

BASIC : LETTER DATED DECEMBER 16, 2009, FROM MRS. RUTH NANGKIL, MUNICIPAL BUDGET OFFICER OF UBAY, BOHOL

2nd Indorsement

January 4, 2010

Respectfully returned to Ms. Rustica N. Mascariñas, Provincial Director, DILG Bohol Provincial Office, the herein basic communication from Mrs. Ruth Nangkil, Budget Officer of the Municipality of Ubay, requesting guidance on the two conflicting orders addressed to her, one from the Mayor of Ubay and the other from the Vice Mayor of said municipality.

Mrs. R. Nangkil failed to give the antecedent facts leading to the issuance of the two conflicting orders. But from the contents of the said orders, it can be surmised that there was a budget ordinance passed and approved (authorized) by the sanggunian. However, the Mayor (item) vetoed said ordinance. The sanggunian did not override the veto of the Mayor soon after it was communicated to them. The sanggunian was able to override the veto only months after. Consequently, the two conflicting orders.

Both directives of the Mayor and the Vice Mayor addressed to the Budget Officer of Ubay are official acts of said local officials. Hence, both are accorded with the presumption of regularity which only the court can declare otherwise. This Department is without authority to pass upon the validity of either directive. Nevertheless, one sure thing this level can emphasize is the fact that the Budget Officer is under the control and supervision of the mayor.

PEDRO A. NOVAL, JR.
Regional Director

.ord/legal