

**Section 3.** The calendar of business shall contain the following:

- a) **UNFINISHED BUSINESS** – refers to the proposals or measures that have been left not acted upon, postponed, or left unfinished during the previous meeting or session. This also includes items of business left unfinished or not acted upon at the end of the term of the previous administration.
- b) **BUSINESS FOR THE DAY** – refers to a list of items that have been reported out by committees and are ready for deliberation on *second reading* as determined by the Committee on Rules. This also includes those items for the body's session on *third and final reading*.
- c) **UNASSIGNED BUSINESS** – refers to pending matters or measures including new ones that arises during the deliberation but not yet assigned or referred to any committee for appropriate action.

**Section 4.** The Calendar of Business shall contain brief description of the item of business to be taken up during the regular session including, but not limited to the following:

1. The title of the proposed ordinance or resolution;
2. The name of the sponsor or authors and the committee to which it was referred or the committee sponsoring it;
3. In the case of petitions, letters, endorsements and other communications, the source or the name of senders.

**Section 5.** In rendering committee reports, priority shall be given to the regular committees (or standing committees) to be followed by special (or Ad Hoc) committees.

**Section 6.** As a general rule, committee reports shall be rendered by its Chairman, unless he dissents with the majority decision. In his absence, the Vice-chairman shall take his place. If neither of them is present, any committee member concurring with the report and duly designated by the said committee shall render the report.

**Section 7.** If the reporting committee recommends a favorable action on the measure referred to it or if the reporting committee recommends the proposed measure for appropriate action by the Sanggunian, the Committee on Rules shall Calendar it for second reading. If the reporting committee's recommendation is for the Sanggunian not to take action and that recommendation has been adopted by the body, the proposed measure remains shelved in the committee. If the reporting committee's recommendation is for the Sanggunian to file the proposed away and that the recommendation has been adopted, then it is "*filed away*" which means in layman's language that the proposal will be filed in the archives of the Sanggunian.

**Section 7.** As a general rule, no member of a committee shall oppose or object to the report of his committee unless he submits his dissenting opinion in writing or orally in open session before the said committee renders its report. Otherwise, he shall be precluded to oppose it on the floor.

**Section 8.** Deviation from the prescribed Order of Business may be done only under the following circumstances:

- (a) When the Sanggunian decided to suspend the rules through an assumed motion by the Chair or through a motion to suspend the rules by a member. In any case, the decision to suspend the rules require a vote by general consent, a unanimous vote, or at least two-thirds (2/3) votes of the members present.
- (b) When the measure to be acted upon by the Sanggunian is certified by the Local Chief Executive as urgent, it shall have priority over all other items of business, and shall be considered without need of suspending the rules or even if it is not included in the calendar of business.

#### RULE X – LEGISLATIVE PROCESS

**Section 1: Rules in the enactment of ordinance and adoption of resolutions.** In the enactment of ordinances and adoption of resolutions including other matters requiring legislative actions, the following rules shall be observed:

- 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 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 number, 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 not containing the justification for its approval. It shall be signed by the author or authors and submitted to the secretary to the Sanggunian before the start of the regular session.
- 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 the Sanggunian members present.
- d.) No ordinance 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 the suspending the rules.
- f.) The secretary to the Sanggunian shall prepare copies of the proposed ordinance or resolutions 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 local chief executive as urgent may be submitted for the final voting immediately after it has undergone the periods of debate and 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.
- h.) Upon the passage of all ordinances and resolutions directing the payment of money or creating a liability, and at the request of any member, the Sanggunian Secretary shall record the *ayes* and the *nays*. Each approved ordinance or resolution shall be stamped with the seal of the Sanggunian and recorded in a book kept for the purpose.

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**Section 2. Approval of Ordinance and Veto Power of the Local Chief Executive.** The approval of the ordinance by the Mayor, as the case may be, and the exercise of his veto power shall be governed by the following rules:

- a.) Every ordinance enacted by the Sanggunian shall be presented to the mayor for his approval. If he approves the same, he shall affix his signature on each and every page thereof, otherwise, he shall veto it and return the same with his objections to the Sanggunian, which may proceed to reconsider the same. The Sanggunian may override the said veto by two-thirds (2/3) vote of *all its members* thereby making the ordinance or resolution effective for all legal intents and purposes.
  - The veto shall be communicated by the mayor to the Sanggunian within ten (10) days otherwise, the ordinance shall be deemed approved as if he has signed it.
- b.) The Mayor may veto any ordinance of the Sanggunian on the ground that it is *ultra vires* or prejudicial to the public welfare, stating his reasons thereof in writing.
- c.) The Mayor shall have the power to veto any particular item or items of an appropriation ordinance, an ordinance or resolution adopting a local development plan and public investment program or an ordinance directing the payment of money or creating liability. In such case, the veto shall not affect the item or items which are not to object to. The vetoed item or items shall not take effect unless the Sanggunian overrides the veto in the manner provided in this section, otherwise, the item or items in the appropriation ordinance of the previous year corresponding to those vetoed, if any shall be deemed re-enacted.

**Section 3. The *three-reading* Principle.** The so-called *three-reading* principle which is commonly adopted in legislative bodies shall also be followed by this Sanggunian. Hence, as a general rule, before an ordinance is finally enacted, it shall undergo the following stages:

- a.) **First Reading.** At this stage, the Secretary shall read the number of the proposed draft ordinance (e.g. Draft Ordinance No. \_\_\_\_), its title, name of the author or authors or the name of the members introducing it. Thereafter, the Presiding Officer shall refer it to the appropriate committee with or without instructions. At this stage no debate shall be allowed.
- b.) **Second Reading.** At this stage, any proposed ordinance that has already been reported out by the concerned committee and has been calendared by the Committee on Rules for "second reading" may be sponsored by the reporting committee chairman, or his vice chairman, or any committee member designated for that purpose.

Since every member of the Sanggunian is supposed to have been furnished a copy thereof, the proposed ordinance may no longer be read in full unless the sponsoring committee or the Sanggunian itself decided otherwise.

After the usual sponsorship speech has been delivered, the proposed ordinance shall be subjected to the following:

- Period of Debate
- Period of Amendment
- Approval of Second Reading

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c.) **Third (Final) Reading.** At this stage, the Secretary shall read the proposed draft ordinance by its number, title, and the name of its sponsor or co-sponsor, if any. Immediately thereafter, the Presiding Officer shall put the proposed ordinance to a vote. The Presiding Officer shall then formally announce the result thereof and directs the Secretary to enter it in the record.

**Section 4. Methods of Voting.** Unless a different method is prescribed by the Sanggunian for a particular measure, voting shall be either one of the following methods:

- a.) By voice (viva-voice);
- b.) By raising of hand (or show of hand);
- c.) By rising;
- d.) By ballot; or
- e.) By nominal voting (or roll call).

**Section 5. Putting the Question to a Vote.** The Presiding officer shall rise whenever he is putting a question to a vote. In taking the vote, the Presiding Officer shall take first the affirmative votes and then the negative votes.

While still in standing position the Presiding Officer shall announce the result thereof.

#### **RULE XI- VOTES AND VOTING**

**Section 1. Voting on the Question.** Whenever a nominal voting (or roll call voting) is being applied, the Secretary shall call the roll of members either in alphabetical order, by rank, or by representative districts. As each name is called, the member shall announce his vote by stating YES or NO, as the case may be. As a general rule, a member may explain his vote but not to exceed three (3) minutes.

A second roll call may be requested by any member from the Chair but this time only the names of those who failed to vote shall be called. This is to give another opportunity to those who failed to cast their vote to exercise their right and also to determine the number of members who might have violated the *rule of abstention*. After this second roll call, no other request of the same kind shall be entertained by the Chair.

**Section 2. Voting Restriction.** No member can vote, or be allowed to vote, on any measure in which he or any of his relatives within the third degree of consanguinity or affinity has a direct or personal pecuniary interest. This rule, however, does not apply in voting for elective positions in the Sanggunian where a member, as a matter of right, can vote for himself.

**Section 3. Change of Vote.** A member may change his vote but only when the result of the voting has not yet been announced by the Chair. Otherwise, he can only change his vote by a unanimous consent of the members present. Provided that this rule shall not be applied if voting is by ballot.

**Section 4. Vote by Late-comer.** A member who came in late during the session but who happens to arrive while voting is in progress shall be allowed to vote, provided that the result of the voting has not yet been announced by the Chair.

**Section 5. Allowable Motion during Voting.** Except for a motion pertaining to a question of quorum, no other motion shall be entertained by the Chair while voting is in progress.

**Section 6. Tie Vote.** A tie vote resulting from a vote taken on any motion, measure or proposal shall be construed to mean that the particular motion, measure or proposal is defeated, unless the Chair decided to break it. Exception to this rule is when a motion to appeal from the decision of the Chair is put to a vote and it resulted in a tie. In this case the tie vote is considered to sustain the decision of the Chair.

**Section 7. Breaking a Tie.** In case of tie, the Presiding Officer of this Sanggunian is allowed to cast his vote if he so desires. He is, however, precluded under existing laws to cast his vote in order to create a tie.

**Section 8. Majority of All the Members.** As provided for under RA 7160 and its implementing rules and regulations, a majority vote of all the members of the Sanggunian is required in the following circumstances:

- a.) Enactment of ordinance levying taxes, fees or charges prescribing the rates thereof for general and specific purposes, and granting tax exemptions, incentives or reliefs. (Sec. 447, RA 7160 par. 2-ii).
- b.) Adoption of resolution authorizing the Mayor to negotiate and contract loans and other forms of indebtedness. (par. 2-iii, Ibid).
- c.) Enactment of ordinance authorizing the floating of bonds or other instruments of indebtedness for the purpose of raising funds to finance development projects. (par. 2-iv Ibid).
- d.) Adoption of resolution authorizing the Mayor to lease to private parties such buildings held in a proprietary capacity subject to existing laws, rules and regulations. (par. 2-v, Ibid.)
- e.) Enactment of ordinance granting a franchise to any person, partnership, corporation or cooperative to establish, construct, operate and maintain ferries, wharves, markets or slaughterhouses, or other similar activities within the municipality as may be allowed by applicable laws; Provided, that cooperatives shall be given preference in the grant of such franchise. (par 3-vii, Ibid)
- f.) Adoption of resolution concerning with the appointments issued by the Mayor to heads of departments and offices as required under RA 7160 (Sec. 443, RA 7160, par.d)

**Section 9. Majority Vote of the members Present.** (Thereby constituting a quorum). Except as provided in Section 8 hereof, all other legislative matters or measures shall require only a *majority vote of the members present therein having a quorum* for its passage, adoption or enactment, as the case may be.

**Section 10. Plurality Vote.** A decision of the Sanggunian through a *plurality vote* shall be valid only and enforceable if it is the result of an election of officers of the Sanggunian or members of committees. No legislative proposal or measure of whatever nature shall be passed, adopted or enacted by this Sanggunian through a mere plurality vote.

**Section 11. Percentage Vote.** For purposes of this Section, a percentage vote shall be considered to mean as a proportion of a certain whole. Percentage vote shall be applied in the following: