

September 25, 2007

HON. RUBEN A. RAÑA
Barangay Kagawad
San Antonio Barangay Hall
Cebu City

Dear Kagawad Raña:

This has reference to your letter dated September 21, 2007, requesting enlightenment on the appointment of barangay officials and/or personnel.

Please be informed that barangay appointive officials consist of two (2) categories, namely: first, those that are mandatory positions under the Local Government Code of 1991, i.e. barangay treasurer and barangay secretary; and, second, those positions created by the sangguniang barangay pursuant to its power to create other offices conferred by Section 387 (b) of the Code, i.e. barangay tanods, brigades, bookkeeper and other positions needed in effective barangay governance. In both categories, the power to appoint is lodged in the Punong Barangay but subject, however, to the approval or concurrence of the majority of all the members of the sangguniang barangay (Sec. 389, Local Government Code of 1991).

The Supreme Court in the case of Ramon Alquizala, Sr. vs. Gallardo Ocol (G.R. No. 132413, August 27, 1999) ruled that: “ Verily, the power of appointment is to be exercised conjointly by the Punong Barangay and the majority of all the members of the sangguniang barangay. Without such conjoint action, no appointment can be effectual.

Truly yours,

PEDRO A. NOVAL, JR.

Regional Director

.cc : CD. Patricio Gabuya
DILG Cebu City

.ord/legal