



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
REGION XIII (Caraga Region)

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**DILG RO XIII
FILE**

DILG-13 OPINION NO. 23-A

August 7, 2012

LBC 129964548565

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| DILG - REGION XIII RELEASED | |
| DATE: | AUG 08 2012 |
| TIME: | 11:17 |
| BY: | [Signature] |

Hon. ROMUALDO F. LIM
Punong Barangay and
Ex-Officio Sangguniang Bayan Member
Barangay Sto. Niño
Hinatuan, Surigao del Sur

Thru: Mr. Pedrito P. Alacaba
Provincial Director, DILG
Surigao del Sur

Dear Hon. Lim:

This refers to your query seeking opinion whether or not you are entitled to receive both the honorarium as punong barangay and the salary as *ex-officio* member of the sanggunian bayan being the President of the Municipal Liga Federation.

In response thereto, please be informed that we have answered a similar query in our letter to Hon. Susonte G. Montero, Punong Barangay, Brgy. Purisima, Tago, Surigao del Sur dated May 7, 2008, that we are bereft of any authority to overrule LBC No. 66, as amended, dated March 8, 1998, (Guidelines on the Payment of Compensation to Ex-officio Members of the Local Sanggunian) issued by the Department of Budget and Management (DBM), being a co-equal Department. Such Circular has the force and effect of the law unless it will be repealed by subsequent issuances or nullified by court. For your ready reference, attached is the photocopy of the said opinion.

Further, we believe that DILG Opinion No. 234, dated October 8, 1993 (cited in DILG-CAR Opinion No. 02-28) is already superseded by LBC 66 which was issued later. Furthermore, the decision of the Supreme Court in Santiago vs. Commission on Audit (G.R. No. 92284, July 12, 1991) is not applicable to your situation because it pertains to the question of retirement benefits of a national government employee and not of an *ex-officio* member of the *sangguniang bayan*. In relation thereto, do not cite any statement or phrase or inject facts which are not found in the said decision.

We hope to have clarified you on this matter.

Very truly yours,


LILIBETH A. FAMACION, CESO IV
OIC - Regional Director