

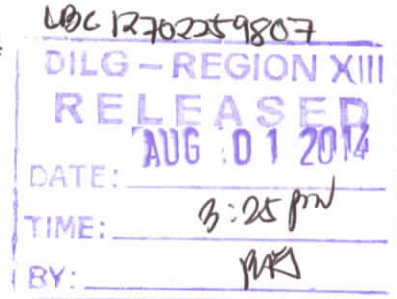


Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
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DILG RO XIII
FILE

July 31, 2014



HON. ALEJANDRO S. BAUTISTA, JR.
Municipal Vice Mayor
Tago, Surigao del Sur

Dear Hon. Bautista:

This refers to your query relative to concerns on the Grassroots Participatory Budgeting Projects (GPBP) in your municipality. Particularly, your seek opinion on the following matters:

1. *Are amendments allowed to the approved projects already due for implementation this year?*
2. *Is the Sangguniang Bayan of Tago empowered to effect amendments to the approved local poverty reduction projects?*
3. *On the construction of Day Care and Senior Citizens Centers – Does it fall within the menu of local reduction projects?*
4. *Is it proper that the amendments of the approved local reduction projects will not anymore pass the LPRAT?*
5. *Is it within his (Mayor's) official capacity to question the wisdom of the Vice Mayor particularly on what committees a certain measure/request will be referred to?*

In as much as numbers 1; 2 and 4 are related, we would like to answer them in one discussion.

National Budget Memorandum No. 121 dated 08 March 2014 provides for the Guidelines in the Implementation and Monitoring of FY 2013 and FY 2014 Grassroots
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Participatory Budgeting (GPB) Projects, paragraphs 4.2. Project Validation and 4.3 Project Replacement of which discuss in detail how projects may be replaced, especially if found not feasible or already funded through another funding source. To note, the project shall be replaced with another that can be implemented by the same participating agency in the same municipality and shall not exceed the total budget of the original project. Consequently, the Local Poverty Reduction Action Team (LPRAT) shall convene to identify the projects to be replaced and the proposed replacement and submit a resolution to inform the participating agency. Such resolution must be signed by the Local Chief Executive (LCE) and three (3) CSO signatories of the LPRAP and approved by the Sangguniang Bayan (SB) through a Resolution. While the deadline was set on April 30, 2014 for such replacements, we opine that each participating agency has discretion whether or not to entertain requests for replacement.

As to issue number 3, under the GPB process, each participating agency, in this case the Department of Social Welfare and Development, is given latitude to enrol a menu under the program.

At the outset, let us in invite you to consider the following points as we answer your last question:

Although the sanggunian has no compulsory process to require persons to appear before it (*Negros Oriental II Electric Cooperative vs. Sangguniang Panlungsod of Dumaguete City, 155 SCRA 421*), Section 444 (b) (1) (iv) of the Republic Act 7160 (Local Government Code of 1991), in the enumeration of powers of the Chief Executive include exercise of general supervision and control over all programs, projects, services, and activities of the municipal government, and in this connection shall:

“(iv) Initiate and propose legislative measures to the sangguniang bayan and, from time to time as the situation may require, provide such information and data needed or requested by said sanggunian in the performance of its legislative functions;”

As pointed out in a similar case, DILG Opinion No. 22 Series of 2009 dated 18 May 2009 opined that the sangguniang bayan may exact the above duty from the mayor or his duly authorized representative to be present in any session to present the information and data requested by the sanggunian (Emphasis ours). Essentially, sessions may include committee meetings where issues are discussed and clarifications are made, among others, and such necessitate provision of information and data. To emphasize, since the Chief

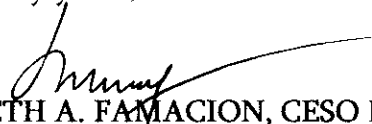
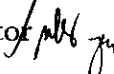
Executive is the one proposing or initiating the legislative measure, such as a Resolution Amending Resolution No. 006 Series of 2013 for the List of Approved Projects for the Local Poverty Reduction Action Plan (LPRAP) Fiscal Year 2014, he or his duly authorized representative must attend any session and/or meeting discussing the same proposed measure or provide needed or requested information or data to the sangguniang bayan.

We understand that each Sangguniang Bayan has its Internal Rules of Procedure (IRP) delineating functions of each committee and providing for committee meetings where one committee may hold a meeting or two or more hold a joint committee meeting, among others. Referral to committee or joint committees is the decision of the Sangguniang Bayan in the performance of its legislative functions *vis a vis* its IRP. In which case, the duty of the Chief Executive is to provide the information or data is needed by any committee or two or more committees or the Sanggunian Bayan itself.

We hope that the foregoing satisfactorily addressed your concerns. 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 

enc/s : National Budget Memorandum No. 121 dated 08 March 2014

cc : PEDRITO P. ALACABA
Provincial Director
DILG-Surigao del Sur

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