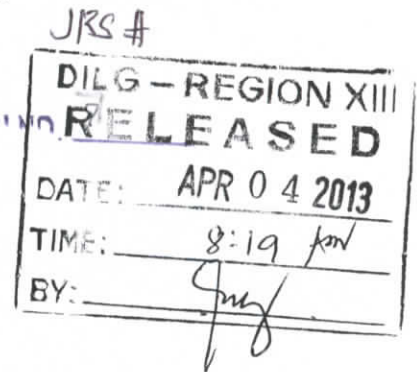




Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
REGION XIII (CARAGA REGION)
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DILG-13 OPINION NO. _____
April 3, 2013



Mr. PEDRITO P. ALACABA
Provincial Director, DILG
Surigao del Sur

Dear Mr. Alacaba:

This refers to the letter of the Vice Mayor and Members of the Sangguniang Bayan of Bayabas, Surigao del Sur, who raised the following issues:

- 1) How can the sanggunian get information from the heads of offices of the municipality if the mayor denies their request for them to appear during the sanggunian sessions?
- 2) Is it legal for the sangguniang bayan to verify, monitor and clarify the status of projects funded out of the 20% development fund based on R.A. No. 9184?
- 3) Is it legal for the mayor to advise the start of construction works without proper bidding procedures? and
- 4) Can the sanggunian consider fire victims, irrespective of number of numbers as victims of calamity? If yes, is it legal to grant them relief cash assistance to be taken from the Calamity Fund of the LGU?

For their first query, the Department in various opinions said that it is proper and legal that a department's head or any official under the executive department should first secure mayor's permission or approval before any appearance is made by him/her before the sanggunian, in aid of legislation. Nevertheless, it is also the duty of the mayor to furnish necessary information and data to the sanggunian. Please be informed that the mayor is responsible to the sangguniang bayan for the program of the government (Sec. 444 (b) (1) (i), R.A. No. 7160).

Received:
[Signature]
4/4/13

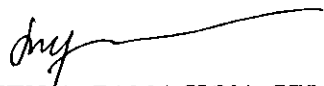
For their second query, transparency in the procurement process and in the implementation of procurement contracts is one of the governing principles on government procurement (Sec. 3 (a), R.A. No. 9184). That is why among the requirements in the procurement of infrastructure, goods and consultancy services is the posting of invitation to bid in a newspaper of general nationwide circulation (if applicable), at PhilGEPS website; municipality's website (if available), and in any conspicuous places. Also, we believed that as public officials, the members of the sangguniang bayan have the right to information on the affairs of the municipal government to aid them in the performance of their legislative powers.

With regards to the third query, the mayor is bereft with any authority to start the construction works without complying the bidding processes as provided by R.A. No. 9184 and its Implementing Rules and Regulations.

In the last query, the release of calamity fund can only be done if the sangguniang bayan declared the portion or entire municipality under the state of calamity. Stated otherwise, no portion of calamity funds shall be used for relief operations if the sanggunian did not declare the area under state of calamity (Sec. 324, R.A. No. 7160, as amended by R.A. No. 8185 and R.A. No. 10121 (Philippine Disaster Risk Reduction and Management Act of 2010)).

We hope to have clarified you on this matter.

Very truly yours,


LILIBETH A. FAMACION, CESO IV
OIC-Regional Director