

April 15, 2008

HON. JUANITO G. IGNARIO
Punong Barangay
Angilan, Aloguinsan
6040 Cebu

Dear Punong Barangay Ignario:

This has reference to your letter dated March 31, 2008, on the appointment of barangay secretary, barangay treasurer and other barangay personnel.

As provided the in the Local Government Code of 1991, the authority to appointment barangay officials and other barangay personnel is vested with the Punong Barangay, subject however to the concurrence of the majority of the all the members of the sangguniang barangay. The role of the sangguniang barangay in concurring the appointment issued by the punong barangay is to determine if the appointee has all the qualifications provided in the law, such as he is of legal age, a qualified voter and an actual resident of the barangay, and none of the disqualifications such as he is a sangguniang barangay member, a government employee or a relative of the punong barangay within the fourth civil degree of consanguinity or affinity (for appointees to the position of barangay treasurer and barangay secretary).

The sangguniang barangay cannot withhold its concurrence except for the aforementioned reasons, otherwise it will be whimsical and arbitrary for which they can be administratively held liable as provided in DILG Memorandum Circular No. 2002-150. They cannot also insist on their choice since the authority to appoint is not vest in them. If they insist, they are usurping the function of the punong barangay for which they can be criminally prosecuted for usurpation of official function. In order not to jeopardize the operation of the barangay and the delivery of basic services, the appointee while waiting for the concurrence of the sangguniang barangay, may immediately assume and perform the duties and functions of the office as provided in DILG MC 2002-150.

Should the members of the sangguniang barangay continue to defy the above-cited provisions of law and circular, we suggest you bring the matter before the Office of the Ombudsman (Visayas).

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

