



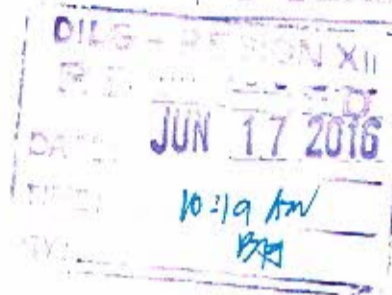
Republic of the Philippines  
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT  
REGION XIII (Caraga Region)  
1559 MATIMCO Bldg., Km. 4, Brgy. Libertad, Butuan City  
Tel Nos. (085) 342-2134; (085) 342-2045; 341-1976  
Website: caraga.dilg.gov.ph / Email: official@caraga.dilg.gov.ph

DILG 13 Legal Opinion No. 2016-015  
June 14, 2016



MINDA B. BRIGOLI, CESO III  
Regional Director  
DSWD Field Office Caraga  
R. Palma St., Butuan City

file



Through: **MITA GUPANA LIM**  
ARD for Operations

Dear RD Brigoli:

This refers to your letter dated June 09, 2016 requesting for our opinion on the acts of the Local Chief Executive relative to the implementation of Kapit-Bisig Laban sa Kahirapan – Comprehensive Delivery of Social Services – National Community-Driven Development Program (KC-NCDDP) in Magallanes, Agusan del Norte. Specifically, you asked:

1. Can the Local Chief Executive by-pass or change the process [stated in the Specific Implementation Agreement]?
2. What are the legal implications of his actions?

Subsequently, we received an Incident Report: Magallanes Incident between Kalahi-CIDSS Staff and Mayor Arabaca dated June 13, 2016.

Taking the presentations from the above letter and report, we gleaned that:

1. The process specified in the Specific Implementation Agreement (SIA) has been observed, specifically in the project identification or prioritization;
2. The LCE raised his strong objections over the prioritized projects, in words both verbally and in writing, and in deeds, saying that these do not represent the need of the entire municipality;
3. The LCE already expressed his desire to disengage from the project and refused to sign the MIBF Resolution;
4. The above actions of the LCE seemed to be tantamount to violation of the provisions in the Specific Implementation Agreement;

5. In the SIA, the DSWD has the right to suspend or terminate program implementation, among others, based on the above-mentioned actions of the LCE and after investigation.

We are saddened by the fact that the misunderstanding has come to the extent of violence. Because of recent events as narrated in the incident report, we are constrained to opine that it is naturally the decision of the DSWD to suspend or terminate the engagement with the LGU. While the community recipients would obviously be dismayed, we believe that project could not proceed without the support of the Local Government Unit, through the LCE, in accordance with the SIA.


There are still other avenues for funding of the prioritized projects and for those that the LCE deemed best for the entire municipality. These can be enrolled in the Bottom-up Budgeting (BUB) Program of the government through the different implementing agencies, like the DILG and DSWD, among other programs and agencies.

Finally, to answer your query, the LCE and the Implementing Agency shall abide by the provisions of the signed Specific Implementation Agreement (SIA). Violation of any of the provision thereof may result in suspension or termination of implementation of the project in accordance with the same SIA.

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

Thank you very much and God bless!

Truly yours,

  
LILIBETH A. FAMACION, CESO III  
Regional Director *ms*