

September 13, 2007

MR. LEOPOLDO C. BAYLON
Poblacion, Guihulngan City
6214 Negros Oriental

Dear Mr. Baylon:

This has reference to your letter dated July 11, 2007, addressed to the Office of the Office of the Ombudsman (Visayas), and referred to us for reply.

You reported that you were once a member of the sanggunian of your barangay, and that during your last year in office you were not paid of your honoraria for the months of May and June.

At the time you were a barangay council member the law in effect was Batas Pambansa 337 (the Local Government Code). Under Section 94(a) thereof, sangguniang barangay officials were entitled to per diems in such amount as may be determined by the sangguniang barangay subject to availability of funds. A similar provision is found in the current law, the Local Government Code of 1991 (R.A. 7160), which repealed BP 337. However, the term being used in R.A. 7160 is honorarium, and the law sets the minimum amount unlike in BP 337. The terms per diem and honorarium when used in connection with compensation have the same meaning; per diem means pay for a day's services (Sec. 266, GAAM), while honorarium is a gesture of appreciation for services rendered (Sec. 288, GAAM). Hence, for you to be entitled payment of your per diems (the term used in BP 337) for the months of May and June 1987, you must establish you had rendered services as a sangguniang member during those periods (i.e. attendance to sessions). As to the amount, it would depend on the ordinance passed and approved by your sangguniang barangay at that point in time.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

.cc : Dir. Virginia Palanca-Santiago
Office of the Ombudsman (Visayas)
Ref.: RAS-V-07-0444
.ord/legal

