



DILG 13 Legal Opinion No. 2016-006
 January 28, 2016

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 DILG - REGION XIII
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 DATE: JAN 29 2016
 TIME: 2:52
 BY: BR

MARIE JANE COMANDANTE-JATULAN
 Member, Sangguniang Bayan
 San Benito, Surigao del Norte

Dear Hon. Comandante-Jatulan:

This refers to your letter, which this Office received on January 27, 2015 at on or about 2:44 in the afternoon, requesting legal opinion relative to your travel orders from December 2013 to June 2014 which were returned unsigned by both the Municipal Mayor and Vice Mayor of your municipality.

Upon perusal of your request, we noted that the Municipal Vice Mayor himself did not recommend the approval of your travel orders, and the Municipal Mayor did not approve or issue the travel orders. From your presentation, we understand that you were not permitted, allowed or directed to travel in any one of those subject events. Consequently, the LGU has no obligation to reimburse your travel/training expenses. Besides, we understand that the transactions were not made "accounts payable" in FY 2013 and 2014; the books were already closed for those years; and, thus, the transactions could not be paid in the current year.

For your guidance as Member of the Sanggunian Bayan, we are attaching herewith DILG Legal Opinion No. 106 series of 2010 relative to official travels. Also, please refer to Section 5 (a) of RA 6713 for further guidance.

This opinion is rendered without prejudice to any contrary decision or opinion of competent higher authorities and the courts.

Truly yours,

LILIBETH A. FAMACION, CESO III
 Regional Director

cc: 126106495183
 John Reyl L. Mosquito
 Provincial Director
 DILG Province of Surigao del Norte
 Capitol Rd., Surigao del Norte

/amg dlo 2016-006



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
A. Francisco Gold Condominium II Bldg. EDSA
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LEGAL SERVICE

DILG OPINION NO. 106 S. 2010

JUN 29 2010

VICE-MAYOR CARLITO V. DELA CRUZ

Santo Tomas, La Union

Dear Vice-Mayor dela Cruz:

This has reference to your earlier letter asking our legal opinion on the following queries, to wit:

“1. Whether or not the function of the Municipal Mayor and signing travel order of the Sangguniang Bayan Member is ministerial.

2. Whether or not the Municipal Budget Officer, Municipal Treasurer and the Municipal Accounting Officer could lawfully and validly facilitate the cash advance of the Sangguniang Official and its employees supporting only travel which not acted by the Municipal Mayor within four (4) working days after receipt hereof.

3. Is the Municipal Mayor, Mun. Accountant, Mun. Treasurer who refuses unjustifiably to sign document after a request has been make (sic) be held liable administratively or criminally?”

In reply thereto, please be informed that this Department had already answered similar queries in *DILG Opinion No. 00, series of 2001*. In the said legal opinion, we opined that the Municipal Mayor, being the chief executive who exercise general supervision and control over all programs, projects, services and activities of the municipal government, is given the sole prerogative to authorize official trips outside of the municipality of municipal officials and employees. This is part and parcel of the executive function of the municipal mayor.

It becomes a ministerial duty on the part of the municipal mayor to authorize trips, including the issuance of corresponding travel orders therefore to members of the sangguniang bayan and its employees whenever the municipal vice-mayor had already issued his prior recommendation thereto and had already signed the warrant drawn on the municipal treasury for all expenditures necessary for such official travel chargeable to the sanggunian fund.

With regard to your second query, we also opined therein that after the lapse of 15 days from the time the Municipal Mayor received the request for issuance of travel order under his ministerial duty, the Municipal Budget Officer and the Municipal Accountant could lawfully and validly facilitate the cash advance of the sanggunian officials and its employees. The unjustifiable refusal of the aforesaid municipal officials to facilitate the cash advance within the

aforesaid period is a sufficient ground for the filing of an administrative case against them.

Hereto attached is a photocopy of the aforesaid DILG Opinion for your ready perusal.

Thank you and warm regards.

Very truly yours,

BY AUTHORITY OF THE SECRETARY:

ATTY. JESUS B. DOQUE IV
Director III

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