

January 30, 2009

HON. ARISTEDES W. GALLARDO, JR.
Punong Barangay
Barangay Hall
Poblacion Centro, Clarin
Bohol

Dear Punong Barangay Gallardo:

This has reference to your letter dated January 29, 2009, requesting legal opinion on whether or not a sangguniang barangay resolution declaring a state of calamity in the barangay still needs the confirmation of the sangguniang bayan where the barangay belongs before said barangay can disburse its calamity fund.

We answer in the negative.

Section 331(c) of the Local Government Code of 1991 provides that the barangay shall likewise be subject to the same budgetary requirements and limitations prescribed in the Code. In relation thereto, Section 324(d) of the same law, as amended by R.A. 8185, provides that five (5) per cent of the estimated revenue from regular sources shall be set aside as annual lump sum appropriations for relief, rehabilitation, reconstruction and other works and services in connection with calamities which may occur during the budget year; Provided, however, that such fund shall be used only in the area, or a portion thereof, of the local government unit or other areas affected by a disaster or calamity, as determined and declared by the local sanggunian concerned. Hence, the declaration of calamity/disaster shall be made by the sanggunian of the local government unit where the event of disaster or calamity happened or occurred. The law does not require a confirmation of a higher sanggunian.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director