

December 6, 2010

HON. MARIO C. ZAFRA
Member
Sangguniang Barangay of San Isidro
San Isidro Barangay Hall
Talisay City, Cebu

Dear Barangay Kagawad Zafra:

This has reference to your letter dated December 06, 2010, addressed to Mr. Bertilio Pasilang, OIC-CLGOO, DILG Talisay City, raising your concerns on 4 resolutions of your sanggunian which have been allegedly pre-signed by the other members even when the same had not been taken up in a session duly called for the purpose, and that your name and of member Lucia Alcover were missing.

Article 107(g) of the Rules and Regulations Implementing the Local Government Code provides that no ordinance or resolution passed by the sanggunian in a 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. Hence, the ordinance or resolution must be taken up in a session and approved by the members present. A measure which did not go through this process shall be legally infirmed.

However, it may also be that the measures subject of your concern are still to be taken up in your session. As the captions will show, they are proposed resolutions. Nevertheless, we have instructed Mr. Bertilio Pasilang to conduct an inquiry on the aforementioned resolutions to determine whether or not they have been taken up by the sangugnian in a session duly called for the purpose, and for him to submit a report on the results of such inquiry.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director