Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
REGION XIII (CARAGA REGION)
1559 Matimco Bldg., Km.4, Libertad, Butuan City
Telefax. Nos. (085) 342-2134/815-1299
website: www.dilgxiii.org; email address: dilgxiii@yahoo.com

LBC12 9956993871

DILG REGION XIII
RECORDS SECTION
RELEASED
TIME: 10:50
DATE: APR

April 18, 2012

DILG-13 OPINION NO. 15

Mr. FELIX R. ESPESO
Secretary to the Sanggunian
Office of the Sangguniang Bayan
San Francisco, Agusan del Sur

Thru: Ms. Arleen Ann R. Sanchez
       Provincial Director, DILG
       Agusan del Sur

Dear Mr. Espeso:

This refers to your query dated March 13, 2012, which we received on April 12, 2012, seeking opinion from this office on whether Ordinance No. 04, series of 2011 of Barangay II, San Francisco, Agusan del Sur can be declared valid and operative.

Please be informed that the subject ordinance is considered approved, valid and operative for failure of the sangguniang bayan to review it within the prescribed period. Your office received it on January 24, 2012 but until now the sanggunian did not act on it. Hence, the ordinance is already beyond the reviewing power of the sangguniang bayan.

Section 57 of the Local Government Code of 1991 (R.A. No. 7160) states that:

> Section 57. Review of Barangay Ordinances by the Sangguniang Panlungsod or Sangguniang Bayan. - (a) Within ten (10) days after its enactment, the sangguniang barangay shall furnish copies of all barangay ordinances to the x x x sangguniang bayan concerned for review as to whether the ordinance is consistent with law and x x x municipal ordinances.
>
> (b) If the x x x sangguniang bayan, x x x fails to take action on barangay ordinances within thirty (30) days from receipt thereof, the same shall be deemed approved (underlining supplied).

x x x

Any question as to the validity of the approved ordinance shall be lodged before the courts.

We hope to have clarified you on this matter.

Very truly yours,

LILIBETH A. FAMACION, CESO IV
OIC – Regional Director