

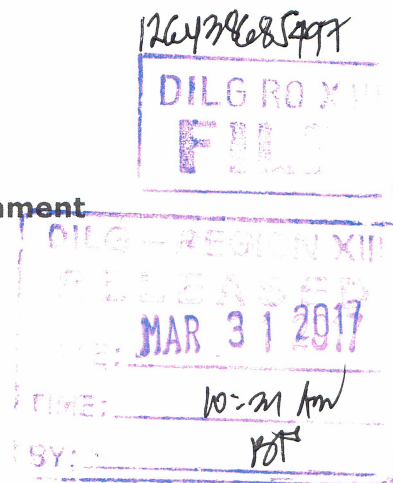


Republic of the Philippines
Department of the Interior and Local Government
Region 13 (Caraga)

March 7, 2017

RONILYN N. BORJA
Municipal Vice Mayor
Buenavista, Agusan del Norte

file



Dear Vice Mayor Borja:

This refers to your request for legal opinion on the propriety and legality of the approval of the Annual Budget of the Municipality.

To address your concern, we have conducted a discreet fact-finding investigation. We found out that:

1. The approval of the Annual Budget was carried out through the conduct of marathon sessions as requested by the Local Chief Executive in order to approve the Annual Budget before December 31, 2016;
2. The Annual Budget was deliberated by the Committee on Appropriation, not the Committee of the Whole, a change in the Internal Rules of Procedure as approved by five members of the Sanggunian;
3. The cut on the proposed Budget under the Sangguniang Bayan was approved by the Sanggunian itself;
4. Only Php17,529,333.30 was approved as the Peace and Order Fund instead of more than Php21M;
5. The 2017 Annual Budget was approved on the 24th Regular Session of the Sanggunian through Municipal Ordinance No. 11-2016 on December 22, 2016 with all the members of the Sanggunian present, but the Vice Mayor was absent. The 2017 Annual Budget was approved by six affirmative votes;
6. The members of the Sanggunian, the Municipal Budget Officer, the Municipal Accountant and the Municipal Mayor also paid the Disallowance at more or less Php73,000.00.

The provision of R.A. 7160, otherwise known as the Local Government Code of 1991, particularly, Article 107 (g), states:

"ARTICLE 107. Ordinances and Resolutions. — The following rules shall govern the enactment of ordinances and resolutions:

xxx

(g) No ordinance or resolution passed by the sanggunian in a regular or special session duly called for the purpose shall be valid unless approved by a majority of the members present, there being a quorum. Any ordinance or resolution authorizing or directing the payment of money or creating liability, shall **require the affirmative vote of a majority of all the sanggunian members** for its passage.

xxx"

"Matino, Mahusay at Maaasahan"



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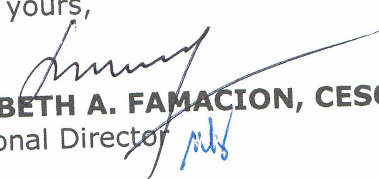
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Based on our findings vis-à-vis the quoted provision of law, we note that the approval of Municipal Ordinance No. 11-2016 seemed to have satisfied the required votes.

This opinion is rendered without prejudice to any contrary decision or opinion of competent higher authorities and the courts.

Thank you and God bless!

Truly yours,


LILIBETH A. FAMACION, CESO III
Regional Director

cc: **Ellen Vee P. Chua**
Provincial Director
DILG-Agusan del Norte

Myrna B. Libao
MLGOO – Buenavista, Agusan del Norte

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“Matino, Mahusay at Maaasahan”

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