

October 6, 2010

HON. GREGORIO G. SANCHEZ, JR.
Vice Governor
Cebu Provincial Capitol
Cebu City

Sir:

This has reference to your undated letter requesting clarification on the hiring of consultants particularly on the prior authorization from the sangguniang panlalawigan and the authority of the Vice Governor.

In reply thereto, please be advised that under Section 2(a), Rule XI of Civil Service Commission Memorandum Circular No. 40 S1998, dated December 14, 1998, consultancy services are non-government service and one where no employer-employee relationship exists. As such, the position as a consultant could not be considered as appointment to any office in the government.

Retaining the services of a consultant is made through contract. And as provided in Section 22 (c) of the Local Government Code, no contract may be entered into by the local chief executive in behalf of the local government unit without prior authorization by the sanggunian concerned, unless otherwise provided in the Code or pursuant to law or ordinance [Sec. 465(b)(1)(vi)].

As regards the authority of the Vice Governor to hire consultants whose compensation will be taken from the appropriation of the sangguniang panlalawigan, again the we must consider that the positions as a consultant could not be considered as appointment to any office in the government, and retaining the services of a consultant is by way of a contract. The authority to enter into contract is not vested in the Vice Governor, but in the Governor which is his powers, duties and functions as provided in Section 465(b)(1)(vi) of the Local Government Code, and in accordance with the provisions of R.A. 9184, the Government Procurement Reform Act.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director