

**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**



22 JUL 12 A10 :56

SENATE
S.B. No. 340

RECEIVED BY.

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT AMENDING SECTIONS 443, 454, AND 463 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT CODE OF 1991"

EXPLANATORY NOTE

Tourism is an integral part of the Philippine economy. According to the report of the Philippine Statistics Authority, our tourism's contribution to the country's GDP grew from 12.3 percent in 2018 to 12.7 percent in 2019. Inbound tourism expenditure also posted the highest growth in 2019 at 23.2 percent to a total of P548.76 billion from P445.58 billion in 2018. These figures are still expected to rise and create a remarkable quantity of employment opportunities. Thus, calls for the need to fortify the tourism safeguards provided by Republic Act No. 9593 or The Tourism Act of 2009.

Section 42 of Republic Act No. 9593 provides that every province, city or municipality in which tourism is a significant industry shall have a permanent position for a tourism officer. However, the local government units where tourism is a booming industry falls short of permanent position for tourism officers. Furthermore, Republic Act. No. 7160 or the Local Government Code of 1991 does not include the provision of permanent position of tourism officers in its exclusive list of officers for every local government unit.

Without a specific amendatory clause in The Tourism Act of 2009, local government units fail to establish permanent position for tourism officers. This proposed measure intends to address the issue amending the pertinent provisions of the Local Government Code of 1991 and ensure that permanent positions for tourism officers are provided in order to strengthen and promote the growth of tourism industry in the country.

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

MARIA LOURDES NANCY S. BINAY

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1 **AN ACT AMENDING SECTIONS 443, 454, AND 463 OF REPUBLIC ACT**
2 **NO. 7160 OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT CODE**
3 **OF 1991"**

4
5 *Be it enacted by the Senate and House of Representatives of the Philippines in*
6 *Congress assembled:*

7
8 SECTION 1. Sections 443 of Republic Act No. 7160, otherwise known as the
9 "Local Government Code of 1991" is hereby amended to read as follows:

10
11 **"SECTION. 443. Officials of the Municipal Government. –**

12
13 (a) There shall be in each municipality, a municipal mayor, municipal
14 vice-mayor, sangguniang bayan members, a secretary to the
15 sangguniang bayan, a municipal treasurer, a municipal assessor, a
16 municipal accountant, a municipal budget officer, a municipal
17 planning and development coordinator, a municipal engineer/
18 building official municipal health officer, and a municipal civil
19 registrar.

20
21 **IN MUNICIPALITIES WHERE TOURISM IS A SIGNIFICANT**
22 **INDUSTRY, A TOURISM OFFICER SHALL ALSO BE**
23 **APPOINTED, IN ACCORDANCE WITH THE QUALIFICATIONS**
24 **SET FORTH IN REPUBLIC ACT NO. 9593, OTHERWISE**
25 **KNOWN AS "THE TOURISM ACT OF 2009."**

26
27 (b) In addition thereto, the mayor may appoint a municipal
28 administrator, a municipal legal officer, a municipal agriculturist, a
29 municipal environment and natural resource officer, a municipal
30 social welfare and development officer, a municipal architect, and a
31 municipal information officer.

1 (c) The Sangguniang Bayan may:
2

3 (1) Maintain existing offices not mentioned in subsections (a)
4 and (b) hereof;

5
6 (2) Create such other offices as may be necessary to carry out
7 the purposes of the municipal government; or

8
9 (3) Consolidate the functions of any office with those of another
10 in the interest of efficiency and economy.

11
12 (d) Unless otherwise provided herein, heads of departments and offices
13 shall be appointed by the municipal mayor with the concurrence of
14 the majority of all the Sangguniang Bayan members, subject to civil
15 service law, rules and regulations. The Sagguniang Bayan shall act
16 on the appointment within fifteen (15) days from the date of its
17 submission; otherwise, the same shall be deemed confirmed.

18
19 (e) Elective and appointive municipal officials shall receive such
20 compensation, allowances and other emoluments as may be
21 determined by law or ordinance, subject to the budgetary
22 limitations on personal service as prescribed in Title Five, Book Two
23 of this Code: Provided, That no increase in compensation of the
24 mayor, vice mayor, and Sangguniang Bayan members shall take
25 effect until after the expiration of the full term of all the elective
26 local officials approving such increase."
27

28 SEC. 2. Sections 454 of Republic Act No. 7160 is hereby amended to read as
29 follows:
30

31 **"SECTION. 454. Officials of the City Government. –**

32
33 (a) There shall be in each city a mayor, vice mayor, Sangguniang
34 Panlungsod members, a secretary to the Sangguniang Panlungsod,
35 a city treasurer, a city assessor, a city accountant a city budget
36 officer, a city planning development coordinator, a city engineer, a
37 city health officer, a city civil registrar, a city administrator, a city
38 legal officer, a city veterinarian, a city social welfare and
39 development officer, and a city general services officer.
40

41 **IN CITIES WHERE TOURISM IS A SIGNIFICANT INDUSTRY,**
42 **A TOURISM OFFICER SHALL ALSO BE APPOINTED, IN**
43 **ACCORDANCE WITH THE QUALIFICATIONS SET FORTH IN**
44 **REPUBLIC ACT NO. 9593, OTHERWISE KNOWN AS "THE**
45 **TOURISM ACT OF 2009."**

46
47 (b) In addition thereto, the city mayor may appoint a city architect, a
48 city information officer, a city agriculturist, a city population officer,

1 a city environment and natural resources officer, and a city
2 cooperatives officer.

3
4 The appointment of a city population officer shall be optional in the
5 city: Provided, however, That cities which have existing population
6 offices shall continue to maintain such offices for a period of five
7 (5) years from the date of the effectivity of this Code, after which
8 said offices shall become optional.

9
10 (c) The Sangguniang Panlungsod may:

11 (1) Maintain existing offices not mentioned in subsections (a)
12 and (b) hereof;

13
14 (2) Create such other offices as may be necessary to carry out
15 the purposes of the city government; or

16
17 (3) Consolidate the functions of any office with those of another
18 in the interest of efficiency and economy.

19
20 (d) Unless otherwise provided herein, heads of departments and
21 offices shall be appointed by the city mayor with the concurrence
22 of the majority of all the Sangguninang Panlungsod members,
23 subject to civil service law, rules and regulations. The Sangguniang
24 Panlungsod shall act on the appointment within fifteen (15) days
25 from the date of its submission, otherwise the same shall be
26 deemed confirmed.

27
28 (e) Elective and appointive city officials shall receive such
29 compensation, allowances, and other emoluments as may be
30 determined by law or ordinance, subject to the budgetary
31 limitations on personal services prescribed under Title Five, Book II
32 of this Code: Provided, That, no increase in compensation of the
33 mayor, vice mayor, and Sangguniang Panlungsod members shall
34 take effect until after the expiration of the full term of the said local
35 officials approving such increase.”

36
37
38 SEC. 3. Sections 463 of Republic Act No. 7160 is hereby amended to read as
39 follows:

40
41 “SECTION. 463. Officials of the Provincial Government. –

42
43 (a) There shall be in each province a governor, a vice governor,
44 members of the Sangguniang Panlalawigan, a provincial treasurer,
45 a provincial assessor, a provincial accountant, a provincial engineer,
46 a provincial budget officer, a provincial planning and development
47 coordinator, a provincial general services officer, a provincial
48 agriculturist, and a provincial veterinarian.

1 **IN PROVINCES WHERE TOURISM IS A SIGNIFICANT**
2 **INDUSTRY, A TOURISM OFFICER SHALL ALSO BE**
3 **APPOINTED, IN ACCORDANCE WITH THE QUALIFICATIONS**
4 **SET FORTH IN REPUBLIC ACT NO. 9593, OTHERWISE**
5 **KNOWN AS "THE TOURISM ACT OF 2009."**
6

- 7 (b) In addition thereto, the governor may appoint a provincial
8 population officer, a provincial natural resources and environment
9 officer, a provincial cooperative officer, a provincial architect, and a
10 provincial information officer.

11 The appointment of a provincial population officer shall be optional
12 in the province: Provided, however, that provinces which have
13 existing population offices shall continue to maintain such offices
14 for a period of five (5) years from the date of the effectivity of this
15 Code, after which said offices shall become optional.
16

- 17 (c) The Sangguniang Panlalawigan may:

- 18 (1) Maintain existing offices not mentioned in subsections (a)
19 and (b) hereof:
20 (2) Create such other offices as may be necessary to carry out
21 the purposes of the provincial government; or
22 (3) Consolidate the functions of any office with those of another
23 in the interest of efficiency and economy;
24 (3) Consolidate the functions of any office with those of another
25 in the interest of efficiency and economy;
26

- 27 (d) Unless otherwise provided herein, heads of departments and offices
28 shall be appointed by the governor with the concurrence of the
29 majority of all the Sangguniang Panlalawigan members, subject to
30 civil service law, rules and regulations. The Sangguniang
31 Panlalawigan shall act on the appointment within fifteen (15) days
32 from the date of its submission; otherwise the same shall be
33 deemed confirmed;
34

- 35 (e) Elective and appointive provincial officials shall receive such
36 compensation, allowances, and other emoluments as may be
37 determined by law or ordinance, subject to the budgetary
38 limitations on personal services prescribed under Title Five, Book II
39 of this Code: Provided, That, no increase in compensation shall take
40 effect until after the expiration of the full term of all the elective
41 officials approving such increase."
42

43 SEC. 4. *Implementing Agency.* - The Department of Interior and Local
44 Government (DILG) in coordination with the Department of Tourism (DOT) shall
45 promulgate the rules and regulations necessary to implement the provisions of this
46 Act.

1 SEC. 5. *Separability Clause.* - If any section or provision of this Act is held
2 unconstitutional or invalid, the other sections or provisions hereof shall not be affected
3 thereby.

4
5 SEC. 6. *Repealing Clause.* - All laws, decrees, executive orders, proclamations,
6 rules and regulations and other issuances or parts thereof inconsistent with the
7 provisions of this Act are hereby repealed, amended or modified accordingly.

8
9 SEC. 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
10 publication in the Official Gazette or two (2) newspapers of general circulation.

Approved,