

**BASIC : LETTER DATED AUGUST 13, 2009, FROM FIVE (5) MEMBERS OF  
THE SANGGUNIANG BAYAN OF VALENCIA, NEGROS  
ORIENTAL**

**3<sup>rd</sup> Indorsement**  
August 25, 2009

Respectfully returned to Mr. Jofralito L. Lorico, Provincial Director, DILG Negros Oriental Provincial Office, the herein basic communication Hon. Generosa P. Gedaya and four other members of the sangguniang bayan of Valencia seeking enlightenment on the validity of the revamp and reorganization of the different committees of their sanggunian.

As reported, during the session of the sangguniang bayan of Valencia on July 23, 2009, the chairmanship position of the different standing committees was declared vacant and subsequently thereafter, an election for the chairman of each committee was held. There is no mention as to who declared vacant the chairmanship of each committee; presumably it is the sanggunian itself based on the fact that an election for the new chairman of each committee ensued. The five sanggunian members are of the view that the entire procedure was contrary to the sanggunian's Internal Rules of Procedure.

The creation of sanggunian committees including the determination of the jurisdiction of each committee and the chairmanship thereof are within the prerogative of the sanggunian to do so. This is being conferred upon by the explicit provision of Section 50(b)(1) of the Local Government Code (RA 7160). The extent of such prerogative includes not only the adoption but also covers the updating of existing internal rules of procedure (DILG Legal Opinion No. 68 S2001, September 21, 2001). Please take note of the keywords "prerogative of the sanggunian", referring to the **collegial body** and not just to the will of the presiding officer or a particular member. In the absence of an applicable provision in the body's internal rules of procedure, the accepted rules of parliamentary procedure may apply in suppletory character. But it may not be amiss to state that internal rules of procedure may be waived, disregarded or suspended by the **deliberative body** (Romulo vs. Yñiguez, L-71908, February 04, 1986) by way of a vote of the majority. Nevertheless, any aggrieved party may bring the matter to court, it being the final arbiter of the law.

Truly yours,

PEDRO A. NOVAL, JR.  
Regional Director

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