. If his remarks are decided to be improper, he cannot proceed if any one objects without leave of the assembly expressed by a vote upon which question no debate is allowed.

SECTION 6. IMPROPER WORDS. - Improper words should be taken down by the Kagawad who objects to them, or by the Kalihim, and then read to the speaker. If he denies them the assembly shall decide by a majority vote whether they are his words or not. If a speaker cannot justify the words he used and will not suitably apologize for using them, it is the duty of the assembly to act in the case.

SECTION 7. DISTURBANCE. - During debate, and while the Presiding Officer is speaking, or the assembly or body is engaged in voting, no Kagawad is permitted to disturb the assembly by whispering, walking across the floor, or any other way.



RULE IX - A G E N D A

SECTION 1. MATTERS. - Only items or matters listed in the agenda shall be taken up in the session of the Sanggunian the nature and substance of which must be described: PROVIDED, HOWEVER, That with the consent of the Body, urgent matters may be submitted by any Kagawad. Urgent matters are those which involve public interests the delay in the consideration of which shall prejudice essential activities of the government, and/or those certified by the City Mayor as urgent.

SECTION 2. MONEY MATTERS. - No money matters shall be treated unless calendared, except those pertaining to the Sanggunian.

SECTION 3. DISTRIBUTION. - The agenda shall be distributed among the Kagawads not less than one (1) day preceding the session.

RULE X - MINUTES AND JOURNAL

SECTION 1. MINUTES: How made. - The minutes of the Sangguniang Panlungsod shall be typewritten, mimeographed, or printed duly signed by the Kalihim and attested by the Presiding Officer. The original copy of the approved minutes should be signed by all Sanggunian members present at the session and certified by the Secretary to the Sanggunian and attested by the Presiding Officer.

The minutes must contain the following:

- \* Date, place and time of the session;
- \* Whether the session is regular or special, and if special, a copy of the call for such session;
- \* The names of the members present and absent;
- \* A statement confirming the reading and approval of the minutes of the preceding session; and
- \* Textual copies of ordinances enacted and resolutions adopted, showing:
  - voting members;
  - minority opinion, if any;
  - main motion(s);
  - questions or order and appeal, and the manner of which they were disposed; and
  - the time of adjournment.

SECTION 2. MINUTES: Publication and Distribution. - The minutes of the Sangguniang Panlungsod shall be published in a journal under the direction of the Kalihim and the distribution of authenticated copies of the same shall be determined by the Sanggunian in a resolution or motion to that effect.

SECTION 3. Correction of minutes. - If a Kagawad finds any error in the minutes, a motion to correct the errors shall be presented in the next succeeding regular session and said motion shall be resolved during said session.

SECTION 4. JOURNAL: Its contents. - The Sangguniang Panlungsod shall keep a journal of its proceedings which shall contain a concise and exact account of what takes place in every session. The following shall be contained in the journal:



- (a) Files of ordinances and resolutions introduced by the Kagawads;
- (b) Ordinances and resolutions approved;
- (c) Objections to ordinances and resolutions vetoed and affirmative and negative votes of the Sanggunian;
- (d) Number of votes over the veto of the City Mayor; all nominal votes; and
- (e) Extract of all petitions, communications and messages addressed to the Sangguniang Panlungsod arranged by order of the dates of receipt thereof.

SECTION 5. Copies released with authority. - Copies of records on file shall not be released without express authority of the Sangguniang Panlungsod.

RULE XI - ORDINANCES AND RESOLUTIONS

SECTION 1. The following rules shall govern the enactment of ordinances and resolutions:

(a) Legislative actions of a general and permanent character shall be enacted in the form of ordinances, while those which are of temporary character shall be passed in the form of resolutions. Matters relating to proprietary functions and to private concerns shall also be acted upon by resolution.

(b) Proposed ordinances and resolutions shall be in writing and shall contain an assigned numbers, a title or caption, an enacting or ordaining clause, and the date of its proposed effectivity. In addition, every proposed ordinance shall be accompanied by a brief explanatory note containing the justification for its approval. It shall be signed by the author or authors and submitted to the Secretary to the Sanggunian who shall report the same to the Sanggunian at its next meeting.

(c) A Resolution shall be enacted in the same manner prescribed for an ordinance, except that it need not go through a third reading for its final consideration unless decided otherwise by a majority of all the Sanggunian members.

(d) No ordinance or resolution shall be considered on second reading in any regular meeting unless it has been reported out by the proper committee to which it was referred or certified as urgent by the local chief executive.

(e) Any legislative matter duly certified by the local chief executive as urgent, whether or not it is included in the calendar of business, may be presented and considered by the body at the same meeting without need of suspending the rules.

(f) The Secretary to the Sanggunian shall prepare copies of the proposed ordinance or resolution in the form it was passed on second reading, and shall distribute to each Sanggunian member a copy thereof, except that a measure certified by the City Mayor as urgent may be submitted for final voting immediately after debate or amendment during the second reading.



(g) No ordinance or resolution passed by the Sanggunian in a regular or special session duly called for the purpose shall be valid unless approved by a majority of the members present, there being a quorum. Any ordinance or resolution authorizing or directing the payment of money or creating liability, shall require the affirmative vote of a majority of all the Sanggunian members for its passage.

(h) Upon the passage of all ordinances and resolutions directing the payment of money or creating liability; and at the request of any member, any resolution or motion, the Sanggunian shall record the ayes and nays. Each approved ordinance or resolution shall be stamped with the seal of the Sanggunian and recorded in a book kept for the purpose.

SECTION 2. Procedure. - No proposed ordinance shall be deemed enacted and approved by the Sangguniang Panlungsod unless the following procedure shall be observed:

A. FIRST READING -

1. The Kalihim shall read only the title of the ordinance.
2. The ordinance proper shall be referred to the proper committee or committees or persons for reference for future action: PROVIDED, HOWEVER, That upon motion duly seconded, the Sanggunian, upon being convinced of the urgency of the measure, shall order its publication, which motion for publication shall not be subject to debate.

B. PUBLICATION

If the committee or committees or persons concerned recommend favorably the proposed ordinance to the Sanggunian the latter may order its publication in typewritten or mimeographed form. Copies of the proposed ordinance shall be furnished to each and every Kagawad at least two (2) days before final action thereon can be taken.

C. SECOND READING-

1. On the day of the consideration of the proposed ordinance the Kalihim shall read the same in full, together with the amendments as the committee or committees or persons concerned may have proposed, unless the reading of the entire text is dispensed with by a majority vote of all Kagawads present.

2. The Proposed ordinance shall thereafter be opened for debate, discussion, modification, amendment and final action.

D. THIRD READING-

After having been approved in second reading the proposed ordinance shall be submitted for third and Final Reading for approval of the Sanggunian with all amendments adopted by the same. Upon last reading of the ordinance no more amendments thereof shall be allowed and the question upon its passage shall be taken immediately thereafter and the ayes and nays entered in the journal.



E. AMENDMENTS-

Any amendment to an existing ordinance shall be calendared and placed in the agenda.

F. ORDINANCE - The main features of the ordinance or resolution duly enacted or adopted shall, in addition to being posted, be published once in a local newspaper of general circulation within the city: Provided, That in the absence thereof the ordinance or resolution shall be published in any newspaper of general circulation.

G. An Ordinance levying fees taxes or charges shall not be enacted without prior public hearing conducted for purpose in the manner outlined in Article 276 Par. (b) of the Implementing Rules of the Local Government Code of 1991.

H. Effectivity of Approved Ordinances and Resolution. - Unless otherwise stated in the Ordinance or the Resolution approving the local development plan and public investment program, the same shall take effect after ten (10) days from the date a copy thereof is posted in a bulletin board at the entrance of the city hall, or barangay hall in at least two (2) other conspicuous places within that territorial jurisdiction of Ormoc City.

RULE XII - DECLARATION OF OUT OF ORDERS:  
PUNISHMENT DISCIPLINE OF MEMBERS.

SECTION 1. Non-Observance of the Rules, Refusal to abide, and Punishment. - Any Kagawad who fails to observe the Rules herein prescribed shall be declared out of order and may be compelled to take his seat if he has the floor. Upon motion of any kagawad and duly seconded, the Sanggunian by a majority vote may, in case of refusal to abide by the ruling of the Presiding Officer, officially reprimand such erring Kagawad and which reprimand shall appear in the minutes of the session of the Sanggunian.

SECTION 2. Dereliction of duty. - In case of dereliction of duty as when a Kagawad refuses or fails without sufficient cause to attend the session after a quorum is questioned, the same penalty provided for in the next preceding section shall be imposed.

SECTION 3. For disorderly behavior and absences without justifiable cause for four (4) consecutive sessions, Kagawad may be censured, reprimanded or excluded from the session.

SECTION 4. (a) Every sanggunian member shall, upon assumption to office, make a full disclosure of his business and financial interests. He shall also disclose any business, financial or professional relationship or any relation by affinity or consanguinity within the fourth civil degree, which he may have any person, firm, or entity affected by any ordinance or resolution under consideration by the sanggunian of which he is a member, which relationship may result in conflict of interest. Such relationship shall include:

- (1) Ownership of stock or capital, or investment, in the entity or firm to which the ordinance or resolution may apply; and
- (2) Contracts or Agreements with any person or entity which the ordinance or resolution under consideration may affect.



In the absence of a specific constitutional or statutory provision applicable to this situation, "conflict of interest" refers in general to one where it may be reasonably deduced that a member of a sanggunian may not act in the public interest due to some private pecuniary, or other personal considerations that may tend to affect his judgment to the prejudice of the service or the public.

(b). The disclosure required under these Rules shall be made in writing and submitted to the Secretary of the Sanggunian or the Secretary of the Committee in which he is a member. The disclosure shall, in all cases, form part of the record of the proceedings and shall be made in the following manner:

- (1) Disclosure shall be made before the member participates in the deliberation on the ordinance or resolution under consideration provided that if the member did not participate during the deliberations, the disclosure shall be made before voting on the ordinance or resolution on second and third readings; and
- (2) Disclosure shall be made when a member takes a position or makes and privilege speech on a matter that may affect the business interest, financial connection, or professional relationship described in Article.

#### RULE XIII - ORGANIZATION OF BUSINESS

SECTION 1. Status of unfinished business. - Unfinished business at the end of any session shall not be affected by the closing of the same but shall be taken up again at the next session in the same status in which it was at the close of the preceding session. This provision, however, is not applicable to unfinished business at the expiration of the term of the Sanggunian.

#### RULE XIV - MOTIONS

SECTION 1. Kinds of motions. - Motions are classified as follows:

1. Main Motion
2. Incidental or subsidiary motion
3. Privileged motion

SECTION 2. Motions and their precedence. - When a main motion is pending the following motions may be entertained in the order in which they appear below as presented and considered simultaneously, to wit:

1. Adjourn
2. Recess
3. Question of privilege
4. Lay on the table
5. Limit debate



6. Previous question
7. Postpone definitely
8. Refer to committee
9. Amend
10. Postpone indefinitely

SECTION 3. Incidental or Subsidiary Motions. - The following incidental or subsidiary motions may also be considered during the pendency of a main motion, to wit:

1. Appeal
2. Point of Order
3. Parliamentary inquiry
4. Withdraw a motion
5. Suspend the rules
6. Objection to consideration of a question
7. Division of the house

The above motions shall be resolved by majority of all Kagawads present as undebatable.

SECTION 4. Privileged Motions. - The following, in the order of their priority, are privileged motions:

1. Motion to Adjourn
2. Motion to recess
3. Question of privilege
4. Call for order of the day

The aforesaid motions take precedence over the main motions and subsidiary or incidental motions. They are undebatable and, except privileged motion to recess they cannot be subject to amendments.

#### RULE XV - VOTING

During the session of the Sanggunian the voting may either be:

(a) Viva-Voce - By saying "aye" or "nay" or by raising of the hands; or

(b) Nominal. - Upon ruling of the Chair, the Kalihim shall call the name of each Kagawad present according to alphabetical order or the order of their election. Each Kagawad may say YES or NO or abstain from voting and the Kalihim shall record the vote or abstention of the Kagawads in the minutes. The Kalihim shall, thereafter, read the list of the Kagawads with their corresponding votes or abstentions. The Presiding Officer shall then



announce the result thereof. At the request of any member (Kagawad) or the Presiding Officer motu-proprio voting on all appropriation ordinances or resolutions, or motions directing the payment of money or creating liability, or voting to repass an ordinance vetoed by the Mayor shall be by nominal voting. All others aside from the foregoing, shall be by viva-voce.

(c) No kagawad can vote on a question in which he has a direct or personal pecuniary interest.

(d) Any kagawad may explain his vote not to exceed three (3) minutes after the voting.

#### RULE XVI - AMENDMENTS

Any amendment to these Rules shall be presented in writing and shall be approved by a vote of two-thirds (2/3) of all Kagawads.

#### RULE XVII - SUPPLEMENTARY RULES

The pertinent provisions of the Local Government Code of 1991 and its implementing rules and regulations, and any rules or orders and regulations of other parliamentary bodies and those contained in any standard manual for parliamentary procedure which are not contrary to the instant rules are supplementary hereto.

#### RULE XVIII - MISCELLANEOUS

SECTION 1. Privileged Speech. - Before the consideration of any business during a regular session any Kagawad may ask permission of the Presiding Officer to deliver a privileged speech on any subject for not more than twenty (20) minutes: PROVIDED, HOWEVER, That if more than one kagawad desire to speak, the Presiding Officer shall apportion the time among the kagawads who desire to speak.

SECTION 2. Required number of votes. - Passage of any measure shall require a number of votes as follows:

<u>MOTION OR RESOLUTIONS</u>	<u>REQUIRED NUMBER OF VOTES</u>
(a) Directing payment of money or creating liability	Simple majority of membership
(b) Overriding Mayor's vote	Two-thirds (2/3) vote of Membership
(c) Suspension of the rules	Two-thirds (2/3) vote of membership or by general assent
(d) Recall of tabled motion	Two-thirds (2/3) vote of members present
(e) To expel a Sanggunian member for his majority conduct	Two-thirds (2/3) vote of membership

All other resolutions or motions shall require a majority vote. Mere silence or abstention shall not be considered as affirmative vote.



SECTION 3. Reconsideration. - When a report, motion or resolution or proposed ordinance has been adopted or lost, only a member who voted with the losing side shall be entitled to present a motion for reconsideration when the matter is still within the control of the Sanggunian: PROVIDED, HOWEVER, That a kagawad who voted with the minority may present a motion for reconsideration if seconded by a Kagawad from the prevailing side. Any kagawad who abstained from voting shall have absolutely no right to ask for a reconsideration.

SECTION 4. Appeal. - A motion for reconsideration of the votes taken shall be raised by any kagawad if duly seconded and, upon ruling of the Chair, a majority vote shall be required to repass it.

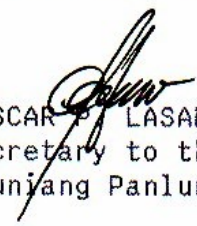
SECTION 5. Effectivity. - This rules shall take effect upon its adoption by the Sangguniang Panlungsod.

ADOPTED, June 30, 2004.

RESOLVED, FURTHER, to furnish a copy of this resolution each to His Honor, the City Mayor, the Honorable Vice-Mayor & SP Presiding Officer, the Floor Leader, all other City Councilor of the Sangguniang Panlungsod, -all in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

  
OSCAR P. LASAM  
Secretary to the  
Sangguniang Panlungsod

ATTESTED:

  
NEPOMUCENO P. APARIS I  
Vice Mayor & Presiding Officer