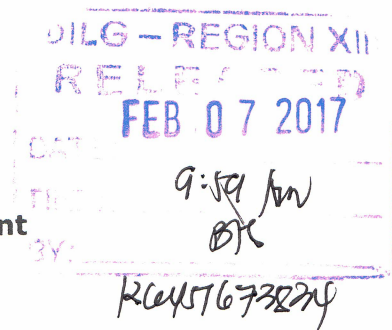




Republic of the Philippines
Department of the Interior and Local Government
Region 13 (Caraga)



February 1, 2017

MARIANO F. GERANDOY
P-1, Don Ruben,
San Jose, Dinagat Islands

file

Dear Mr. Gerandoy:

This refers to your request for legal opinion on Resolution No. 06 Series of 2013 of Barangay Justiniana Edera, San Jose, Province of Dinagat Islands entitled: "RESOLUTION ADAPTING (sic) THE ORDINANCE IMPOSING FEES AND CHARGES TO THE REAL ESTATE OWNERS WHO WILL SELL THEIR PROPERTY COVERING THE ENTIRE BARANGAY OF BARANGAY JUSTINIANA EDERA, SAN JOSE, DINAGAT ISLANDS".

You opined that the Resolution is illegal and ultra vires and therefore outside the powers granted by law to the Barangay.

Under the Local Government Code of 1991, the higher sanggunian, in this case, the Sangguniang Bayan of San Jose, Province of Dinagat Islands, is tasked to review whether or not the measure is within the prescribed powers of the lower sanggunian to enact.

Thus, we regret to inform you that we are precluded from giving an opinion, which is tantamount to reviewing the resolution and/or ordinance passed in CY 2013, in deference to the review power of the Sangguniang Bayan of San Jose, Province of Dinagat Islands.

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

Thank you and God bless!

Truly yours,


LILIBETH A. FAMACION, CESO III
Regional Director

cc: *Domingo E. Bulabog*
Provincial Director
DILG-Province of Dinagat Islands

Kim Suan
MLGOO - San Jose, Province of Dinagat Islands

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