



CITY ORDINANCE NO. 374

October 28, 2004

AN ORDINANCE MANDATING THE CITY LEGAL OFFICE TO PROVIDE FREE LEGAL ASSISTANCE TO ALL BARANGAY OFFICIALS WHO MAY SUE OR BE SUED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

WHEREAS, under Section 387, Chapter 2 of the Local Government Code of 1991 also known as Republic Act 7160 enumerates the chief officials of the Barangay, namely, Punong Barangay, seven (7) Sangguniang Barangay Members, Sangguniang Kabataan Chairman, Barangay Treasurer and a Barangay Treasurer;

WHEREAS, under Section 458, Paragraph XII of the aforementioned Republic Act, it gives the authority to the Sangguniang Panlungsod to enact an ordinance that will provide legal assistance to Barangay Officials who, in the performance of their official duties or on the occasion thereof, have to initiate judicial proceedings or defend against any legal action;

WHEREAS, under Section 481, Paragraph 5 of the same code states, the qualification, terms, power and duties of the Legal Officer, and can exercise other powers and perform other duties and functions as set by law or ordinance;

WHEREAS, City Ordinance No. 334, Series of 2003 mandates in Article 3 No. 3 hereof that all work related cases involving barangay workers shall be handled by the City Legal Office.

Be it ordained by the Sangguniang Panlungsod of Bacolod, that:

TITLE

An ordinance mandating the City Legal Office to provide free legal assistance to Barangay Officials who may sue or be sued in the performance of their official duties.

Section 1. Definition of Terms

- a. City Legal Officer - is the chief legal counsel of the City of Bacolod
- b. Barangay Officials, under this ordinance, shall include:
 - 1. Punong Barangay
 - 2. Seven (7) Sangguniang Members
 - 3. Sangguniang Kabataan Chairman
 - 4. Barangay Secretary
 - 5. Barangay Treasurer
- c. Legal Assistance, under this Ordinance, shall include:
 - 1. Representation in judicial and quasi-judicial proceedings that a barangay official will be involved as a party, in the performance of their duties

- 2. Legal Advice and Consultation on issues and concerns related to the official duties of the barangay official
- 3. Preparation and Notarization of pleadings and legal documents in relation to the official duties of the barangay official

Section 2. Implementing Guidelines


- a. Scope and Coverage - the legal services will be available only within the territorial jurisdiction of the City of Bacolod
- b. That such legal service will only be extended to cases relative to the official functions of the Barangay Official
- c. That the legal service will not be availed, wherein one of the opposing party is a Barangay Official and that the dispute pertains to the performance of either party's official function
- d. That the legal service will not be availed of when the opposing party is the state or any of its instrumentalities

Section 3. Effectivity Clause - This Ordinance shall commence upon approval.

CARRIED BY THE VOTE OF:

Affirmative:
 Councilors: Ana Marie V. Palermo, Lyndon P. Caña, Jocelle Balapa-Sigue, Homer Q. Bais, Dindo C. Ramos, Jude Thaddeus A. Sayson, Napoleon A. Cordova, Elmer T. Sy, Catalino T. Alisbo, Reynold I. Iledan, Arturo V. Parreño.

Negative:
 Absent: None
 Official Leave: None
 Author: Vice Mayor Renecito S. Novero.
 Passed: Councilor Catalino T. Alisbo.
 Comments: October 28, 2004 (18th Regular Session).
 Passed.
 Councilors Al Victor A. Espino and Marx Louie S. de la Rosa were not yet around when this ordinance was passed.


GREG G. GASATAYA
 Acting Vice Mayor
 Presiding Officer

ATTESTED:

ATTY. NILO T. ALEJANDRINO
 Secretary to the Sanggunian

EVELIO R. LEONARDIA
 City Mayor

APPROVED: November, 2004
 NTAHPL/ jmmz
 10 DAYS LAPSED
 AS OF 11/15/04