



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
REGION XIII (CARAGA REGION)
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June 18, 2014

AURORA B. CABALLES
City Secretary
Sangguniang Panlungsod
Butuan City

Dear Ms. Caballes:

Peace be with you!

This refers to your letter asking this office to help ascertain if the proposed changes in the format of your resolution and ordinance are correct.

In your letter you represented that the proposed changes are based on inputs you learned from seminars, research works, feedbacks, and pointers specifically from the DILG.

As defined, an ordinance is a local law that prescribes rules of conduct of a general, permanent character. It continues to be in force until repealed or superseded by a subsequent enactment of the local legislative body. Its enactment and approval are provided for in Section 54 of the Local Government Code, *viz.*

*Sec. 54. Approval of Ordinances. (a) **Every ordinance enacted by the sangguniang panlalawigan, sangguniang panlungsod, or sangguniang bayan shall be presented to the provincial governor or city or municipal mayor, as the case may be. If the local chief executive concerned approves the same, he shall affix his signature on each and every page thereof; otherwise, he shall veto it and return the same with his objections to the sanggunian, which may proceed to reconsider the same. The sanggunian concerned may override the veto of the local chief executive by two-thirds (2/3) vote of all its members, thereby making the ordinance or resolution effective for all legal intents and purposes.*** (Emphasis ours)

In addition, Section 458 of the same Code enumerates the Powers, Duties, Functions and Compensation of the Sangguniang Panlungsod saying:

- (a) ***The sangguniang panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the city as provided for under Section 22 of this Code, xxx***
(Emphasis ours)

The word “enact” is synonymous with pass, ratify, endorse, indorse, legislate, sanction, ordain or authorize. The sangguniang panlungsod, therefore, enacts the ordinance while the local chief executive approves the same. Sometimes, however, enact and approve are used interchangeably.

On the other hand, a resolution is a mere expression of the opinion or sentiment of the local legislative body on matters relating to proprietary function and to private concerns. It is temporary in character. Reading from Section 458, it is the Sangguniang Panlungsod that approves resolutions.

These said, we now go to the meanings of the words certification (certify) and attestation (attest) used in the last portion of the proposed formats for resolution and ordinance.

Black’s Law Online Dictionary defines attestation as the act of witnessing an instrument in writing, at the request of the party making the same, and subscribing it as a witness. Other definitions include the affirmation (of something) to be true or genuine, specifically an authentication by signing as a witness, or an official authentication. Conversely, Black’s Law Online Dictionary defines a certification as a written assurance or official representation, that some act has or has not been done, or some event occurred, or some legal formality has been complied with. Certification is also defined as a document attesting to the truth of certain stated facts, validating the authenticity of something or someone, the act of making something official, or a document that is official proof that something has happened. Thus, attestation and certification have similar meanings and may be used interchangeably.

In view of the foregoing, we do not find any inconsistency with laws, rules and regulations relative to the proposed changes in the format of your ordinances. As to that of

the resolution, we suggest that the presiding officer signs as the approving officer on behalf of the august body.

We hope that the foregoing sufficiently addressed your concerns. This opinion is rendered without prejudice to the decisions that competent higher authorities and the courts may subsequently decree.

Thank you and God bless!

Very truly yours,

LILIBETH A. FAMACION, CESO IV
Regional Director