

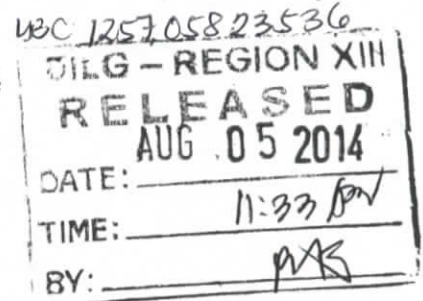


Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
REGION XIII (CARAGA REGION)
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DILG RO XIII
FILE

August 4, 2014



MR. PEDRO G. SECARRO
Municipal Accountant
Tago, Surigao del Sur

Dear Mr. Secarro:

This refers to your query relative to the official travel of one of the members of the Sangguniang Bayan of Tago, Surigao del Sur signed by the Municipal Vice Mayor consequent to the inaction of the Municipal Mayor within 15 days from receipt of the prior travel order that the Municipal Vice Mayor recommended for approval. Particularly, you seek opinion on the following matters:

1. Does the request for travel of SB and its employees with a favorable recommendation from the Vice Mayor, included as deemed approved when not acted upon by the Municipal Mayor?
2. Can the Vice Mayor issue a travel order on his own authorizing the travel of SB and its employees when a travel with a favourable recommendation from him was not acted upon by the Municipal Mayor?
3. If it becomes ministerial on the part of the Municipal Mayor to issue travel orders to SB and its employees, does it mean that the Municipal Mayor will no longer sign travel order and it will be only the Municipal Vice Mayor?

These same issues have been exhaustively explained and squarely answered in DILG Opinion No. 5 Series of 2004 dated January 9, 2004 and DILG Opinion No. 106 S. 2010 (copies of which are hereto attached for easy reference). We find no cogent reason to depart from the long standing opinion of the Department.

In fine, we note the following:

1. If the travel of the members of the sangguniang bayan is chargeable to the general fund of the municipality, the approval of the Municipal Mayor is



- discretionary being part and parcel of the executive function spelled out in Section 444 (b) (1) (xv) of the Local Government Code of 1991 (R.A. 7160);
2. If the same travel is chargeable to the sanggunian funds, the duty of the mayor becomes ministerial under Section 445 (a) (1) of the same Code as the sanggunian through the Municipal Vice Mayor acts as a legislative body operating on a separate budget, recommends approval of such travel, and signs the warrant drawn on the municipal treasury for all expenses necessary for such official travel chargeable to the sanggunian fund;
 3. After the lapse of 15 days from the receipt of the Municipal Mayor of the request for travel under his ministerial duty, the Municipal Budget Office and the Municipal Accounting Office could lawfully and validly facilitate the claim for travel expenses of the member of the SB who travelled. The unjustifiable refusal of such officers within the said period is sufficient ground for filing administrative case against them in violation of R.A. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees);

Thus, in all instances above, the Municipal Mayor is the approving officer whether such matter is discretionary or ministerial on his part. Such that, in items 2 and 3, it is unnecessary for the Vice Mayor himself to issue the travel order. The travel order, where the Vice Mayor signs as the one recommending approval with evidence of receipt by the Office of the Mayor of the same travel order and corresponding inaction within the prescribed period, could be sufficient to support the claim for travel expenses. Further, the aggrieved party may not be precluded from filing appropriate administrative cases against any such officials who unjustifiably refuse to perform duties incumbent upon them.

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.

Please course through your request for legal opinion in the future through your MLGOO or DILG Provincial Office. Thank you and God bless!

Very truly yours,


LILIBETH A. FAMACION, CESO IV
Regional Director 

enc/s : DILG Opinion No. 5 Series of 2004
DILG Opinion No. 106 S. 2010

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