



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) 342-2134/815-1299  
 website: caraga.dilg.gov.ph; email address: dilgxiii@yahoo.com



**DILG RO XIII  
 FILE**

DILG-13 OPINION NO. 15  
 May 29, 2013

<b>DILG - REGION XIII</b>	
<b>RELEASED</b>	
DATE:	<b>MAY 31 2013</b>
TIME:	<b>11:14 AM</b>
BY:	<b>[Signature]</b>

Atty. PREMOLITO B. PLAZA  
 Provincial Administrator  
 Province of Surigao del Norte

Thru: Mr. DOMINGO E. BULABOG  
 Provincial Director, DILG  
 Surigao del Norte

Dear Atty. Plaza:

This refers to your letter dated May 28, 2013 relative to the prohibition of practice of profession of the local chief executives. You are now seeking our opinion on whether the incumbent Provincial Governor is engaged in an occupation if he/she is also the president of the private school institution.

We believe that the governor is prohibited from assuming as president pursuant to Section 90 of the Local Government Code of 1991 (R.A. No. 7160) which states:

Section 90. *Practice of Profession.*—

(a) All governors, city and municipal mayors are prohibited from practicing their profession or engaging in any occupation other than the exercise of their functions as local chief executives. (underlining ours)

This is a special provision that applies specifically to the practice of profession by elective local officials. Under RA 7160, elective local officials of provinces, cities, municipalities and barangays are the following: the governor, the vice governor and members of the *sangguniang panlalawigan* for provinces; the city mayor, the city vice

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mayor and the members of the *sangguniang panlungsod* for cities; the municipal mayor, the municipal vice mayor and the members of the *sangguniang bayan* for municipalities and the *punong barangay*, the members of the *sangguniang barangay* and the members of the *sangguniang kabataan* for barangays. Of these elective local officials, governors, city mayors and municipal mayors are prohibited from practicing their profession or engaging in any occupation other than the exercise of their functions as local chief executives.

When the context so indicates, the word "any" may be construed to mean, and indeed it has been frequently used in its enlarged and plural sense, as meaning *all, all or every, each, each one of all, every*, without limitation; indefinite number or quantity, or an indeterminate unit or number of units out of many or all, one or more as the case may be, several, some. (*Gatchalian vs. Commission on Elections, G.R. No. L-32560, October 22, 1970*). The word "occupation" ordinarily implies the idea of one's employment in a principal or regular business, or the dedication of time and attention to a trade, profession or calling which is taken up *as a means of making a livelihood, or for profit, or for the obtention of wealth*. In its legal sense, and as used in labor laws, the term occupation ordinarily involves the idea of gain, profit or return for the time, attention and energies devoted in the performance of the occupation by either the master or the servant concerned (*Marcelo vs. Philippines National Red Cross, G.R. No. L-9448, May 23, 1957*).

Thus, the mayor and governors are not allowed to engage in any or all types or kinds of occupations and there is no exception. Based on the abovementioned definition of "occupation", we believe that being president of the private school is considered an occupation since the position involves the supervision and management of personnel and teachers including the students to make the school at par, if not surpass, with the existing schools in the area. As president, he/she is given compensation by the school. As president and governor, he/she has to divide or apportion his/her time for the school and the provincial government including the constituents which is greater in scope than the school. This is what Congress wants to avoid. The legislators want the mayors and governors to focus in managing their respective local governments and their constituents.

The Supreme Court, in the case of *Catu vs. Rellosa* (A.C. 195738, February 19, 2008), states that provincial governors and mayors are not allowed to practice their profession or engage in any occupation because they are required to render full time service. They should therefore devote all their time and attention to the performance of their official duties.

We hope to have clarified you on this matter.

Very truly yours,



LILIBETH A. FAMACION, CESO IV  
OIC-Regional Director

cc: Legal Service, DILG IBCR9904577457  
Quezon Ave., Quezon City

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