



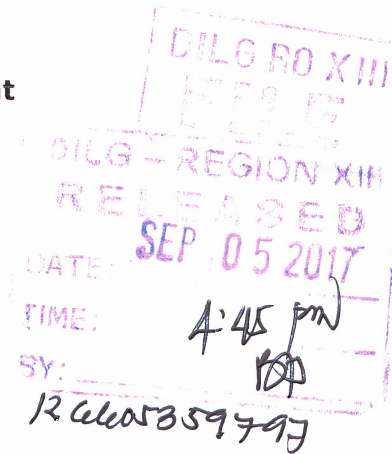
Republic of the Philippines
Department of the Interior and Local Government
Region 13 (Caraga)

August 25, 2017

CELSO P. AZARCON

Member of the Sangguniang Bayan
Carrascal, Surigao del Sur

file



Dear Hon. Azarcon:

This refers to your letter dated August 24, 2017 inquiring on the penalty to be imposed to the violators of Section 54 of the Implementing Rules and Regulations of RA 7160 and who will impose the penalty.

Section 54 of the IRR of the Local Government Code of 1991 (RA 7160) states that:

ARTICLE 54. Mandatory Consultations. — (a) All NGAs shall conduct periodic consultations with appropriate LGUs, people's organizations, NGOs, and other concerned sectors of the community before any project or program is implemented in their respective jurisdictions.

(b) NGAs or GOCCs authorizing or involved in planning and implementation of any project or program that may cause pollution, climatic change, depletion of non-renewable resources, loss of cropland, rangeland, or forest cover, and extinction of animal or plant species shall consult with LGUs, NGOs, and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof. (Emphasis supplied)

Reading from the presentation, you have alleged that there are national government agencies which proceeded with the implementation of the project without the mandatory consultation. Upon personal interview with your good self, you clarified that it was the Sanggunian Bayan who was not consulted, and that you have no idea if any other sector of the community, or department or office of the local government unit was really consulted.

Thus, we recommend that you address your query to each of the national government agency which you said have not conducted mandatory consultation and/or verify the veracity of the allegation that they have not conducted the mandatory consultation. If indeed there was no such mandatory consultation, you can always file appropriate action with the Office of the Ombudsman, among others, who after due process would

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impose the proper penalty depending on the gravity of the offense, among others.

Please note that the law did not state mandatory consultation with the Sangguniang Bayan.

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: PD Pedrito P. Alacaba / 26405359805
MLGOO Joseph Urgel /

/amg dlo 2017-012

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