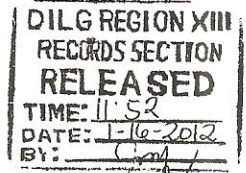




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January 16, 2012

DILG-13 OPINION NO. 02

**Ms. AURORA B. CABALLES**  
Secretary to the Sangguniang Panlungsod  
City of Butuan

Thru: Mr. ROMEO A. SOLIS  
OIC – City Director  
DILG Butuan City

Dear Ms. Caballes:

This refers to your letter seeking guidance whether sessions conducted to cover the number of regular session not conducted due to absence of quorum is considered special session and also asking what kind of minutes to be used on this session.

Please be informed that sessions conducted outside of those mentioned in Section 9, Rule IV of the Internal Rules of the 12<sup>th</sup> Sangguniang Panlungsod are considered special sessions. That Section provides that “unless the sangguniang panlungsod provides otherwise, the regular session of the Sangguniang Panlungsod shall be on Monday of each week and shall promptly start at 4:00 o’clock in the afternoon”. The session conducted to cover the regular session not conducted due to lack of quorum is not a regular session.

As to the minutes, we do not find any guideline that differentiates the minutes for the special session and of that regular session. If you have your own, then follow. Remember, the Supreme Court accords full recognition to the minutes as the official repository of what actually transpires in every proceeding (*De Los Reyes vs. Sandiganbayan, G.R. No. 121215, November 13, 1997*).

Nevertheless, it is well settled that an ordinance or a resolution will not be declared invalid for non-compliance with internal rules (*Arroyo vs. de Venecia, G.R. No. 12755, June 26, 1998*) for as long as it is passed in accordance with the law.

We hope to have clarified you on this matter.

Very truly yours,

Atty. ANTHONY P. VITOR  
Regional Legal Officer

01-17-12

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