



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 95-092

AN ORDINANCE INITIATING A SYSTEM FOR A PARTNERSHIP IN LOCAL GOVERNANCE BETWEEN THE CITY GOVERNMENT AND THE PEOPLE OF NAGA:-

Author: Joint & Collective

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

SECTION 1. - ALTERNATIVE TITLE. - This ordinance shall likewise be known as THE EMPOWERMENT ORDINANCE OF NAGA CITY.

SECTION 2. - DECLARATION OF PRINCIPLES. - The City Government of Naga, as a creation of the Sovereign People, shall at all times adhere to the following principles of governance:

- a. The will of the people shall always reign supreme. It shall be the prime responsibility of any government to ensure that such will is at all times manifested and enforced.
- b. The will of the people can best be determined if they organize themselves to address their sectoral or common concerns.
- c. Governance is best effected if its responsibilities are shared by the people. A system of partnership between the governor and the governed shall guarantee that sovereignty effectively resides in the people.

GO-NGO-PO PARTNERSHIP

SECTION 3. - DECLARATION OF INTENT TO ENTER INTO PARTNERSHIP WITH NGOS AND POS. - The City Government of Naga hereby declares itself open to a partnership with duly accredited Naga-based people's organizations and non-government organizations in the conception, implementation and evaluation of all government activities and functions.

As used in this Ordinance, the following terms shall mean:

- a. Non-Government Organizations (NGOs) – any aggrupation of individuals, not subsidized by government funds or organized for religious purposes or partisan politics, and whose primary ends are advocacy of issues or the realizations of specific developmental objectives for the community or a sector thereof.
- b. People's Organization (POs) – any cooperative, labor union, business group, or any aggrupation of at least twenty-five (25) individuals belonging to the same sector or sharing a common interest, not subsidized by government funds or organized for religious purposes or partisan politics, and whose primary concern is the advocacy of sectoral issues; and/or the realization of specific developmental objectives for

their sector or the promotion of their common interest; provided, that organizations of government employees shall not qualify as people's organizations under this ordinance.

The record, more than what is stated in the articles of incorporation, constitution or by-laws of the NGO and PO, shall determine whether the aggrupation is primarily organized for religious purposes or partisan politics.

SECTION 4. - ACCREDITATION OF NGOS AND POS. - Any Naga-based non-government organization or people's organization in active operation for at least one (1) year may be registered and accredited by the Sangguniang Panlungsod upon submission of and/or compliance with the following requirements:

- a. Proof of existence and operation in Naga City for at least one (1) year prior to the application for accreditation;
- b. Proof of activities held in pursuit of developmental objectives or of organizational activities conducted;
- c. Program of activities planned for the year following the date of application for accreditation;
- d. Copies of its constitution, by-laws and/or articles of incorporation;
- e. Lists of its officers and members of good standing;
- f. Financial statement and declaration of assets and liabilities; and
- g. Board resolution manifesting a decision to seek accreditation and participation under this Ordinance.

Coalitions, alliances and federations of NGOs and POs shall not be entitled to a separate accreditation if at least 50 percent of its members are already accredited as individual NGOs and POs.

An NGO or PO whose application for accreditation has been approved shall be issued a certificate of accreditation containing, among others, the terms and conditions for the maintenance of its accredited status.

The Sangguniang Panlungsod, however, may from time to time, and in consultation with the People's Council, impose such other requirements and condition for accreditation as it may deem appropriate to best adhere to the principles behind this Ordinance.

Any NGO or PO already accredited by the City Government prior to the effectivity hereof need not apply again for accreditation for purposes of this Ordinance, unless its accreditation has in the meantime been withdrawn.

SECTION 5. - WITHDRAWAL OF ACCREDITATION. - The Sangguniang Panlungsod may, in consultation with the People's Council and after hearing, withdraw any accreditation granted to any non-government organization or people's organization for violation of any provision of this Ordinance or for failure to comply with any of the conditions for accreditation.

SECTION 6. - SPECIAL COMMITTEE ON ACCREDITATION. - The Sangguniang Panlungsod shall create a special committee from among its members for purposes of

processing applications for accreditation, monitoring compliance with the conditions for accreditation, recommending withdrawals thereof, and initiating necessary and desirable legislative measures for the effective performance of its tasks.

The People's Council, once formally organized, shall be entitled to a two-seat representation in the Committee.

SECTION 7. - RIGHTS AND PRIVILEGES OF ACCREDITED NGOS AND POS. - Accredited NGOs and POs may enter into joint ventures and other cooperative undertakings with the city government to engage in the delivery of certain basic services, capability-building and livelihood projects, and to develop local enterprises designed to improve productivity and income, diversify agriculture, spur rural industrialization, promote ecological balance, and enhance the economic and social well-being of the people within the framework of equitable and sustainable development.

The City Government may provide assistance, financial or otherwise, to accredited NGOs and POs for economic, socially-oriented, environmental, or cultural projects to be implemented within the territorial jurisdiction of the city.

PEOPLE'S COUNCIL

SECTION 8. - CREATION. - All accredited NGOs and POs may organize themselves into a People's Council which shall upon petition made to the Sangguniang Panlungsod, be recognized as their representative, and through which their rights, privileges and responsibilities under this Ordinance may be exercised.

For this purpose, the Sanggunian Special Committee on Accreditation shall, not later than ninety (90) days from the effectivity hereof, call for a convention of all accredited NGOs and POs to facilitate the formal organization of the People's Council.

SECTION 9. - STRUCTURES AND INTERNAL RULES. - The People's Council shall determine its own organizational structures and internal rules, but shall at all times provide for adequate consultation mechanisms for purposes of obtaining the views and suggestions of all political parties or movements, government employees' organizations, other non-accredited but legitimate NGOs and POs, and accredited NGOs and POs which are not members of the Council; Provided, that no such political Party, government employees' organization or non-accredited NGO and PO may be nominated by the Council for membership in the city's special bodies nor may they be granted the rights and privileges of accredited NGOs and POs under this Ordinance; and, Provided further, that no provision herein shall be interpreted to prohibit the Council from changing its name or from being organized other than for purposes of this Ordinance.

SECTION 10. - RECOGNITION. - There shall only be one (1) People's Council which shall be recognized by the Sangguniang Panlungsod within thirty (30) days from the filing of the petition for recognition. If only one petition is filed and the Sanggunian fails to deny the same within the said period, the petition shall be deemed automatically granted.

Should more than one petition be filed, the Sanggunian shall, within the same period of thirty (30) days, exert its best efforts to allow the petitioner to form a single Council. Failing in which the Sanggunian shall, within fifteen (15) days, resolve the petitions based on all of the following:

- a. The petitioner with the most number of member organizations;

- b. The petitioner with the most number of individual members;
- c. The petitioner which is representative of the most number of sectors, interests or concerns;
- d. The petitioner with the most credible track record of inter-organization activities and cooperative undertakings between and among its members; and
- e. The petitioner which is most capable of exercising the powers and responsibilities of the People's Council.

Recognition once granted, shall not be withdrawn except upon an action of a petitioner and upon showing that the People's Council no longer possesses most of the foregoing qualifications or has allowed itself or any of its members to engage primarily in, or to be used primarily for, religious purposes and/or partisan political activities.

The Sangguniang Panlungsod shall not entertain and exercise jurisdiction over internal and/or inter-organizational conflicts within the People's Council.

SECTION 11. - POWERS AND RESPONSIBILITIES. - Upon recognition, the People's Council may, in accordance only with its policies and internal rules, elect or appoint from among its member organizations only its representatives to all city government bodies, boards, councils, committees, task forces special government bodies and other similar work groups which the city government or the national laws may hereinafter create.

Member organizations elected or appointed to represent the People's Council shall have the sole prerogative to choose from among their bona fide members the persons that shall seat in the boards, councils, committees, task forces and/or special bodies concerned.

Unless otherwise provided herein, such representatives shall not exceed twenty-five (25) percent of the membership of the board, council, committee, task force or special body.

Participation of the People's Council or any of its member organization in the conception, implementation and evaluation of government activities and functions shall be without any compensation or remuneration. The City Government, however, shall provide for the necessary office spaces, facilities and/or equipment for said participation of the Council.

Representatives of the People's Council may observe, vote and participate in the deliberation, conceptualization, implementation and evaluation of projects, activities and programs of the City Government, propose legislations and participate and vote at the committee level of the Sangguniang Panlungsod, and/or act as the people's representatives in the exercise of their constitutional rights to information on matters of public concern and of access to official records and documents.

SECTION 12. - N-PARTISAN NATURE OF THE PEOPLE'S COUNCIL. -The People's Council shall not engage in, or allow itself or its member organizations to be used for purposes of, partisan politics and shall adopt such measures to ensure that it is adequately shielded from any political partisanship or influence.

For purposes of this Ordinance, partisan politics shall refer to any activity statement or manifestation which solely or primarily serves to campaign for or against any particular political party or any candidate for any elective public office.

SECTION 13. - ENDMENT OF COMPOSITION OF CITY GOVERNMENT BODIES. - The existing compositions of the City Government's committees, boards, councils, task forces, special bodies are hereby amended and modified to accommodate the membership and participation therein of the People's Council or its representatives as herein mandated.

SECTION 14. - TRANSITORY PROVISION. - The power and responsibilities of the People's Council as provided under Section 11 hereof shall not be exercised unless and until the People's Council has been recognized and has manifested by resolution to the Sangguniang Panlungsod that it is ready to exercise and to perform such powers and responsibilities.

Pending such resolution by the People's Council, it may, after recognition, send representatives only to such boards, councils, committees, task forces or special bodies as it may deem appropriate. However, such representatives may not vote nor their attendance counted for purposes of determining a quorum, unless their appointment to represent the Council is made known to the Sangguniang Panlungsod within thirty (30) days after the Council's recognition.

SECTORAL REPRESENTATION

SECTION 15. - SECTORAL REPRESENTATIVES IN THE SANGGUNIANG PANLUNGSOD. - There shall be one (1) representative in the Sangguniang Panlungsod from each of the non-agricultural labor, women and urban poor sectors of the city who shall be elected from among the members of the accredited NGOs and POs in each sector.

The term of office of the elected sectoral representatives shall be co-terminus with the term of office of the regular members of the Sangguniang Panlungsod. They shall not be entitled to any salary or emolument, except such reasonable allowances as may be granted by the Sangguniang Panlungsod to defray necessary expenses for attending and/or participating in official functions, the session of the Sangguniang Panlungsod, its committee hearings, and other activities in aid of legislation.

Except as herein provided, the sectoral representatives shall enjoy the same rights and privileges, and exercise the same powers and responsibilities, as the regular members of the Sangguniang Panlungsod.

SECTION 16. - ELECTION OF SECTORAL REPRESENTATIVES. - The guidelines for, and the conduct of, the election for sectoral representatives shall be issued and supervised by the Commission on Elections (COMELEC) and the Department of Interior and Local Government in coordination with the City Government which shall advance the necessary expenses therefor. No government official or employee shall directly or indirectly intervene or influence the conduct or result of the election.

Unless otherwise disqualified, no person belonging to a particular sector shall be denied his right to vote by reason of his not being a member of any accredited NGO or PO. For purposes of the election, a person shall be entitled to be registered as a voter or allowed to be voted upon in only one (1) sector.

Existing election laws shall apply in a suppletory manner to the sectoral election herein mandated.

SECTION 17. - EFFECTIVITY. - The foregoing provisions on election for sectoral representatives shall take effect only, and the representatives elected therein shall only hold office, until the relevant provisions on sectoral representation of Republic Act No. 7160,

otherwise known as the Local Government Code of 1991, are actually implemented on a national scale.

RIGHT TO SELF-ORGANIZATION

SECTION 18. - RIGHT TO SELF-ORGANIZATION. - It shall be the joint responsibility of the City Government and the People's Council to organize the Nagueños into cooperatives, labor unions, interest groups, non-government organizations, sectoral organizations and/or people's organizations, or to encourage and support their own efforts towards self-organization to address their common concerns, to promote their common welfare, and/or to serve the city or their communities and interests.

SECTION 19. - FUNDING. - An annual appropriation of THREE HUNDRED THOUSAND PESOS (P300,000.00) shall be appropriated for the next three (3) years for purposes of community organizing, establishment of cooperatives, people's and non-government organizations, interest groups, labor unions and other activities which promote and advance the people's right to self-organization.

No part of the public funds, however, shall be used to support any activity which is intended for religious purposes or as a form of partisan politics. In no case shall funds be used other than for organizing purposes as defined by the People's Council and approved by the Sangguniang Panlungsod.

The People's Council and the City Government shall form a joint committee to prepare a three-year program for the budget herein appropriated and the guidelines for the disbursement of funds for approval by the Sangguniang Panlungsod and subject to existing accounting rules and regulations. Once approved, such program and guidelines shall not be modified except upon the concurrence of the People's Council.

GENERAL PROVISIONS

SECTION 20. - PUBLIC HEARINGS AND CONSULTATIONS, REFERENDA AND PLEBISCITES. - It shall be the principal obligation of the City Government to conduct regular public, barangay and sectoral hearings and consultations on all matters affecting the general welfare, and/or submit all controversial issues and legislations to the people in a referendum or plebiscite specially called for the purpose, upon two-thirds vote of the Sangguniang Panlungsod and subject to the provisions of existing laws.

SECTION 21. - INFORMATION BOARDS AND SUGGESTION BOXES. - Information boards and suggestion boxes shall be provided, maintained and controlled by the City Government in each barangay, at the public plazas, city hall compound, public markets, schools, government offices, and at such public places accessible to the people, which boards and boxes shall be other than those maintained by the barangays and the national government, and shall be controlled solely by the City Government.

Copies of the contents of the suggestion boxes shall be timely furnished the Office of the City Mayor, the members of the Sangguniang Panlungsod and the People's Council.

SECTION 22. - EDUCATIONAL PROGRAMS ON EMPOWERMENT AND SUSTAINABLE DEVELOPMENT. - The City Government shall maintain a daily radio and/or regular television information program on city policies, programs, projects and activities in at least one credible and popular radio station and one television channel to adequately inform the people on issues and matters affecting their rights and welfare.

The City Library shall develop and implement a public information, cultural and general education program for the people through films, video and other visual aids.

The City Government and the People's Council shall jointly create and provide for the composition of a City Council for Bikol History, Culture and Arts. Such Council shall be institutionalized by an ordinance and an annual appropriation, and shall be separate and independent of any other body for the promotion of the national culture and arts.

SECTION 23. - SECTORAL DESKS. - The City Government shall maintain sectoral desks or offices for labor, women, urban poor, students, peasants and agricultural workers, senior citizens, differently-abled persons, and disadvantaged minors to serve as centers for cooperation, coordination and joint actions with the People's Council on matters affecting the interest of said sectors.

SECTION 24. - REPEALING CLAUSE. - All resolutions, ordinances and executive issuances, or provisions thereof, which are inconsistent with any of the provisions hereof are hereby accordingly repealed, amended and/or modified.

SECTION 25. - SEPARABILITY CLAUSE. - Should any provision of this ordinance be subsequently declared unconstitutional or ultra vires, the rest of the provisions not so declared shall remain to be in full force and effect.

SECTION 26. - EFFECTIVITY CLAUSE. - This ordinance shall take effect immediately upon approval and publication in at least one (1) newspaper of general circulation in Naga City.

ENACTED: December 20, 1995.

J. ANTONIO A. AMPARADO
City Secretary

LOURDES V. ASENCE, M.D.
City Vice Mayor & Presiding Officer

APPROVED:

JESSE M. ROBREDO
City Mayor