

July 28, 2009

HON. EUTIQUIO M. BERNALES
Mayor
Ubay Municipal Hall
6315 Bohol

Dear Mayor Bernales:

This has reference to your letter dated July 21, 2009, requesting clarification on the hiring of casual and job order employees of the sanggunian.

In the case of *Atienza vs. Villarosa*, G.R. No. 161081, May 10, 2005, the Supreme Court ruled that the authority to appoint casual and job order employees of the sanggunian belongs to the Vice Governor or Vice Mayor. The authority of the Vice Governor/Vice Mayor to appoint the officials and employees of the sanggunian is anchored on the fact that the salaries of these employees are derived from the appropriation specifically for the said local legislative body. The budget source of the salaries is what sets the employees and officials of the sanggunian apart from the other employees and officials of the local government unit. Accordingly, the appointing power of the Vice Governor/Vice Mayor is limited to those employees of the sanggunian, as well as those of the Office of the Vice Governor/Vice Mayor whose salaries are paid out of the funds appropriated for the sanggunian.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

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