

February 18, 2009

HON. PEDRO N. REBUCIAS  
Sangguniang Barangay Member  
Pondol Barangay Hall  
6041 Cebu

Dear Kagawad Rebucias:

This has reference to your letter dated February 05, 2009, inquiring whether your barangay can require motor vehicle owners to secure a barangay clearance and charging fees therefor before their motor vehicles can be registered with the Land Transportation Office.

The answer to your query is in the negative. Section 152(c) of the Local Government Code of 1991, provides that no city or municipality may issue any license or permit for any business or activity unless a clearance is first obtained from the barangay where such business or activity is located or conducted. Registration of motor vehicles is not a devolved function of local government units. The authority is with the Land Transportation Office, a national government agency. Registration of motor vehicle is not an activity within the realm of the city or municipality, hence Section 152(c) does not apply. The requirements for the registration of motor vehicles are laid down by a set of rules promulgated by the national government, and securing a barangay clearance is not one of them.

Truly yours,

PEDRO A. NOVAL, JR.  
Regional Director

.ord/legal