

DILG RO XIII
FILE



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
REGION XIII (CARAGA REGION)
1559 Matimco Bldg., Km. 4, Libertad, Butuan City
Telefax Nos. (085) 342-2134 / 815-1229
website: caraga.dilg.gov.ph; email address: dilgxiii@yahoo.com



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DILG - REGION XIII
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BY: BFI

HON. ROLIZARETH T. LADAGA
Member of the Sangguniang Panlalawigan
Province of Dinagat Islands

Dear Hon. Ladaga:

This refers to your request on January 16, 2014 for legal opinion on the effect of a motion to suspend the session.

At the outset and upon review of the Rules on Parliamentary Procedures, there is no "motion to suspend the session" in the enumeration of different kinds of motions. However, inferring from the facts you have presented, we may logically assume that the intended motion may have been: 1. Motion to suspend the rules; 2. Motion to recess; or 3. Motion to adjourn.

For the purpose of academic discussion, we tackle each kind of motion.

A Motion to Suspend the Rules is an Incidental Motion. (Incidental Motion is a question of procedure that arises out of other motions and must be considered before the other motion). A Motion to Suspend the Rules is used to make a parliamentary rule temporarily inoperative. This motion normally requires a two-thirds vote and cannot be debated or amended. However, the motion cannot be applied to the constitution and bylaws unless those documents include specific provisions for suspension. Also, Fundamental Principles of Parliamentary Law cannot be suspended even with unanimous consent, unless they provide for their own suspension, such as 1. Rule that allows one

/amg rlo 2015-001

Page 1 of 3

question at a time; 2. Rule that allows only members to vote when present in a legal meeting; 3. Rule that prohibits absentee or cumulative voting; and 4. Rule protecting absentees or basic rights of the individual member; 4.a. Rule requiring the presence of a quorum; 4.b. Rule requiring a previous notice; 4.c. Rule requiring the election of officers by a (secret) ballot; and 4.d. Rule allowing members to attend meetings, make motions, speak in debate or vote, except through Disciplinary Procedures. An appropriate suspension of the rules would be a motion to change the agenda, or the prescribed meeting time. Finally, "Suspend the Rules" releases the assembly from adhering to the adopted agenda in contrast with "Call for the Orders the Day" which forces the assembly to adhere to the adopted agenda.

On the other hand, a Motion to Recess, a Privileged Motion, effects a short interruption which does not close the meeting. After the recess, business resumes at exactly the point where it was interrupted. It is useful to provide a brief rest period in a tiring session, to break for a specific purpose (count ballots, etc.) or to continue a meeting on another day, while also stipulating a definite time to reconvene the meeting. Motion to Recess is not debatable, it may be amended as to the time limit of the recess, and it requires a majority vote to pass. Motion to Recess is in order provided the Motion to Adjourn is not pending. The Motion to Recess is in order as a main motion in the absence of a quorum and may be used to await the presence of a quorum. Motion to Recess provides for an interval in the meeting, not an adjournment.

Lastly, a Motion to Adjourn is a highest ranking Privileged Motion. Adjournment is the termination of a meeting, with the next meeting to be held following a call for a new meeting. To Adjourn is in order as a main motion in the absence of a quorum. It is neither debatable nor amendable and requires a majority vote to pass.

We are made to understand that there was only one main item in the Order of Business/Agenda for that particular day and that the "Motion to Suspend the Session" was made to specifically give way to the main item in the same Order of Business/Agenda. With the foregoing discussion in mind, we can logically deduce that a Motion to Suspend the Rules and/or a Motion to Recess were not intended but a Motion to Adjourn was consequently made.

Now then, to answer your query, the effect of a Motion to Adjourn is the termination of a session.

Nevertheless, we recommend that you to revisit your Internal Rules of Procedure (IRP) as such may contain the different motions with their operative definitions which may be peculiar to your Sanggunian. Your IRP may then take precedence over general rules of procedure unless the former is contrary to law, public policy, morals and good customs.

We hope that the foregoing sufficiently addressed your concern. This opinion is rendered without prejudice to the decisions that competent higher authorities and the courts may subsequently decree.

Thank you and God bless!

Very truly yours,


LILIBETH A. FAMACION, CESO IV
Regional Director

cc: **Domingo E. Bulabog**
Provincial Director
DILG – Province of Dinagat Islands

references: <http://en.wikipedia.org>
<http://nancysylvester.com>
<http://www.rulesonline.com>
<http://www.dummies.com>
<http://www.roberts-rules.com>
<http://www.capmembers.com>
<http://www.apadivisions.org>