

**BASIC : LETTER DATED OCTOBER 27, 2009, FROM SANGGUNIANG
BAYAN MEMBERS JOSE NICANOR TOCMO AND PAUL ELLO
OF CORELLA (BOHOL)**

2nd Indorsement

October 29, 2009

Respectfully returned to Ms. Rustica N. Mascariñas, Provincial Director, DILG Bohol Provincial Office, the herein basic communication from sangguniang bayan members Jose Nicanor Tocmo and Paul Ello of Corella requesting legal opinion on whether or not Municipal Ordinance No. 2009-11 was validly enacted when only five members of the 11-member sanggunian voted for its approval. Said ordinance appropriated the amount of P27,000,000.00 for the purchase of heavy equipment for the municipality's waterworks system.

This Department cannot pass upon the validity of an ordinance. An ordinance carries with it the presumption of validity which only the court can declare otherwise. However, without touching on the validity of the ordinance subject of herein query, let it be stressed that Article 107(g) of the Rules and Regulation Implementing the Local Government Code of 1991 provides that any ordinance or resolution authorizing or directing the payment of money or creating a liability shall require the affirmative vote of a majority of all the sanggunian members for its passage.

PEDRO A. NOVAL, JR.
Regional Director