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BRIEF

Proposed Community Due Diligence and Public Participation Ordinance

The proposed Ordinance ensures that the Local Government Unit (LGU) does not commit public funds, property, incentives, permits, endorsements or other local resources to a project before its costs, risks, alternatives and effects on affected communities have been properly assessed.

It addresses the risk of premature lock-in, where land allocation, incentive promises, exclusivity, memoranda of agreement or preliminary works make a project difficult to change or stop even before consultations, permits and lawful approvals are completed. This can lead to avoidable harm including to persons and the environment, misuse of public resources, unfair private advantage and costly or disadvantageous agreements.

The Ordinance is grounded in the Local Government Code, particularly the LGU's general-welfare powers, Sanggunian authority over local contracts, and the consultation and prior-approval requirements under Sections 26 and 27 for certain nationally initiated projects.

It does not override national law or invalidate national permits. It regulates matters that remain within lawful LGU authority, including:

- LGU funds, land and property;
- local contracts, PPPs, leases and joint ventures;
- local incentives and foregone revenues;
- zoning, land use and development controls;
- local permits, endorsements and concurrences; and
- commitments of local facilities, personnel and services.

The Ordinance requires:

1. clear identification of the public objective and reasonable alternatives;
2. risk classification and independent assessment for High-Risk projects;
3. early and meaningful consultation with community leaders and affected residents;
4. representative surveys where risks to people or the environment are serious, concentrated or disputed;
5. separate consideration of displaced and severely affected groups;
6. written explanations of how community concerns were addressed;
7. a prohibition against promising local funds, land, incentives or approval before due diligence is completed; and
8. continuing community monitoring and reassessment of material changes.

National-government involvement does not automatically commit LGU funds, property or regulatory approvals. Any claimed exemption from local requirements must identify its specific legal basis.

The Ordinance does not prevent development. It ensures that local development decisions are lawful, evidence-based, transparent and responsive to the communities that will live with their long-term consequences.



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(PROPOSED)

REPUBLIC OF THE PHILIPPINES

PROVINCE OF _____

MUNICIPALITY OF _____

SANGGUNIANG BAYAN

ORDINANCE NO. _____
Series of 2026

AN ORDINANCE

ESTABLISHING A LOCAL PUBLIC-INTEREST DUE DILIGENCE AND COMMUNITY PARTICIPATION SYSTEM; REGULATING THE USE OF LOCAL FUNDS, PROPERTY, INCENTIVES, PERMITS, ENDORSEMENTS AND OTHER LOCAL ACTIONS; PROVIDING MONITORING, REMEDIES AND PENALTIES; AND FOR OTHER PURPOSES

Be it ordained by the Sangguniang Bayan of _____, in session duly assembled:

CHAPTER I

GENERAL PROVISIONS

SECTION 1. Short Title.

This Ordinance shall be known as the **“Local Community Due Diligence Ordinance of 2026.”**

SEC. 2. Declaration of Policy.

It is the policy of the Municipality to ensure that public funds, property, incentives, regulatory authority and other local resources are committed only after the proposed initiative has undergone lawful, independent, transparent and proportionate due diligence.

The Municipality shall protect the health, safety, rights, livelihoods and environment of its inhabitants and shall ensure that affected persons have a timely and meaningful opportunity to



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understand, question and influence proposals before the Local Government Unit becomes legally, financially, politically or practically committed.

No proposal shall be treated as approved merely because:

- (a) It is supported, initiated, funded or endorsed by a national government agency;
- (b) it has received a national permit, licence, clearance or Environmental Compliance Certificate;
- (c) it is described as nationally significant, strategic, urgent or of public interest;
- (d) it forms part of a government-to-government, international, foreign-funded or public-private arrangement;
- (e) a memorandum, framework agreement, term sheet or public announcement has been issued; or
- (f) a private proponent or public institution has already incurred expenses.

The foregoing shall apply **only to the extent of the lawful powers and responsibilities of the LGU and shall not be construed as authority to invalidate, prohibit or obstruct an activity expressly authorized by national law.**

SEC. 3. Purpose.

This Ordinance establishes a local preventive framework to ensure that the LGU does not prematurely commit public funds, property, incentives, regulatory approvals or other local resources to a proposed project, partnership or agreement before the proposal has undergone appropriate due diligence, disclosure, consultation and lawful approval.

Without these safeguards, the LGU may become financially, legally, politically or practically locked into an arrangement before its costs, risks, alternatives and effects on affected communities are fully understood. This may result in loss or misuse of public resources, unwarranted advantages to private parties, avoidable harm to people and the environment, and agreements that are difficult or costly to modify or terminate.

SEC. 4. Legal Bases.

This Ordinance is enacted pursuant to the powers and responsibilities of the LGU under the Constitution, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, and other applicable laws, including the authority to:

- (a) Promote the general welfare;
- (b) protect health, safety and the right to a balanced ecology;
- (c) regulate the use of property within the jurisdiction of the LGU;
- (d) enact zoning, land-use, environmental, sanitation, health and safety measures;
- (e) regulate businesses and activities subject to local permits;
- (f) manage, lease and protect LGU-owned property;
- (g) appropriate and safeguard local funds;



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- (h) enter into contracts and local PPP arrangements subject to prior authorization and applicable law;
- (i) grant or withhold local endorsements, concurrences and approvals where required by law; and
- (j) require and participate in consultations under Sections 2(c), 26 and 27 of the Local Government Code.

SEC. 5. Objectives.

This Ordinance shall:

- (a) Prevent premature commitment of local resources and regulatory authority;
- (b) require clear definition of the public problem and substantial objectives of a proposal;
- (c) require assessment of reasonable alternatives, including the no-project option;
- (d) classify proposals according to risk;
- (e) require comprehensive and independent assessment for High-Risk Initiatives;
- (f) ensure meaningful consultation with community leaders and directly affected persons;
- (g) require representative surveys where risks to people or the environment are high;
- (h) protect the LGU's lawful authority when national institutions seek local support, property, permits, endorsements or approvals;
- (i) prevent local officials from waiving lawful local safeguards without authority;
- (j) require disclosure and reasoned decision-making;
- (k) provide continuing community monitoring and accessible remedies; and
- (l) preserve the supremacy of the Constitution and national statutes.

SEC. 6. Rules of Construction.

This Ordinance shall be construed according to the following principles:

- (a) **National-law supremacy.** Nothing herein shall contradict, amend or repeal an Act of Congress or a valid regulation issued under express statutory authority.
- (b) **Local autonomy.** No national or private institution shall be treated as having authority to commit LGU funds, property, permits, endorsements or other local actions unless such authority is expressly provided by law.
- (c) **Case-by-case review.** This Ordinance establishes an assessment and decision process and shall not be interpreted as a blanket prohibition against an industry or activity lawfully authorized by national law.
- (d) **Substance over form.** The actual effect of an instrument or announcement shall govern, regardless of its title or description as preliminary or non-binding.
- (e) **Stronger lawful safeguard.** Where another applicable law establishes a stronger consultation, consent, environmental, health or disclosure requirement, the stronger requirement shall apply.
- (f) **Non-diminution.** Nothing herein shall diminish Free, Prior and Informed Consent (FPIC), environmental assessment, public-hearing, relocation, labour, data-protection or other rights under national law.



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(g) **No implied waiver.** A local requirement shall not be considered waived merely because a national licence, permit, clearance, financing agreement or endorsement has been issued.

SEC. 7. Definition of Terms.

For purposes of this Ordinance:

(a) Affected Population

Refers to persons and communities that may experience direct, indirect, cumulative, induced, delayed or intergenerational benefits, risks or adverse effects from a Covered Initiative.

(b) Affected Community

Refers to a geographic, livelihood, cultural, occupational, resource-dependent or other identifiable community forming part of the Affected Population.

(c) Community Leader

Refers to a person recognized through law, customary practice, organizational process or community practice as a leader or representative, including barangay, sitio, purok, Indigenous, livelihood, workers', women's, youth, disability, cooperative, faith-based and community-organization leaders.

(d) Covered Initiative

Refers to an initiative, project, programme, policy, partnership, agreement, investment, lease, concession, joint venture, PPP, procurement, land-use action or other undertaking requiring a Local Public Commitment or Local Government Action.

(e) Due Diligence

Refers to the systematic process of identifying the proposal's objectives, alternatives, costs, benefits, risks, impacts, legal requirements, affected persons, safeguards, implementation capacity and remedies before a Local Public Commitment is made.

(f) High-Risk Initiative

Refers to a Covered Initiative meeting one or more of the criteria under Section 21.

(g) Independent Assessment Body

Refers to qualified persons or institutions that have no material conflict of interest with the LGU, proponent, national agency, lender or counterparty and that are selected and paid without proponent control.



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(h) Local Government Action

Includes an LGU contract, appropriation, disbursement, property disposition, lease, incentive, zoning action, locational clearance, business permit, building-related action, sanitation or health permit, environmental clearance within local authority, endorsement, concurrence, use of local roads or facilities, utility commitment or other action within the LGU's lawful authority.

(i) Local Public Commitment

Refers to any Local Government Action that materially exposes or commits LGU funds, revenues, property, regulatory authority, personnel, services or other resources.

(j) Material Change

Refers to a modification affecting the site, scale, term, cost, public contribution, technology, proponent, land or resource use, affected population, environmental or health risk, safeguards, tariff, liability, remedy, termination terms or other matter material to the original assessment.

(k) Meaningful Consultation

Refers to a timely, informed, inclusive, accessible, culturally appropriate and good-faith process capable of influencing the proposal before it becomes effectively irreversible.

(l) National Government Entity

Refers to a department, bureau, office, agency, government-owned or controlled corporation, government financial institution, constitutional office, state university or college, authority or other national instrumentality.

(m) Premature Public Commitment

Refers to a Local Public Commitment made before completion of the applicable due-diligence, disclosure, consultation and approval requirements.

(n) Proponent

Refers to a public, private, foreign, international or mixed entity promoting, funding, undertaking or materially benefiting from a Covered Initiative.

(o) Representative Survey

Refers to an independently designed and administered survey using a scientifically defensible method to determine the knowledge, concerns and position of the Affected Population.

(p) Substantial Public Commitment



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Refers to a Local Public Commitment that materially:

1. exposes LGU funds, assets, revenues or regulatory powers;
2. grants a right or material advantage;
3. limits reasonable alternatives;
4. affects public land, essential services, health, safety or environment; or
5. makes withdrawal materially more difficult or costly.

CHAPTER II

SCOPE AND APPLICATION

SEC. 8. Covered Local Actions.

This Ordinance shall apply before the LGU:

- (a) Enters into a contract, PPP, joint venture, lease, concession, usufruct, memorandum of agreement or similar arrangement;
- (b) appropriates, commits or disburses local funds;
- (c) grants a local subsidy, incentive, tax relief, rent concession or in-kind contribution;
- (d) sells, leases, reserves, allocates or permits the use of LGU property;
- (e) issues a local permit, clearance, endorsement, concurrence or approval;
- (f) amends zoning, land-use or development controls for a specific initiative;
- (g) commits local roads, utilities, facilities, personnel or services;
- (h) accepts an obligation arising from a foreign-funded, national or intergovernmental project;
- (i) supports a relocation, land acquisition or right-of-way action; or
- (j) otherwise makes a Substantial Public Commitment.

SEC. 9. Application to Nationally Initiated or Supported Projects.

For projects initiated, authorized, financed or supported by a National Government Entity, this Ordinance shall apply to:

- (a) Local Public Commitments requested from the LGU;
- (b) local permits, clearances, endorsements and concurrences required or preserved by national law;
- (c) use, lease or transfer of LGU property;
- (d) expenditure or commitment of local funds;
- (e) local zoning, land-use and development actions;
- (f) local roads, facilities, utilities, personnel and services;
- (g) consultation and prior Sanggunian approval required under Sections 26 and 27 of the Local Government Code; and
- (h) other local actions that national law has not expressly withdrawn from LGU authority.

SEC. 10. Matters Outside the Ordinance.



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This Ordinance shall not:

- (a) Revoke or invalidate a national permit;
- (b) prohibit an activity solely because the LGU disagrees with a policy established by Congress;
- (c) impose an additional local licence on a national agency that is expressly exempt by statute;
- (d) regulate foreign relations or treaty-making;
- (e) alter the powers of a constitutional body;
- (f) replace an ECC, FPIC, national franchise or sectoral approval; or
- (g) authorize the LGU to disobey a final and executory court order.

SEC. 11. Anti-Segmentation.

A Covered Initiative shall be assessed as a whole, including related phases, facilities, agreements, infrastructure, access roads, utility systems, leases, side arrangements and foreseeable expansions.

No person shall divide a proposal into smaller components or defer material terms to later instruments to avoid High-Risk classification or consultation.

SEC. 12. Excluded Preliminary Activities.

Exploratory discussions, market sounding, technical research and expressions of interest may proceed without full assessment if they:

- (a) Create no right, preference or liability;
- (b) reserve no public land or resource;
- (c) involve no nonrefundable public expenditure;
- (d) authorize no physical implementation;
- (e) do not identify a final proponent, site or technology;
- (f) do not restrict future procurement or regulation; and
- (g) are expressly described as preliminary and subject to this Ordinance.

CHAPTER III

LOCAL PUBLIC INTEREST REVIEW BOARD

SEC. 13. Creation.

There is hereby created a **Local Public Interest Review Board**, referred to as the Board.

SEC. 14. Composition.

The Board shall be composed of:

- (a) Local Planning and Development Coordinator — Chairperson;
- (b) Local Legal Officer or duly designated legal adviser — Vice-Chairperson;
- (c) Local Environment and Natural Resources Officer;



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- (d) Local Health Officer;
 - (e) Local Disaster Risk Reduction and Management Officer;
 - (f) Local Social Welfare and Development Officer;
 - (g) Local Engineer or Building Official;
 - (h) Local Budget Officer or Treasurer;
 - (i) Local Youth Development Officer;
 - (j) one civil society representative selected through an open process;
 - (k) one representative of women, persons with disabilities, workers, farmers, fisherfolk or other affected sectors, as applicable; and
 - (l) one youth representative selected through the Local Youth Development Council.
- An Indigenous Peoples' representative shall participate whenever an initiative may affect Indigenous Peoples or customary-use areas.

SEC. 15. Powers and Functions.

The Board shall:

- (a) Receive proposals and requests for Local Government Action;
- (b) classify risk;
- (c) approve consultation and assessment plans;
- (d) determine the need for independent assessors and Representative Surveys;
- (e) validate the Affected Population;
- (f) require information from proponents and requesting agencies;
- (g) review assessments, consultation reports and survey results;
- (h) issue or withhold a Local Due Diligence Compliance Certificate;
- (i) recommend conditions, denial, reassessment or corrective action;
- (j) monitor approved High-Risk Initiatives;
- (k) maintain the public registry; and
- (l) refer possible violations to competent authorities.

SEC. 16. Conflict of Interest.

A Board member, assessor, facilitator or survey contractor shall disclose any financial, professional, family, political or organizational relationship that may affect impartiality.

A conflicted person shall inhibit from the relevant proceeding.

SEC. 17. Secretariat.

The Local Planning and Development Office shall serve as Secretariat and shall maintain all records, notices, submissions, reports and decisions.

SEC. 18. Independent Assessment Panel.

For every High-Risk Initiative, the Board shall appoint a multidisciplinary Independent Assessment Panel possessing the expertise appropriate to the proposal.



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The proponent may submit information but shall not:

- (a) Select or supervise the panel;
- (b) negotiate its findings;
- (c) approve its methodology;
- (d) communicate privately with panel members; or
- (e) directly pay panel members.

Where the proponent is required to bear assessment costs, payment shall be deposited into an LGU-administered account subject to accounting and auditing requirements.

CHAPTER IV

RISK CLASSIFICATION

SEC. 19. Application and Screening.

Before a Local Public Commitment is proposed, the initiating office or requesting entity shall submit:

- (a) A description of the proposal;
- (b) its objectives;
- (c) location and scale;
- (d) known proponents and counterparties;
- (e) requested Local Government Actions;
- (f) expected public contributions;
- (g) preliminary affected persons;
- (h) known environmental, health, social, labour and fiscal risks; and
- (i) related projects and agreements.

The Board shall issue a written classification.

SEC. 20. Risk Categories.

Covered Initiatives shall be classified as:

- (a) High Risk;
- (b) Medium Risk; or
- (c) Low Risk.

SEC. 21. Automatic High-Risk Criteria.

A proposal shall be **High Risk** if it may:

- (a) Cause physical or economic displacement;
- (b) materially affect public health or safety;
- (c) significantly affect water availability or quality;
- (d) convert agricultural, forest, coastal or environmentally sensitive land;



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- (e) involve hazardous substances, waste, mineral processing, extraction, major industry or energy infrastructure;
- (f) create significant climate or disaster risk;
- (g) affect an ancestral domain, ancestral land or customary-use area;
- (h) affect critical infrastructure, essential services, public utilities or strategic data;
- (i) require substantial local funds, property, incentives or foregone revenue;
- (j) create a long-term concession, monopoly or exclusivity;
- (k) generate significant cumulative effects with other projects;
- (l) affect several barangays or livelihood sectors;
- (m) create irreversible or difficult-to-remedy harm;
- (n) involve substantial uncertainty or conflicting technical evidence; or
- (o) expose a smaller population to severe or disproportionate harm.

SEC. 22. Medium-Risk Initiatives.

A proposal shall be **Medium Risk** where impacts are material but localized, temporary, reversible and capable of effective mitigation.

SEC. 23. Low-Risk Initiatives.

A proposal shall be **Low Risk** where foreseeable adverse impacts and public commitments are minor, routine, reversible and adequately addressed by existing regulatory processes.

SEC. 24. Upward Classification.

The Board shall classify a proposal upward when:

- (a) Material information is unavailable;
 - (b) evidence is controlled by an interested party;
 - (c) experts materially disagree;
 - (d) vulnerable or marginalized groups may be affected;
 - (e) cumulative impacts are uncertain; or
 - (f) the initiative may establish a precedent for similar commitments.
- Uncertainty shall not justify a lower classification.

CHAPTER V

LOCAL DUE DILIGENCE ASSESSMENT

SEC. 25. Project/Agreement Objectives and Alternatives Statement.

Before assessment begins, the initiating office shall prepare a Project/Agreement Objectives and Alternatives Statement identifying:

- (a) The public problem;
- (b) baseline evidence;



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- (c) the primary and secondary objectives;
- (d) intended beneficiaries;
- (e) persons likely to bear costs and risks;
- (f) measurable expected results;
- (g) the no-project option;
- (h) alternative sites, scales, technologies, financing and delivery arrangements;
- (i) expected public contributions; and
- (j) conditions under which the proposal should not proceed.

The availability of a particular investor, lender, grant or national programme shall not, by itself, establish necessity.

SEC. 26. Required Assessment.

The assessment shall consider, as applicable:

- (a) Legal authority and required approvals;
- (b) consistency with land-use and development plans;
- (c) public need and reasonable alternatives;
- (d) total local fiscal cost and foregone revenue;
- (e) environmental and biodiversity effects;
- (f) climate and disaster risks;
- (g) public-health and safety effects;
- (h) land, water, food and livelihood effects;
- (i) displacement and relocation;
- (j) labour, employment and occupational safety;
- (k) human rights and equality;
- (l) youth and intergenerational effects;
- (m) Indigenous Peoples and cultural heritage;
- (n) data protection and cybersecurity;
- (o) competition, monopoly and exclusivity;
- (p) corruption and conflict-of-interest risks;
- (q) implementation capacity;
- (r) monitoring and remedies;
- (s) termination, restoration and exit; and
- (t) cumulative, indirect and long-term impacts.

SEC. 27. Required Time Horizons.

A **High-Risk** assessment shall examine:

- (a) Pre-implementation;
- (b) construction or transition;
- (c) early operation;
- (d) five- and ten-year effects;
- (e) twenty- and thirty-year effects where relevant;
- (f) the full agreement or project term;
- (g) renewal and extension;



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- (h) termination;
- (i) decommissioning and rehabilitation; and
- (j) effects continuing beyond the legal term.

SEC. 28. Independent Determination of the Affected Population.

The Affected Population shall be identified according to actual impact pathways and shall include, where applicable:

- (a) Residents, workers, students, farmers, fisherfolk and traders;
- (b) persons facing physical or economic displacement;
- (c) persons dependent on affected land, water, forests, coastlines, markets or services;
- (d) adjoining, downstream, host, relocation and receiving communities;
- (e) workers likely to be employed or displaced;
- (f) communities exposed to pollution, traffic, hazards or service pressure;
- (g) persons affected by cumulative projects;
- (h) Indigenous Peoples;
- (i) children and youth; and
- (j) other persons whose rights, health, safety, environment or livelihoods may be materially affected.

The determination shall not be based solely on:

1. voter registration;
2. land ownership;
3. formal residency;
4. formal employment;
5. household-head status;
6. organizational membership;
7. proponent lists; or
8. lists prepared exclusively by political officials.

The preliminary determination shall be publicly disclosed and subjected to community validation.

SEC. 29. Proponent Disclosure Duties.

The proponent shall disclose:

- (a) Beneficial ownership;
- (b) parent and affiliated entities;
- (c) financing sources;
- (d) agents and intermediaries;
- (e) material public incentives requested;
- (f) proposed land and resource requirements;
- (g) expected emissions, waste, water and energy use;
- (h) projected employment;



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- (i) known violations or sanctions relevant to the proposal; and
 - (j) all agreements or arrangements material to the initiative.
- Concealment or material misrepresentation shall be grounds for denial.

CHAPTER VI

MEANINGFUL COMMUNITY CONSULTATION

SEC. 30. General Standard.

No Substantial Public Commitment shall be made unless the Affected Population has received a genuine and timely opportunity to:

- (a) Understand the proposal;
- (b) obtain relevant information;
- (c) question government officials, proponents and experts;
- (d) identify benefits, risks and omitted impacts;
- (e) propose alternatives and safeguards;
- (f) express support, conditional support or opposition; and
- (g) influence the decision before it becomes effectively irreversible.

Consultation is a continuing process and shall not consist solely of one hearing, meeting, information campaign, endorsement or signature collection.

SEC. 31. Requirements of Meaningful Consultation.

Consultation shall be considered meaningful only when:

- (a) It begins before principal terms become final;
- (b) complete and understandable information is provided;
- (c) sufficient time is allowed for study and deliberation;
- (d) affected persons may speak without intimidation;
- (e) vulnerable and severely affected groups are affirmatively included;
- (f) independent technical advice is reasonably available;
- (g) questions receive substantive answers;
- (h) support and opposition are accurately recorded;
- (i) material recommendations receive written responses; and
- (j) material changes undergo renewed consultation.

Attendance, silence, absence of objection or signature on an attendance sheet shall not constitute consent.

SEC. 32. Community Participation and Consultation Plan.

The Board shall approve a Consultation Plan stating:

- (a) The affected geographic and sectoral populations;
- (b) community leaders and organizations to be engaged;
- (c) methods, venues and timetable;



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- (d) information to be disclosed;
- (e) accessibility measures;
- (f) language and interpretation requirements;
- (g) measures for unorganized residents;
- (h) confidential submission procedures;
- (i) survey methodology, where required;
- (j) documentation and response procedures; and
- (k) consultation funding.

The draft Plan shall be disclosed for at least fifteen calendar days.

SEC. 33. Community Leaders and Direct Community Participation.

The LGU shall consult:

- (a) Barangay, sitio and purok leaders;
- (b) traditional and Indigenous leaders;
- (c) leaders of affected livelihood, workers', women's, youth, disability, senior citizens', cooperative, homeowners', faith-based and community organizations; and
- (d) other leaders recognized by affected persons.

Consultation with leaders shall not substitute for direct consultation with the Affected Population.

No leader shall be presumed to speak for an entire community without a transparent mandate.

A resolution or endorsement shall be reported as the position of the issuing body and not as proof that all affected persons approve.

Where leadership is disputed, all material groups shall be consulted.

SEC. 34. Minimum Consultation Stages.

High- and Medium-Risk Initiatives shall undergo consultation during:

(a) Scoping

Affected persons shall identify:

1. the impacts requiring assessment;
2. affected-population boundaries;
3. alternatives;
4. community concerns;
5. study methodology; and
6. consultation and survey methods.

(b) Draft Assessment

The draft assessment shall be disclosed, explained and subjected to questions and corrections.

(c) Proposed Decision



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Before final action, the LGU shall disclose:

1. the final assessment;
2. proposed local contributions;
3. material agreement terms;
4. safeguards;
5. survey and consultation findings;
6. unresolved risks; and
7. monitoring and remedies.

(d) Material Changes

Renewed consultation shall be required for a Material Change.

SEC. 35. Notice.

Notice shall be provided at least:

- (a) Thirty calendar days before a major High-Risk consultation; and
- (b) fifteen calendar days before a Medium-Risk consultation.

Notice shall be disseminated through affected barangays, LGU websites, social media, locally effective media, schools, markets, health centres, transport points and direct community notice where necessary.

SEC. 36. Information Disclosure.

Plain-language and technical versions shall disclose:

- (a) Objectives;
- (b) proponents and beneficial owners;
- (c) location and boundaries;
- (d) activities and duration;
- (e) public funds, land, incentives and other contributions;
- (f) expected benefits;
- (g) environmental, health, livelihood, labour, social and disaster risks;
- (h) alternatives;
- (i) safeguards;
- (j) draft studies and supporting data, subject to lawful privacy restrictions;
- (k) complaint mechanisms; and
- (l) the decision timetable.

Information shall not be withheld merely because it may result in criticism or opposition.

SEC. 37. Representative Survey Requirement.



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A Representative Survey shall be mandatory for a High-Risk Initiative when it may:

- (a) Cause displacement;
- (b) seriously affect health or safety;
- (c) significantly affect the environment;
- (d) affect water, food security, agricultural land, forests, coastal areas or community resources;
- (e) create significant disaster or climate risk;
- (f) involve hazardous substances, extractive activity, mineral processing, major industrial or energy facilities;
- (g) affect a particular community disproportionately;
- (h) substantially alter land use or livelihoods;
- (i) create cumulative or irreversible impacts; or
- (j) generate material uncertainty or disagreement concerning community acceptability.

The Board may require a survey for a Medium-Risk Initiative where ordinary consultation is unlikely to produce reliable evidence.

SEC. 38. Survey Purpose.

The survey shall determine:

- (a) Community knowledge and understanding;
- (b) perceived benefits and risks;
- (c) support, conditional support or opposition;
- (d) conditions considered necessary;
- (e) differences among affected groups;
- (f) confidence in safeguards and responsible institutions; and
- (g) unresolved concerns and preferred alternatives.

Survey results shall constitute substantial evidence but shall not replace technical assessment, FPIC, any legally required consent, or the independent responsibility of the Sanggunian.

SEC. 39. Survey Methodology.

The survey shall:

- (a) Be conducted by an independent qualified body;
- (b) use the validated Affected Population as its sampling universe;
- (c) use probability sampling or a justified census;
- (d) target a confidence level of at least ninety-five percent and margin of error not exceeding five percentage points, where feasible;
- (e) represent directly and severely affected groups;
- (f) oversample small but seriously affected groups where necessary;
- (g) use neutral and understandable questions;
- (h) permit private and confidential responses;
- (i) document nonresponse, substitution and weighting;
- (j) publish the questionnaire, methodology and aggregated results;
- (k) undergo technical audit for High-Risk Initiatives; and
- (l) comply with the Data Privacy Act.



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The proponent and its employees, agents and beneficiaries shall not select respondents, conduct interviews or receive identifiable response data.

SEC. 40. Principal Community-Position Question.

The survey shall include a question substantially in the following form:

“After receiving information on the proposed initiative, its independently assessed benefits, costs, risks, alternatives, safeguards and proposed conditions, what is your position on the Local Government Unit making the proposed public commitment?”

Responses shall include:

- (a) Approve;
- (b) approve only subject to stated conditions;
- (c) do not approve;
- (d) undecided; and
- (e) insufficient information.

Conditional approval shall not be counted as unconditional approval.

SEC. 41. Severely Affected Groups.

Survey and consultation results shall be separately reported for:

- (a) Persons facing displacement;
- (b) affected livelihood groups;
- (c) host and adjoining barangays;
- (d) water- and resource-dependent communities;
- (e) women;
- (f) youth;
- (g) persons with disabilities;
- (h) Indigenous Peoples;
- (i) informal settlers and informal workers; and
- (j) other materially affected groups.

An overall favourable result shall not conceal serious opposition or disproportionate harm experienced by a smaller directly affected population.

SEC. 42. Effect of Survey Results.

Where a valid Representative Survey shows that a majority of weighted respondents oppose the proposed Local Public Commitment, there shall be a rebuttable presumption against approval.

The Sanggunian may depart from the majority result only through:

- (a) A vote of at least two-thirds of all its members;
- (b) a written finding of overriding and compelling public necessity;
- (c) proof that no reasonably available less harmful alternative can achieve the public objective;



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- (d) proof that serious and disproportionate harm will be avoided, minimized and remedied;
- (e) identification of enforceable conditions and funding; and
- (f) public disclosure of the reasons for departure.

No departure shall be permitted where the initiative:

1. violates national law;
2. lacks legally required FPIC or consent;
3. presents an unacceptable risk of death, serious injury or irreversible environmental harm;
4. causes displacement without lawful relocation and livelihood restoration; or
5. lacks a feasible and funded remedy for foreseeable serious harm.

SEC. 43. Consultation Response and Accountability Report.

Before final action, the LGU shall publish a report containing:

- (a) Consultations conducted;
- (b) communities and sectors reached;
- (c) participant profile;
- (d) principal concerns and alternatives;
- (e) support, conditional support and opposition;
- (f) survey results;
- (g) community-leader and general-population views reported separately;
- (h) views of severely affected groups;
- (i) changes made in response;
- (j) recommendations rejected and specific reasons;
- (k) unresolved risks;
- (l) monitoring and grievance arrangements; and
- (m) the office responsible for each commitment.

A statement that concerns were merely “noted” or “considered” shall not be sufficient.

SEC. 44. Community Review Period.

The final assessment, survey report, Consultation Response and Accountability Report and substantially final material terms shall be disclosed through the LGU website, social media and bulletin board or by written request, for at least:

- (a) Forty-five calendar days for a High-Risk Initiative; and
- (b) thirty calendar days for a Medium-Risk Initiative.

Material factual errors shall be corrected before final action.

SEC. 45. Consultation Integrity.



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No proponent, official, leader, intermediary or interested person shall:

- (a) Pay or promise benefits to influence a position;
- (b) condition government assistance on support;
- (c) threaten employment, tenure, permits or public services;
- (d) compel predetermined endorsements;
- (e) selectively transport supporters while excluding opponents;
- (f) falsify attendance, minutes, resolutions or survey responses;
- (g) misrepresent an attendance sheet as an endorsement;
- (h) disclose confidential responses;
- (i) retaliate against a participant; or
- (j) conceal sponsorship or material relationships.

Uniform and publicly disclosed transportation, meals, childcare, interpretation, accessibility or documented lost-wage support may be provided through an LGU-controlled mechanism and shall not depend on the participant's position.

SEC. 46. Youth Participation.

Where youth may bear material effects:

- (a) Youth aged fifteen to thirty shall be included;
- (b) participation shall not be limited to incumbent SK officials;
- (c) students, working youth, out-of-school youth, Indigenous youth, young farmers and fisherfolk and youth with disabilities shall be included;
- (d) information shall be youth-accessible;
- (e) separate youth consultations or surveys may be conducted; and
- (f) the final report shall explain how youth recommendations were addressed.

SEC. 47. Indigenous Peoples.

Where an initiative may affect Indigenous Peoples:

- (a) The LGU shall coordinate with the NCIP;
- (b) customary laws and decision processes shall be respected;
- (c) consultation or survey under this Ordinance shall not replace FPIC;
- (d) the initiative shall not be presented as finally approved before completion of legally required FPIC; and
- (e) customary decisions shall be accurately recorded.

SEC. 48. Materially Defective Consultation.

Consultation is materially defective where:

- (a) The Affected Population was improperly defined;
- (b) notice was inadequate;
- (c) material information was withheld or misleading;
- (d) the proposal had already become effectively irreversible;
- (e) opponents or vulnerable groups were excluded;
- (f) leaders were treated as substitutes for residents;



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- (g) survey methodology was materially unreliable;
- (h) coercion or manipulation occurred;
- (i) concerns were not substantively answered; or
- (j) material changes were not reconsidered.

A defective process shall prevent issuance of the Local Due Diligence Compliance Certificate and shall be repeated at the responsible proponent's expense.

CHAPTER VII

INTERGOVERNMENTAL PROJECTS AND NATIONAL INSTITUTIONS

SEC. 49. Principle of Cooperative Intergovernmental Governance.

The LGU shall coordinate in good faith with National Government Entities while protecting:

- (a) The statutory autonomy of the LGU;
- (b) the rights of affected inhabitants;
- (c) local funds and property;
- (d) lawful local land-use, health, safety and environmental powers;
- (e) local consultation and approval requirements; and
- (f) the accountability of local officials to their constituents.

SEC. 50. National Law and Local Authority.

A National Government Entity may exercise powers expressly granted to it by the Constitution or national law.

However, national participation in a project shall not, by itself:

- (a) appropriate or commit LGU funds;
- (b) authorize use or disposition of LGU property;
- (c) authorize the local chief executive to sign an LGU agreement;
- (d) grant a local tax exemption or incentive;
- (e) amend local zoning or land-use rules;
- (f) constitute Sanggunian approval under Sections 26 and 27 of the Local Government Code;
- (g) issue a local permit that national law assigns to the LGU; or
- (h) waive a consultation or disclosure duty imposed on the LGU.

SEC. 51. Covered National Projects Under Sections 26 and 27 of the Local Government Code.

Where a national-government or government-owned or controlled corporation project falls within Sections 26 and 27 of the Local Government Code, no prior Sanggunian approval shall be issued unless:



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- (a) The national lead agency has conducted the consultations required by law;
 - (b) the objectives, impacts and measures to prevent or minimize adverse effects have been adequately explained;
 - (c) affected LGUs, NGOs, people's organizations and concerned sectors have been consulted;
 - (d) appropriate relocation measures have been established where displacement is involved;
 - (e) the applicable assessment and disclosure requirements of this Ordinance concerning the requested local action have been completed; and
 - (f) the Sanggunian has acted through a duly adopted ordinance or resolution.
- The approval shall be specific to the assessed project and shall not constitute blanket approval of undisclosed expansions, amendments or related projects.

SEC. 52. National Permits and Local Actions.

An ECC, national permit, licence, franchise, clearance, loan approval, government-to-government arrangement or national-agency endorsement shall be given its lawful effect but shall not substitute for a separate Local Government Action where such action is required or preserved by law.

No local official shall issue a local permit or endorsement solely on the ground that a national approval exists without determining whether applicable local requirements have been met.

SEC. 53. Required Notice and Disclosure by Requesting National Entity.

Before the LGU considers a requested Local Government Action, the requesting National Government Entity shall be requested to provide:

- (a) The legal basis and nature of the project;
- (b) the project site, scale, duration and implementing entities;
- (c) requested LGU funds, land, services, permits or endorsements;
- (d) known environmental, social, health, livelihood and fiscal effects;
- (e) completed assessments and permits;
- (f) consultation records;
- (g) relocation and livelihood plans;
- (h) draft agreements or complete nonconfidential summaries;
- (i) material public guarantees or liabilities;
- (j) monitoring and grievance mechanisms; and
- (k) any claimed exemption from local requirements.

The failure to provide information material to a discretionary Local Government Action shall be grounds to defer or deny that local action, subject to national law.

SEC. 54. Claim of National Exemption or Preemption.

Where a National Government Entity claims that a local requirement is preempted, superseded or inapplicable, it shall be requested to identify in writing:

- (a) The specific constitutional or statutory provision;
- (b) the precise local requirement allegedly displaced;



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- (c) the extent of displacement;
- (d) whether other local requirements remain applicable; and
- (e) the official authorized to make the claim.

The Local Legal Officer shall issue a written opinion.

No local official shall assume that an entire ordinance is displaced when the cited national law affects only a particular permit, requirement or function.

SEC. 55. No Unauthorized Local Waiver.

No mayor, vice-mayor, Sanggunian member, department head, barangay official or other local officer shall:

- (a) Waive a local requirement without express legal authority;
- (b) promise Sanggunian approval;
- (c) commit LGU property or funds;
- (d) sign an endorsement or concurrence represented as final;
- (e) assure a National Government Entity or proponent that remaining requirements are merely formal; or
- (f) characterize an initiative as locally approved, before completion of the applicable process.

A national request, directive, endorsement or appeal to urgency shall not constitute legal authority for a local waiver.

SEC. 56. Local Actions That May Be Withheld.

Pending compliance, the LGU may lawfully withhold or defer:

- (a) Use or transfer of LGU property;
- (b) commitment or disbursement of local funds;
- (c) local contractual participation;
- (d) a discretionary local incentive;
- (e) a discretionary endorsement or concurrence;
- (f) Sanggunian approval required by law;
- (g) a local permit or clearance where statutory prerequisites are incomplete; and
- (h) other discretionary Local Government Actions within its authority.

The LGU shall not withhold a purely ministerial action after all applicable legal requirements have been met.

SEC. 57. Joint Technical and Community Conference.

For a **High-Risk nationally initiated project**, the LGU shall request a joint conference involving:

- (a) The national lead agency;
- (b) affected barangays and LGUs;
- (c) relevant regulators;
- (d) the proponent;
- (e) community leaders;



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- (f) representatives of the Affected Population;
- (g) independent experts; and
- (h) NCIP where applicable.

The conference shall clarify jurisdiction, assessment responsibilities, outstanding information, consultation requirements, local actions and remedies.

SEC. 58. Intergovernmental Disagreement.

Where disagreement remains, the LGU may:

- (a) Request formal review by the national agency;
- (b) seek assistance from DILG, DENR, DEPDev, the PPP Center or another competent institution;
- (c) file an administrative objection or appeal where allowed;
- (d) request COA, Ombudsman, CHR, NCIP or other competent review;
- (e) seek declaratory, injunctive or other judicial relief; and
- (f) preserve the status quo concerning LGU funds, property and discretionary actions pending lawful resolution.

SEC. 59. No Obstruction of Valid National Authority.

Nothing in this Chapter authorizes:

- (a) Physical obstruction of a lawful national activity;
- (b) confiscation of nationally owned property;
- (c) refusal to perform a ministerial duty imposed by statute;
- (d) imposition of a blanket local prohibition contrary to national policy; or
- (e) interference with the lawful functions of a national official.

Local concerns shall be pursued through the procedures and remedies provided by law.

SEC. 60. Effect of Expedited or Emergency National Processing.

A request for expedited action shall not waive substantive requirements.

The LGU shall process complete applications within the periods required by Republic Act No. 11032 and other applicable laws. The processing period shall commence only upon submission of all requirements lawfully included in the applicable Citizen's Charter.

No automatic approval shall arise where national law excludes the activity from automatic approval or where the requested action is legislative or discretionary rather than ministerial.

CHAPTER VIII

LOCAL APPROVAL AND CERTIFICATION

SEC. 61. Local Due Diligence Compliance Certificate.

The Board shall issue a Local Due Diligence Compliance Certificate only upon finding that:



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- (a) The proposal was properly classified;
- (b) objectives and alternatives were assessed;
- (c) material impacts were identified;
- (d) the Affected Population was validly determined;
- (e) required consultation and surveys were completed;
- (f) material information was disclosed;
- (g) applicable FPIC and national approvals were obtained or validly made conditions precedent;
- (h) risks and safeguards are technically and financially addressed;
- (i) material changes have been assessed; and
- (j) the Sanggunian has received all findings and dissenting opinions.

The Certificate shall confirm process compliance only and shall not constitute final approval.

SEC. 62. Sanggunian Action.

A Substantial Public Commitment shall require an ordinance or resolution identifying:

- (a) The precise Local Government Action approved;
- (b) the public objective;
- (c) the assessed alternatives;
- (d) public costs and contributions;
- (e) survey and consultation results;
- (f) material risks;
- (g) conditions and safeguards;
- (h) monitoring responsibilities;
- (i) remedies and suspension grounds; and
- (j) duration and review schedule.

SEC. 63. Conditions of Approval.

Approval may require:

- (a) Reduced scale or redesigned location;
- (b) no-go or buffer areas;
- (c) operating limits;
- (d) water, pollution, health and safety controls;
- (e) employment and livelihood safeguards;
- (f) relocation and livelihood restoration;
- (g) financial assurance;
- (h) community monitoring;
- (i) disclosure of performance data;
- (j) periodic review;
- (k) restoration and closure; and
- (l) suspension or termination for serious noncompliance.

SEC. 64. Grounds for Denial of Local Action.



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A discretionary Local Government Action may be denied where:

- (a) The LGU lacks legal authority;
- (b) information is materially incomplete or false;
- (c) the proposal violates zoning or another valid local rule;
- (d) required consultation or consent is absent;
- (e) serious harm cannot be adequately avoided or remedied;
- (f) a less harmful reasonable alternative exists;
- (g) local fiscal exposure is disproportionate;
- (h) safeguards are unfunded or unenforceable;
- (i) the proponent lacks capacity or integrity; or
- (j) the requested local action is not in the general welfare.

Denial shall state the specific legal and evidentiary grounds.

SEC. 65. No Approval by Silence.

No Substantial Public Commitment, Sanggunian approval, contract authority, disposition of LGU property or discretionary endorsement shall arise from silence, inaction, verbal assurance or failure to meet an internal timetable.

This section shall be applied consistently with express automatic-approval provisions of national law.

CHAPTER IX

PREMATURE PUBLIC COMMITMENTS

SEC. 66. Prohibition.

It shall be unlawful for a local official or employee, knowingly or through gross inexcusable negligence, to:

- (a) Make or facilitate a Premature Public Commitment;
- (b) represent that a proposal has received final local approval when it has not;
- (c) promise or allocate LGU funds, property, incentives or services before approval;
- (d) grant exclusivity or preferred status without authority;
- (e) induce reliance on unauthorized LGU approval;
- (f) use a preliminary instrument to bypass due diligence;
- (g) conceal a commitment from the Sanggunian, COA or public;
- (h) misrepresent a binding or practically consequential commitment as merely preliminary; or
- (i) use urgency caused by an unauthorized commitment to shorten the required process.

SEC. 67. Required Status Statement.

Every official LGU announcement concerning a proposed High- or Medium-Risk Initiative shall prominently state:



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"This proposal has not received final Local Government approval and remains subject to due diligence, public disclosure, community consultation, applicable permits and all legally required approvals. This announcement creates no right to LGU funds, property, incentives, permits, exclusivity or contractual entitlement."

Where only one stage has been approved, the announcement shall identify that stage and all remaining requirements.

SEC. 68. No Rights from Unauthorized Commitment.

To the extent allowed by law, a Premature Public Commitment shall not:

- (a) Create a vested right against the LGU;
- (b) confer enforceable exclusivity or preference;
- (c) authorize use of LGU property;
- (d) authorize disbursement or implementation;
- (e) create an entitlement to reliance damages, compensation or lost profits;
- (f) create estoppel against the LGU; or
- (g) prejudice independent review.

Persons dealing with the LGU shall be deemed to have notice of this Ordinance.

SEC. 69. Effect on Unauthorized Agreements.

An agreement executed without required authority shall not be used as a basis for local disbursement, property transfer, permit issuance or implementation unless and until it is validated in accordance with national law.

Validation shall require:

- (a) Disclosure of the original violation;
- (b) completion of due diligence without presuming approval;
- (c) continued availability of reasonable alternatives;
- (d) valid sanggunian authorization;
- (e) compliance with procurement, PPP, fiscal and other applicable laws; and
- (f) a finding that the process has not been irreparably compromised.

Validation shall not extinguish liability for the original violation.

SEC. 70. No Routine After-the-Fact Cure.

The Board shall determine whether a premature commitment:

- (a) Predetermined the result;
- (b) impaired consideration of alternatives;
- (c) compromised assessor independence;
- (d) influenced community participation;
- (e) created improper political or financial pressure;
- (f) caused irreversible physical effects; or
- (g) granted an unfair advantage.



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Where the defect cannot be effectively cured, the Certificate shall be withheld.

SEC. 71. Duties of Local Offices.

The Treasurer, Budget Officer, Accountant, Assessor, Engineer, Building Official, Planning Office, environment office, business-permit office, BAC and all other local offices shall verify compliance before processing:

- (a) Fund release or disbursement;
- (b) property transfer or lease;
- (c) procurement award;
- (d) incentive;
- (e) permit or clearance;
- (f) road or facility use;
- (g) utility or service commitment; or
- (h) implementation.

SEC. 72. Emergency Exception.

A temporary commitment may be made before ordinary compliance only where strictly necessary to:

- (a) Save life;
- (b) prevent imminent grave injury;
- (c) respond to a declared disaster or public-health emergency; or
- (d) preserve an essential service.

The commitment shall:

- 1. be narrowly limited;
- 2. create no unnecessary long-term exclusivity;
- 3. be documented in writing;
- 4. be disclosed to the Sanggunian and COA within seventy-two hours;
- 5. undergo post-action review within thirty days; and
- 6. not be used to authorize an ordinary permanent project.

An emergency created by unjustified official delay shall not excuse compliance.

CHAPTER X

MONITORING, COMPLAINTS AND MATERIAL CHANGES



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SEC. 73. Community Monitoring Committee.

Every approved High-Risk Initiative shall have a Community Monitoring Committee composed predominantly of affected residents and including:

- (a) Affected barangays;
- (b) affected livelihood groups;
- (c) women;
- (d) youth;
- (e) persons with disabilities;
- (f) workers;
- (g) Indigenous Peoples, where applicable; and
- (h) relevant technical or civil-society organizations.

SEC. 74. Access to Monitoring Information.

Subject to lawful confidentiality and privacy restrictions, the Committee shall have access to:

- (a) Compliance reports;
- (b) environmental and health data;
- (c) water and utility data;
- (d) labour and safety reports;
- (e) grievance records;
- (f) incidents and emergencies;
- (g) local payments and contributions;
- (h) amendments; and
- (i) corrective-action plans.

SEC. 75. Complaints and Grievances.

Any affected person or organization may file a complaint concerning:

- (a) Noncompliance;
- (b) undisclosed impacts;
- (c) retaliation;
- (d) consultation manipulation;
- (e) pollution, health or safety risks;
- (f) labour and livelihood harm;
- (g) false information; or
- (h) unauthorized amendments.

Complaints may be confidential where reasonably necessary to prevent retaliation.

SEC. 76. Inspection and Corrective Action.

Within its lawful authority, the LGU may conduct inspections, require reports and order corrective action.



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Where serious and imminent harm exists, the appropriate local official may issue a temporary suspension or stop-work order to the extent authorized by national and local law, subject to notice, hearing and applicable emergency powers.

SEC. 77. Material Changes.

No Material Change shall receive a Local Government Action until:

- (a) It is disclosed;
- (b) reclassified;
- (c) reassessed;
- (d) subjected to renewed consultation and survey where appropriate; and
- (e) approved by the proper authority.

SEC. 78. Periodic Review.

High-Risk Initiatives shall be reviewed at least every three years or more frequently when required by the approval instrument.

The review shall compare projected and actual:

- (a) Benefits;
- (b) local public costs;
- (c) employment;
- (d) environmental and health impacts;
- (e) community and livelihood impacts;
- (f) complaints and remedies; and
- (g) continued adequacy of safeguards.

CHAPTER XI

CONSEQUENCES, SANCTIONS AND REFERRALS

SEC. 79. Regulatory Consequences.

After notice and hearing, the LGU may, within its lawful authority:

- (a) Invalidate a defective consultation or survey;
- (b) withhold or deny a discretionary Local Government Action;
- (c) suspend or revoke a local permit for material violation;
- (d) suspend local implementation;
- (e) recover LGU funds or property;
- (f) require reassessment at the responsible proponent's expense;
- (g) require restoration or corrective action;
- (h) cancel a local incentive or privilege;
- (i) recommend debarment from local procurement, subject to procurement law; and
- (j) refer the matter to competent national authorities.



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SEC. 80. Local Officials and Employees.

Violations by local officials and employees shall be referred to the proper disciplining authority under the Local Government Code, civil-service laws and other applicable rules.

Nothing herein shall prevent referral to:

- (a) The Office of the Ombudsman;
- (b) Commission on Audit;
- (c) Civil Service Commission;
- (d) Department of the Interior and Local Government;
- (e) Department of Justice or appropriate prosecutor; or
- (f) another competent authority.

SEC. 81. National Officials.

The LGU shall not purport to impose administrative discipline on a national official.

Where a national official may have violated Sections 26 or 27 of the Local Government Code, another national statute, or applicable administrative or criminal law, the LGU may refer the matter to the official's agency, the Office of the President, Ombudsman, COA, DOJ or another competent body and may seek judicial relief.

SEC. 82. Private Proponents and Contractors.

A private proponent that knowingly participates in a Premature Public Commitment, concealment, coercion, survey manipulation or unauthorized implementation may be subject, after due process, to:

- (a) Denial, suspension or revocation of local permits within LGU authority;
- (b) loss of local incentives;
- (c) disqualification from the affected local transaction;
- (d) restitution or recovery;
- (e) referral for blacklisting or debarment; and
- (f) civil or criminal referral under national law.

SEC. 83. Penal Provision.

Any person who violates a prohibition expressly made punishable under this Ordinance shall, upon conviction, be punished as follows:

A fine not exceeding **Two Thousand Five Hundred Pesos (P2,500.00)**, imprisonment not exceeding **six months**, or both, at the discretion of the court.

Each independently completed prohibited act may constitute a separate offence, subject to constitutional protections and the determination of the court.



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SEC. 84. Liability Under National Law.

Penalties under this Ordinance are without prejudice to liability under:

- (a) Republic Act No. 3019;
- (b) Republic Act No. 6713;
- (c) the Revised Penal Code;
- (d) procurement and PPP laws;
- (e) environmental laws;
- (f) the Data Privacy Act;
- (g) the Indigenous Peoples' Rights Act;
- (h) civil-service laws; and
- (i) other applicable laws.

CHAPTER XII

ADMINISTRATION AND FINAL PROVISIONS

SEC. 85. Public Registry.

The LGU shall maintain a searchable registry containing:

- (a) Covered Initiatives;
- (b) risk classifications;
- (c) Objectives and Alternatives Statements;
- (d) assessments;
- (e) consultation plans;
- (f) survey reports;
- (g) response reports;
- (h) Certificates;
- (i) sanggunian actions;
- (j) approved agreements;
- (k) amendments; and
- (l) monitoring and enforcement reports.

Lawful redactions shall be specifically identified and justified.

SEC. 86. Fees and Special Account.

The Sanggunian may establish reasonable assessment, consultation, survey and monitoring fees consistent with the Local Government Code and local revenue laws.

Proponent payments shall be deposited into an LGU account and shall not be made directly to assessors, surveyors, facilitators or community representatives.



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SEC. 87. Appropriations.

The amount necessary for initial implementation shall be charged against available appropriations. Thereafter, the necessary funds shall be included in the annual budget.

SEC. 88. Implementing Rules.

Within one hundred twenty days from effectivity, the Local Chief Executive, upon recommendation of the Board and after public consultation, shall issue implementing rules consistent with this Ordinance.

The absence of implementing rules shall not excuse a Premature Public Commitment.

SEC. 89. Capacity Building.

The LGU shall provide training on:

- (a) Legal authority and national-local relations;
- (b) impact and risk assessment;
- (c) consultation and survey integrity;
- (d) environmental and human rights safeguards;
- (e) fiscal and contractual risk;
- (f) Indigenous Peoples' rights;
- (g) youth participation; and
- (h) data privacy and public disclosure.

SEC. 90. Review of the Ordinance.

The Sanggunian shall review implementation after two years and at least once every three years thereafter.

SEC. 91. Transitory Provision.

A Covered Initiative not yet finally approved at the time of effectivity shall comply with this Ordinance before any new Local Public Commitment is made.

Existing agreements shall be subject to this Ordinance with respect to renewals, extensions, amendments and new Local Public Commitments.

SEC. 92. Separability Clause.

If any provision is declared unconstitutional or invalid, the remaining provisions shall continue in force.

SEC. 93. Harmonization and Repealing Clause.



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THIS IS A MODEL ORDINANCE. THE LGUs ARE ENCOURAGED TO ADAPT THIS BASED ON WHAT IS PRACTICABLE FOR THEM.

Existing local ordinances, resolutions and rules inconsistent with this Ordinance are amended or modified accordingly.

This Ordinance shall be harmonized with national law. Where a conflict cannot reasonably be reconciled, the Constitution and national statute shall prevail without invalidating provisions governing matters that remain within LGU authority.

SEC. 94. Review by the Sangguniang Panlalawigan.

Where required by the Local Government Code, this Ordinance shall be transmitted to the Sangguniang Panlalawigan for review.

SEC. 95. Effectivity.

This Ordinance shall take effect after approval, posting, publication and completion of any review required under the Local Government Code.