

May 25, 2007

MS. GRETHEL S. ORTEGA
M L G O O
DILG Consolacion Office
Consolacion Municipal Hall
Cebu

Dear Ms. Ortega:

This has reference to your letter dated May 24, 2007, inquiring whether DILG Legal Opinion No. 70 S2003, dated May 13, 2003, still subsists or has it been superseded by a contrary ruling from the Department.

In reply thereto, this level is not aware of any subsequent opinion contrary to or superseding DILG Legal Opinion No. 70 S2003, dated May 13, 2003. We have not received any advice from Central Office on the matter.

It might be of interest to note that even before the issuance of DILG Legal Opinion No. 70, the Department has been consistent in holding that the Code does not expressly prescribe for a specific voting requirement for the passage of an appropriation ordinance. Hence, the general rule on the passage of an ordinance should be made to apply. And that the pertinent provision on the matter is Article 107(g) which provides that “no ordinance or resolution passed by the sanggunian in regular or special session duly called for the purpose shall be valid unless approved by a majority of the members present, there being a quorum xxx” (DILG Opinion No. 103 S2001, December 18, 2001).

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

.cc : Atty. G. J. Emeterio S. Moreno, Jr.
Director, Legal Service
DILG Central Office

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