



**EXECUTIVE ORDER NO 03**  
**Series of 2022**

**DELEGATING PROVISIONAL AUTHORITY TO THE SANGUNIANG BARANGAY OF TUDING TO MANAGE AND MAINTAIN THE TUDING PROPER GYM AND EVACUATION CENTER SUBJECT TO CERTAIN CONDITIONS SETFORTH HEREIN.**

**WHEREAS**, among the basic services and facilities devolved to barangays include the maintenance of infrastructure facilities such as multipurpose hall, multi-purpose pavements, plaza, sports center, and other similar facilities (Section 17, b.1.vi of the LGC);

**WHEREAS**, the construction of Tuding Proper Gym which was also designated as an evacuation center at the occurrence of calamities and disasters was made possible through the collective efforts of the Provincial, Municipal and Barangay Tuding LGUs with an assistance from DPWH and SN Aboitiz Power (SNAP);

**WHEREAS**, the stewardship of the subject facility can be well sustained if entrusted to the barangay officials who play crucial role in the management and maintenance of infrastructure facilities constructed out of government funds within their respective areas of jurisdiction for the benefit and enjoyment of the public;

**WHEREAS**, in furtherance of the Constitutional and legal mandate for full devolution of powers and resources, President Duterte issued Executive Order No. 138 which specifically provides that "*The National Government (NG) is fully committed to the policy of decentralization enshrined in the Constitution and relevant laws, which are aimed at (i) developing capabilities of local governments to deliver basic social services and critical facilities to their constituents, increase productivity and employment, and promote local economic growth; and (ii) ensuring accountability, competence, professionalism and transparency of local leaders through the development of institutional systems that uphold good governance and strengthen their capacities for managing public resources (Sec. 1);*"

**NOW THEREFORE, I, ATTY. VICTORIO T. PALANGDAN**, by virtue of the powers vested in me as Municipal Mayor of Itogon, Benguet, hereby promulgate as follows:

**Section 1.** The management and maintenance of Tuding Proper Gym and Evacuation Center is hereby delegated to the Barangay Officials of Tuding for the moment pending official turn-over of the facility to the barangay and the execution of an appropriate agreement by and between the Municipal Government of Itogon, the Barangay Government of Tuding and the Department of Education as may be necessary to delineate the functions and responsibilities that each of the contracting parties may undertake with respect to the management and operation of the gym.

**Section 2.** The Sanguniang Barangay may receive donations in cash or in kind from any person, natural or juridical for the improvement, maintenance and operational expenses of the gym provided that every donations received shall be accounted for. (b) Provided further that for the utilization of the gym, the Sanguniang Barangay may collect reasonable fee to cover the maintenance and other operational expenses arising therefrom subject to Sections 130 and 132 of the Local Government Code and other pertinent laws, rules and regulations. Such maintenance shall include, but not limited to provision of water, power, sanitary and janitorial services. Provided finally that the disbursement of funds from the accrued fee shall be subject to regular budgeting and auditing rules. The Barangay Treasurer shall issue an Official Receipt for all collections made which shall accrue to the general fund of the barangay or may be deposited in a



separate trust account in any government depository bank in the name of Barangay Tuding which shall be disbursed solely for the purpose of the trust.

**Section 3.** The following activities to be held or conducted inside the gym shall be exempt from the imposition of fees provided under the preceding section:

- a. National and local government activities including activities of national agencies, bureaus and GOCCs that are public in nature.
- b. Sports, literary-musical competitions and similar events during barangay, district or provincial meets, palarong bayan, observance of local government foundation day or municipal or barangay fiesta;
- c. Public school activities or those organized by DepED for school and/or educational purposes;
- d. Distribution of relief goods or other types of assistance to residents, typhoon or calamity victims, blood-letting activities in coordination with the Red Cross and other humanitarian aides or missions including free dental or medical missions organized by private doctors, physicians and concerned individuals for the benefit of the public;
- e. Use of the gym as an evacuation center in which case, the municipal government through the MSWDO shall automatically take over its operations;
- f. Government-sponsored fund raising activity for humanitarian purposes;
- g. "Diskwento Caravan", Rolling Stores and other similar activities organized by DTI, DA and other national line agencies and the local government unit in cooperation with MSME suppliers, to ensure the supply of basic necessities priced in accordance with or lower than the suggested retail prices and to provide markets for our MSME manufacturers of basic necessities to sell their products and at the same time assisting our consumers by providing them products at discounted prices.
- h. Other activities which the Municipality may exempt from such imposition.

Provided further, that fund raising activities organized by private groups or individuals for charitable purposes such as "Concert for a Cause," raffle draws, indoor sports such as tournaments and other similar events which charge admission/entrance fees or collect fees from participants in order to enable them to join the event or competition shall not be construed as included in the exemption under this section. Provided however, that it shall be under the sound discretion of the Sanguniang Barangay whether or not to exempt any of these activities or event from such imposition.

**Section 4.** Repealing Clause. All Orders and/or issuances or parts thereof which are inconsistent with this Order of parts hereof are deemed repealed or modified accordingly.

**Section 5.** Separability Clause. If, for any reason or reasons, any part or provision of this Executive Order shall be held invalid or unconstitutional, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**Section 6.** Effectivity Clause. This Executive Order shall take effect immediately in accordance with the pertinent provisions of the Local Government Code.

DONE this 16<sup>th</sup> day of March, 2022 at Itogon, Benguet.

  
**ATTY. VICTORIO T. PALANGDAN**  
Municipal Mayor

Copy furnished:

-Gov. Melchor D. Diclas, MD.  
-Sanguniang Bayan

-Sanguniang Barangay of Tuding  
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