



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 / 815-1229  
 website: caraga.dilg.gov.ph; email address: [dilgxiii@yahoo.com](mailto:dilgxiii@yahoo.com)



**DILG RO XIII  
 FILE**

July 28, 2014

BERNARDERICK O. TANDA  
 RUPERT T. MONDEJAR  
 PURITA B. PLAZA  
 JOCELYN G. ABEAR  
 Honorable Members of the Sangguniang Barangay  
 Poblacion, Veruela  
 Agusan del Sur

Ubc 125702259837  
**DILG - REGION XIII  
 RELEASED**  
 DATE: JUL 31 2014  
 TIME: 8:41 AM  
 BY: [Signature]

*Dear Honorable Members of the Sanggunian:*

This refers to your "Petition to Thwart the Implementation of Administrative Order No. 2014-01 dated February 12, 2014 Issued by Punong Barangay Leo R. Plaza of Barangay Poblacion, Veruela, Agusan del Sur for being Violative and Contrary to Law and Requesting the DILG to Declare Him Administratively Liable for Being Abusive to His Authority" which was indorsed by the Office of the Ombudsman-Mindanao to this Office.

You represented that the issuance of the subject Administrative Order (AO) by the Punong Barangay (PB) violates the legislative process and beyond the powers conferred to the PB by law; is without legal basis, and does not represent the sentiments of the people. You also pointed out the power of appointment of the PB conferred in the same AO.

After careful perusal of your Petition *vis a vis* the subject Administrative Order, we would like to make an answer in one discussion.

To begin with, Section 384 of the Local Government Code (LGC) of 1991 (R.A. 7160) states and we quote:

*"Role of the Barangay. - As the basic political unit, the barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community, and as a forum wherein the collective views of the people may be expressed, crystallized and considered, and where disputes may be amicably settled."* (Emphasis ours)

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Clearly, it is the Barangay which is recognized as the basic and/or smallest political unit of government in our jurisdiction. However, the Barangay itself is not precluded from pursuing initiatives in order to plan and implement policies, plans, programs, projects, and activities more effectively in its community. One such initiative is the purok system which has been adopted particularly by Municipality of San Francisco in Camotes Island, Cebu City.

*The adoption of the purok system and strengthening the purok in San Francisco, Cebu was made through Municipal Ordinance 2007-045.* They have utilized the purok system for efficient delivery of basic services and community development. The Municipal Disaster Risk Reduction Management (MDRRM) Officer of the municipality underscored the advantage of the purok system saying, "if you're a barangay without a purok system, you won't be able to reach everyone. You cannot get all the participation but if you have the small units, the small organizations that are in groups, it gets easier." Their purok system was held a success especially during Typhoon Yolanda (Haiyan) which ravaged the Visayas but with zero-casualty in the municipality. With the purok system, San Francisco won the Sasakawa Award for Disaster Risk Reduction during the recently concluded Third Global Platform for Disaster Risk Reduction of the UN International Strategy for Disaster Reduction (UNISDR) held in Geneva, Switzerland and is now a benchmark and inspiration for other local government units.

To emphasize, the initiative above was made possible through an ordinance, which procedurally involved public hearings and consultations "where the collective views of the people may be expressed, crystallized and considered".

In relation to the power of appointment by the Punong Barangay, we invite you to read with us Section 389 (b) (5) of the LGC in relations to Section 387 a and b and Section 396 of the same Code , viz:

*"Section 387. Chief Officials and Offices. – (a) There shall be in each barangay a punong barangay, seven (7) sangguniang barangay members, the sangguniang kabataan chairman, a barangay secretary, and a barangay treasurer.*

*(b) There shall also be in every barangay a lupong tagapamayapa. The sangguniang barangay may form community brigades and create such other positions or offices as may be deemed necessary to carry out the purposes of the barangay government in accordance with the needs of public service, subject to the budgetary limitations on personal services prescribed under Title Five, Book II of this Code." (Emphasis supplied)*

*"Section 389 (b) (5). Upon approval by the majority of all the members of the sangguniang barangay, appoint or replace the barangay treasurer, the barangay secretary, and other appointive barangay officials;" (Emphasis supplied)*

*"Section 396. Other Appointive Officials. – The qualifications, duties, and functions of all other barangay officials appointed by the punong barangay shall be governed by the provisions of this Code and other laws or by barangay ordinances." (Emphasis supplied)*

From the provisions above, we can logically say that:

1. the council members of the purok, coordinator, secretary, treasurer, cluster and household leaders would belong to "other appointive officials";
2. their appointments need the approval of the majority of all members of the sangguniang barangay;
3. their qualifications, duties and functions shall be governed by a barangay ordinance.

Finally, while the Honorable Members of the Sangguniang Barangay of Poblacion, Veruela, Agusan del Sur may be justified in their objections as stated in the instant Petition and the above premises, this Department is without authority to declare any issuance as contrary to law and to declare a punong barangay administratively liable. Such legal actions are lodged in the courts of competent jurisdiction and/or other quasi-judicial bodies, such as the Office of the Ombudsman or the Sangguniang Bayan of Veruela, Agusan del Sur, usually upon filing of a verified complaint and payment of filing fees. Once these tribunals reach a Decision which has become final and executory, this Department may then assist in the implementation of such Decision.

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

cc: **ARLEEN ANN R. SANCHEZ**  
Provincial Director  
DILG-Agusan del Sur

ref: LGC  
<http://aboutphilippines.ph/filer/PUROK+PRESENTATION+REV.pdf>  
<http://www.qmanetwork.com/news/story/220674/news/nation/purok-system-shows-way-in-global-disaster-preparedness>