



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

DILG 13 Legal Opinion No. 2016-027
 August 16, 2016

EDGAR N. PLAZA
 Member
 Sangguniang Bayan
 San Francisco, Surigao del Norte

DILG - REGION XIII
 RELEASED
 DATE: AUG 22 2016
 TIME: 3:20
 BY: [Signature]

Dear Hon. Plaza:

This refers to your request for opinion dated August 3, 2016 which was received by this Office on August 12, 2016 asking whether the Sangguniang Bayan of San Francisco, Surigao del Norte can amend the Internal Rules and Regulations (*sic*) by a majority vote and whether the requirement of 2/3 vote in doing the same contravene Section 53 (a) of the Local Government Code.

There were already previous opinions which dealt with a similar topic in part. One of which, DILG Opinion No. 50 S. 2005 dated 20 October 2005, is hereto attached for your information and guidance. Upon reading the same opinion, we would like you to give preferential attention on the discussion on the sources of parliamentary procedure. In sum, it is noted that while there is no debate that the *sanggunian* may adopt its own Internal Rules of Procedure (IRP), the same, however, should not be repugnant to judicial decisions, the Local Government Code, and the 1987 Constitution.

As you correctly pointed out, Section 53 (a) of the Local Government Code defined quorum required for the *sanggunian* to do business. This is fixed by law. Quorum is the number equivalent to the majority of all members of the *sanggunian* who have been elected and qualified, unless the sources of law prescribe a bigger majority.

To answer your query, therefore, we opine that only a simple majority is required for the *sanggunian* to transact official business such as approving of motions or resolutions, unless these resolutions are for overriding a veto of the local chief executive and the like specifically requiring 2/3 votes. Consequently, we opine further that the subject section of the IRP seems to contradict with Section 53 (a) of the Local Government Code.

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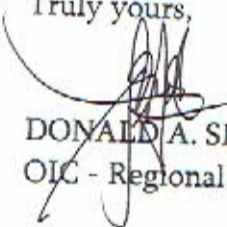
In connection with your presentation of facts, we would like to note two disturbing observations: 1. that the SB Secretary was not able to reflect what was agreed in the session on the IRP; and 2. that the members of the SB signed in good faith the IRP without reading the contents thereof thoroughly.

For the first observation, maybe it would be better if the SB shall review the proceedings of the particular session and/or listen to the original recording of the proceedings to determine the agreements more accurately. Moreover, an administrative proceeding may be commenced against the erring employee.

For the second observation, we emphasize that while IRP may be amended as necessary, we find it basic for each member to read before affixing his/her signature on the document or on any document for that matter. Without a timely objection, the document already signed may be deemed passed regularly in the ordinary course of business. Maybe, this instant controversy, if we may call it so, would have never happened if and when the members read, understood and signed. Indeed, may this subject matter be a lesson to the members of the august body.

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

Truly yours,


DONALD A. SERONAY
OIC - Regional Director

cc: *John Rey L. Mosquito*
Provincial Director
DILG Surigao del Norte