



Republic of the Philippines  
**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**  
**REGION XIII (CARAGA REGION)**  
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SANGGUNIANG PANLALAWIGAN OFFICE  
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 INITIAL



**DILG RO X III**  
**FILE**

DILG-13 OPINION NO. 009-2014  
 May 26, 2014

**ATTY. JAMES T. RESERVA**  
 Member of the Sangguniang Panlalawigan - Agusan del Norte  
 (Chairperson - Committee on Laws, Ethics, and Peace and Order)  
 SP Building, Capitol Compound  
 Butuan City

**DILG - REGION XIII**  
**RELEASED**  
 DATE: **MAY 28 2014**  
 TIME: 11:35 AM  
 [Signature]

*Dear Hon. Reserva:*

This refers to your letter seeking opinion relative to Municipal Resolution No. 63-2014 dated March 27, 2014 of the Sangguniang Bayan of Buenavista, Agusan del Norte entitled "A Resolution Recommending Municipal Ordinance No. 04-2013 entitled 'An Ordinance Adopting and Implementing Republic Act No. 9418 or the Volunteer Act of 2007' to be Locally known as the "New Buenavista Volunteer Program (NBVP), Providing Funds Therefore, and for Other Purposes" is Deem (*sic*) Valid Based on the Pertinent Provisions of R.A. 7160 as well as on Established Jurisprudence on the Matter and Therefore Ripe for Implementation".

May we invite your attention to Article 98 of the IRR of the Local Government Code of 1991, *to wit*:

*ARTICLE 98. Powers, Duties, and Functions of the Sangguniang Panlalawigan. - (a) The sangguniang panlalawigan, as the legislative body of the province, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the province and its inhabitants pursuant to Sec.16 of the Code and in the proper exercise of the corporate powers of the province as provided in Rule IX of the Rules, and shall:*

- (1) *Approve ordinances and pass resolutions necessary for an efficient and effective provincial government and shall:*
  - (i) Review all ordinances approved by the sanggunians of component cities and municipalities and executive orders issued by the mayors of said component units to

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determine whether these are within the scope of the prescribed powers of the sanggunian and the mayor, (Emphasis supplied)

xxx

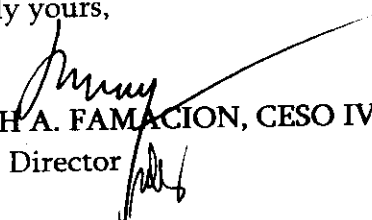
Clearly, it is the Sangguniang Panlalawigan who is tasked to review the subject municipal ordinance. We are, therefore, precluded from giving opinion, pre-empting the review and appropriate action of the Sangguniang Panlalawigan and seemingly usurping or taking over its power, duty and function specifically conferred to the august body by law.

Moreover, as provided for in Sec. 56 of the Local Government Code of 1991, the Sangguniang Panlalawigan (SP) may opt to transmit the resolution for examination, written comments and recommendations to the provincial attorney or the provincial prosecutor. After which, if the Sangguniang Panlalawigan finds that such resolution is beyond the power conferred upon the Sangguniang Bayan concerned, it shall declare such resolution invalid in whole or in part. Finding otherwise, the Sangguniang Panlalawigan is, therefore, left with no cogent reason but to declare that the same resolution is consistent with law and is therefore valid.

To emphasize, the parameter within which the Sangguniang Panlalawigan (SP) shall review the resolution is primarily determining whether this is within the scope of the prescribed powers of the sanggunian, in this case the Sangguniang Bayan of Buenavista, Agusan del Norte.

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

Very truly yours,

  
LILIBETH A. FAMACION, CESO IV  
Regional Director

cc: Mr. Romeo A. Solis  
Provincial Director-DILG  
DILG - Agusan del Norte

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