



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

January 19, 2015

Registered mail  
**DILG - REGION XIII**  
**RELEASED**  
**DATE: JAN 20 2015**  
**TIME: 4:01**  
**BY: PPK**

HON. AL P. ANDALES  
 Member of the Sangguniang Barangay  
 Brgy. Matabao, Buenavista  
 Agusan del Norte

*Dear Hon. Andales:*

This refers to your request for legal opinion on the provision of immediate medical attendance and its expenses chargeable to barangay funds under the second paragraph of Section 393 (b) (3) of the Local Government Code (LGC) of 1991 (R.A. 7160) included in the enumeration of Benefits of Barangay Officials, saying:

xxx

*(3) Be entitled to free medical care including subsistence, medicines, and medical attendance in any government hospital or institution: Provided, That such hospital care shall include surgery or surgical expenses, medicines, X-rays, laboratory fees, and other hospital expenses;*

*In case of extreme urgency where there is no available government hospital or institution, the barangay official attendance to the nearest private clinic, hospital or institution and the expenses not exceeding Five thousand pesos (P5,000.00) that may be incurred therein shall be chargeable against the funds of the barangay concerned:* (Emphasis supplied)

xxx

One basic rule in statutory construction is that when the law is clear, do not interpret the law. In this case, the provision is clear and affords no other condition or doubt.

/amg rlo 2015-002

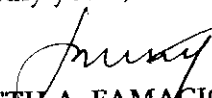

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While you may have the right to avail of the cited benefit, the availability of the appropriation for the same benefit may entirely be another matter to be resolved. Sections 336 and 346 of the LGC, among other provisions in local fiscal administration, are instructive in so far as use and/or disbursement of appropriated local funds. Needless to say, there must be available appropriation before any disbursement may be made.

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