

**BASIC : LETTER DATED FEBRUARY 22, 2010, OF PUNONG BARANGAY
ALVIN B. ARCILLA OF TALAMBAN, CEBU CITY**

2nd Indorsement
March 11, 2010

Respectfully returned to Dr. Patricio Gabuya, City Director, DILG Cebu City Office, the herein basic communication from Punong Barangay Alvin B. Arcilla of Talamban, Cebu Cit with the requested legal opinion.

Under the Local Government Code of 1991, appointive barangay personnel shall receive honoraria as part of their benefits. By definition and as held by the Supreme Court on the matter, honorarium is given out of liberality. It is not a matter of right which the recipient could demand for its payment. It is based on actual services rendered. By virtue thereof, barangay personnel are not entitled to paid emergency leave; no services rendered, no honorarium. However, in the case of barangay treasurer and barangay secretary, they are accorded leave benefits for a period of 30 days each year under the Joint Memorandum Circular No. 2004-01 of the Department of Budget and Management and the Civil Service Commission. Hence, they may go on leave with pay if they have earned leave credits. Nevertheless, appointive barangay personnel may go on leave without pay depending on the discretion of the Punong Barangay, taking into consideration the exigency of the service.

As regards the age limit of appointive barangay personnel, the Local Government Code of 1991 does not provide a maximum age. If in the belief of the appointing authority that person still can perform the duties and functions of the position no matter how old he/she is, that person may be issued appointment, subject to the concurrence of the majority of all the members of the sangguniang barangay.

PEDRO A. NOVAL, JR.
Regional Director