

**ORDINANCE NO. 2004-022**

**AN ORDINANCE ENCOURAGING ALL NON-GOVERNMENT ORGANIZATIONS, PEOPLE'S ORGANIZATIONS, SOCIO-CIVIC COMMUNITIES AND HOMEOWNERS' ASSOCIATIONS WITHIN THE CITY OF SAN FERNANDO TO REGISTER AND ANNUALLY RENEW WITH THE OFFICE OF COMMUNITY AFFAIRS (OCA) OF THE CITY GOVERNMENT AND DELEGATING UPON SAID OFFICE THE POWER TO CONDUCT INVESTIGATION AN ALL APPLICATIONS FOR REGISTRATION PURSUANT TO R.A. 7160 AND SUBMIT ITS RECOMMENDATIONS TO THE SANGGUNIANG PANLUNGSOD**

***EXPLANATORY NOTE***

*WHEREAS, Art. 62 of the Implementing Rules & Regulations of R.A. 7160 otherwise known as the Local Government Code of 1991 states that LGUs shall promote the establishment and operation of people's organizations, NGOs and the private sector, to make them active partners in the pursuit of local autonomy. For this purpose, Pos, NGOs, and the private sector shall directly involved in the following plans, programs, project or activities of the LGUs:*

- a) Local Special Bodies;*
- b) Delivery of basic services and facilities;*
- c) Joint ventures and cooperative programs or undertaking;*
- d) Financial and other forms of assistance;*
- e) Preferential treatment for cooperative development;*
- f) Preferential treatment for organizations and cooperatives of marginal fishermen;*
- g) Financing construction, maintenance, operation, and management of infrastructural projects*

*WHEREAS, among the Special Bodies provided under the Local Government Code of 1991 are:*

- 1. Local Development Council*
- 2. Local Pre-Qualification, Bids '& Awards Committee (PBAC);*
- 3. Local School Board;*
- 4. Local Peace and Order Council*

*WHEREAS, under the same Code, the composition of these Special bodies is one private sector or representative of the various NGOs;*

*WHEREAS, in order that the private sector or NGOs may be legitimately represented in said Special Bodies, Art. 64 the IRR of R.A. 7160 have empowered the sanggunian to accredit various NGOs, POs and associations and provided the procedures and guidelines relative o the accreditation and selection of their representatives in the Local Special Bodies;*

*WHEREAS, to eradicate fly by night organizations that are organized for ulterior/illegal purposes and to determine dormant and idle organizations, it is necessary for the City Government to devise a mechanism that can effectively monitor and whenever proper, assist to strengthen their memberships;*

*WHEREAS, after a careful study and public consultations through committee hearings conducted for the purpose by the Committee on Rules, Laws and Regulation, this Ordinance would answer the need for proper registration and monitoring of all existing NGOs, POs, Socio-Civic Communities and Homeowners' Associations*

**NOW THEREFORE, BE IT ENACTED BY THE SANGGUNIANG PANLUNGSOD, in session assembled:**

## **ARTICLE I**

**Section 1. Title** - This Ordinance shall be known and cited as:

**THE 2004 ORDINANCE ON NON-GOVERNMENT ORGANIZATIONS, PEOPLE'S ORGANIZATIONS, SOCIO-CIVIC COMMUNITIES AND HOMEOWNERS' ASSOCIATIONS OF THE CITY OF SAN FERNANDO, PAMPANGA**

**Section 2. Definition of Terms** - As used in this Ordinance, the following terms shall mean:

1. Non-government Organizations - refers to groups of people who are involved in a more or less systematic pursuit of some particularized sectoral activity and are non-profit in their goals;
2. People's Organizations - refers to groups of people outside the government, who are organized for the attainment of some legitimate aspirations, such are labor unions and cooperatives which may also be profit-oriented;
3. Socio-civic Organizations - refers to clubs, foundations which are directly involved in helping indigent people through their solicitations, fund-raising activities, missions, grants club funds, etc.;
4. Homeowners' Associations - refers to membership within the subdivision or a village;
5. Office of Community Affairs (OCA) - refers to the Local Government Office of the City of San Fernando, Pampanga directly under the Local Chief Executive that is in charge to the affairs of various organizations and employment opportunities operating within the city;
6. Local Development Council - refers to the council created under Sec. 106 of R.A. 7160 which initiates a comprehensive and multi-sectoral development plan for the LGU concerned which is submitted for approval to the Local Sanggunian.
7. Local Pre-Qualification, Bids & Awards Committee (PBAC) - created under Sec. 37 of R.A. 7160 and is primarily responsible for the conduct of prequalifications of

contractors, bidding, evaluation of bids, and the recommendation of awards concerning local infrastructure projects;

8. Local School Board - created under Sec.99 under R.A 7160 aimed to serve as an advisory committee to the Sangguniang Panlungsod on matters relative to education, recommend changes in the names of public schools within the LGU, gives advise to the DepEd on the appointments of Division Superintendents, District Supervisors, school principals and other school officials;

9. Local Peace and Order Council - established under Sec. 116 of R.A. 7160 to formulate plans and measures to improve peace and order and public safety, monitor the implementation of peace and order programs, make periodic assessment of the prevailing peace and order situation and perform other functions as assigned by law.

**Section 3. Coverage -** This Ordinance shall find application to all existing NGOs, POs, Socio-Civic Organizations and Homeowners' Associations within the territorial jurisdiction of the City of San Fernando, Pampanga.

**Section 4. Purpose. -** This Ordinance is enacted for the following purpose;

1. to promote the establishment and operation of people's organizations, NGOs and the private sector as partners in national development;

2. to make the people's organizations, NGOs and the private sector active partners in the pursuit of local autonomy;

3. to empower the sanggunian to accredit various NGOs, POs and associations and provide the procedures and guidelines relative to the accreditation and selection of their representatives in the Local Special Bodies of the City Government;

4. to eradicate fly by night organizations that are organized for ulterior/illegal purposes and to determine dormant and idle organizations; and

5. to device a mechanism that can effectively monitor and whenever proper, assist to strengthen their memberships to people's organizations, NGOs and the private sector.

## **ARTICLE II REGISTRATION AND ACCREDITATION**

**Section 5. Requisite of Registration and Accreditation. -** All NGOs, POs, Socio-Civic Organizations and Homeowners' Associations based in the City of San Fernando, Pampanga that has been in active operation shall be registered and duly accredited by the Sangguniang Panlungsod upon submission and or compliance with the following requirements to the Office of the Community Affairs:

1. Proof of existence and operation in the City of San Fernando, Pampanga for at

least one (1) year prior to the application for accreditation;

2. Proof of activities held in pursuit of developmental objectives or of organizational activities conducted;

3. Program of activities planned for the year following the date of application for accreditation;

4. Copies of its Constitution and by-laws and or Articles of Incorporation;

5. Lists of its Officers and members of good standing;

6. Financial statement and declaration of assets and liabilities; and

7. 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% 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.

Within 30 days from the start of the year thereafter, all NGOs and POs accredited shall renew their registration with the Office of the Community Affairs (OCA). Said registration shall be free of charge and no processing fee or any other fees and exactions shall be collected by the city government for this purpose.

The Office of the Community Affairs (OCA) is hereby tasked to evaluate the performance and activities of the applicant/s to determine if said organizations comply with the stated objectives/visions as declared in their Articles of Incorporations or to the conditions laid down by the Sanggunian for their accreditation.

NGOs, POs, socio-civic communities and homeowners associations applying for registration and accreditation from the Sanggunian, the OCA shall undertake investigation regarding the background of said applicant and shall provide the Sanggunian with its recommendation concerning the application for their appropriate action.

The OCA shall, within five (5) days from the last day of registration submit to the Sangguniang Panlungsod a list of the registrants and cause the sending of notices to those who have failed to register and or renew their registration within the 3D-day period provided under the third paragraph herein.

### **ARTICLE III MISCELLANEOUS PROVISIONS**

**Section 6. Miscellaneous Provisions** - This Ordinance shall have the following miscellaneous provisions:

a. **Withdrawal of Accreditation** - The Sangguniang Panlungsod, may in consultation with the OCA and after hearing, withdraw any accreditation granted to NGOs POs for violation/s of any of the provision of this Ordinance or for failure to comply with any of the conditions for accreditation.

b. **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, 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.

**Section 7. Repealing Clause** - Local Ordinances, Resolutions, Orders, Rules and Regulations that are inconsistent with this Ordinance are hereby repealed, modified or amended accordingly.

**Section 8. Separability Clause** - If any provision of this Ordinance is declared unconstitutional and or illegal, the remainder of this Ordinance shall not be affected and shall therefore, be in full force and effect.

**Section 9. Effectively Clause** - This Ordinance shall take effect immediately upon satisfaction of its required publication for three consecutive issues in a newspaper of general circulation in the Province of Pampanga and the posting of the same in conspicuous places of the City Hall.

**ADOPTED this 1<sup>st</sup> day of December 2004,**