

June 10, 2008

HON. GERARDO A. CARILLO
Sangguniang Panlungsod
City Hall
Cebu City

Dear Councilor Carillo:

This has reference to your letter dated June 05, 2008, seeking our office's intercession in behalf of Ms. Anamarie J. Anadia, daughter of barangay kagawad Aristeo D. Anadia, for her to avail of the educational benefit provided in Section 393(4) of the Local Government Code of 1991.

Much as we want to accommodate your request, however, we cannot since our office is bereft of any authority to compel state colleges and universities to comply with Section 393(4) of the Local Government Code of 1991. The problem with the implementation of the educational benefit of barangay officials as provided in Section 393(4) of the Code started on September 05, 2005, when the Commission on Higher Education issued its Memorandum Order No. 30 S2005 entitled "Rescission of CHED Memorandum Order No. 62 S1997 Providing For The Guidelines On The Study Grant Program For Barangay Officials and Their Legitimate Dependents To Implement Section 393, Paragraph 4 of the Local Government Code". Said CHED Memorandum Order No. 30 S2005 revoked CHED Order No. 62 S1997 and allowed the respective Governing Boards of State Universities and Colleges to be the implementing agencies of Section 393(4) of the Local Government Code. Our Department, through then SILG Angelo T. Reyes called the attention of CHED and the Association of State Universities and Colleges and pointed out its position on the matter, that the acceptance of barangay scholars (barangay officials and their dependents) is not and should not be made subject to the condition that the state universities and colleges be reimbursed for the scholars' fees for such condition is not provided in the law. However, the Commission on Higher Education was relentless and stood pat on its position and, through CHED Resolution No. 220-2007 dated March 26, 2007, reiterated its stand to allow the state universities and colleges to determine their own guidelines on the implementation of Section 393(4) of the Local Government Code.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

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