



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
REGION XIII (CARAGA REGION)
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April 7, 2015

BENJAMIN D. LIM, JR.
President, Liga ng mga Barangay /
Ex-Officio Member, Sangguniang Panlalawigan
Agusan del Norte
Capitol Compound, Butuan City

Dear Hon. Lim:

This refers to your request for legal opinion endorsed by Provincial Director Romeo A. Solis, DILG-Agusan del Norte. Specifically, you asked: **“If ever the mayor of a respective city/municipality will not grant a travel authority to their Punong Barangays, can the Punong Barangays request a travel authority from Provincial Governor or Vice Governor?”**

At the outset, we would like to invite your attention to selected sections of the Local Government Code of 1991 (RA 7160), *viz.*

“Sec. 32. Section 32. City and Municipal Supervision over Their Respective Barangays. - The city or municipality, through the city or municipal mayor concerned, shall exercise general supervision over component barangays to ensure that said barangays act within the scope of their prescribed powers and functions.”

“Sec. 96. Permission to Leave Station. -

- a. Provincial, city, municipal, and Barangay appointive officials going on official travel shall apply and secure written permission from their respective local chief executives before departure. The application shall specify the reasons for such travel, and the permission shall be given or withheld based on considerations of public interest, financial*

capability of the local government unit concerned and urgency of the travel.
xxx

- b. Mayors of component cities and municipalities shall secure the permission of the governor concerned for any travel outside the province.*
- c. Local government officials traveling abroad shall notify their respective Sanggunian: Provided, That when the period of travel extends to more than three (3) months, during periods of emergency or crisis or when the travel involves the use of public funds, permission from the Office of the President shall be secured. xxx”*

“Sec. 444. The Chief Executive: Powers, Duties, Functions and Compensation.

xxx

b. (b) For efficient, effective and economical governance the purpose of which is the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code, the municipal mayor shall:

xxx

(2) Enforce all laws and ordinances relative to the governance of the municipality and the exercise of its corporate powers provided for under Section 22 of this Code implement all approved policies, programs, projects, services and activities of the municipality and, in addition to the foregoing, shall:

xxx

- (i) Ensure that the acts of the municipality's component barangays and of its officials and employees are within the scope of their prescribed powers, functions, duties and responsibilities; xxx”*

Based on the foregoing on the quoted provisions, we may deduce that:

1. The barangay is under the general supervision of the municipality or city and in turn, the municipality or city is under the general supervision of the province;
2. As to specific provision on who will grant travel authority or permission to leave station for official travel outside the area of responsibility but within the country of the Punong Barangay, the Local Government Code seems to be silent.
3. Following the principle of general supervision in item no. 1 (Secs. 32 and 444), securing permission to leave station in Sec. 96 (b), and basic courtesy, the

Punong Barangay being under the supervision of the municipal or city mayor, necessarily asks permission from the same local chief executive.

Thus, we answer your query with an **affirmative**. If ever the mayor will not grant the travel authority to a Punong Barangay, the Punong Barangay may request for travel authority from Provincial Governor or Vice Governor. **However, the grant of travel authority or permission to leave station from the Provincial Governor or Vice Governor may be beyond the scope of their prescribed powers, functions, duties and responsibilities.**

We hope that the foregoing sufficiently addressed your concern. 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 III
Regional Director

cc: ***Romeo A. Solis***
Provincial Director
Agusan del Norte