

July 10, 2007

HON. NICOMEDES A. DE LOS SANTOS  
Municipal Mayor  
Alcoy Municipal Hall  
6023 Cebu

Dear Mayor De Los Santos:

This has reference to your letter dated July 04, 2007, requesting for legal opinion on the propriety of the proposed ordinance creating "Tourism and Investment Office" in your municipality to be headed by the Vice Mayor.

The provision that the newly created office will be headed by the Vice Mayor is in order. As provided in Section 445(a)(5) of the Local Government Code of 1991, the Vice Mayor shall exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance. Hence, additional duties and functions may be given to the Vice Mayor provided there is a law or ordinance to that effect. However, we find the provision on the authority of the Vice Mayor to hire casual employees chargeable to other on-going projects to be inappropriate. Let it be emphasized that the authority to employ emergency or casual employees or laborers paid on a daily wage or piecework basis and hired through job orders for local projects authorized by the sanggunian concerned lies with the Mayor.

Truly yours,

PEDRO A. NOVAL, JR.  
Regional Director

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