

**BASIC : LETTER DATED JUNE 03, 2010, FROM MAYOR EDSSEL GALEOS OF ARGAO, CEBU**

**3<sup>rd</sup> Indorsement**

June 8, 2010

Respectfully returned to Ms. Edna Vicoy, Asst. Provincial Director, DILG Cebu Provincial Office, the herein basic communication from Mayor Edsel Galeos of Argao, Cebu requesting legal opinion on whether the contract entered by the mayor after he has been fully authorized by the sangguniang bayan still has to be ratified by the latter.

The provisions of the Local Government Code of 1991 relative to the aforementioned query stat, to wit:

“Unless otherwise provided in this 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. A legible copy of such contract shall be posted at a conspicuous place in the provincial capitol or the city, municipal or barangay hall.” (Sec. 22)

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“Local chief executives may, upon authority of the sanggunian, negotiate and secure financial grants or donations in kind, in support of the basic services or facilities enumerated under Section 17 hereof, from local and foreign assistance agencies without necessity of securing clearance or approval therefor from any department, agency or office of the national government or from any higher local government unit: Provided, That projects financed by such grants or assistance with national security implications shall be approved by the national agency concerned: Provided, further, That when such national agency fails to act on the request for approval within thirty (30) days from receipt thereof, the same shall be deemed approved.” (Sec. 23)

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“Subject to the provisions of Book II of this Code and upon the majority vote of all the members of the sangguniang bayan, authorize the municipal mayor to negotiate and contract loans and other forms of indebtedness.” [Sec. 447(a)(iii)]

In all the aforementioned provisions, nothing can be deduced therefrom of the need of subsequent ratification of all contracts entered into by the Municipal Mayor after he has been duly authorized. What is clear and categorical only is that every contract entered into by the Municipal Mayor in behalf of the municipality must, unless dispensed with by the Code, law or ordinance, bear prior authorization from the sanggunian. Hence, when authorization has been previously obtained, subsequent ratification is not anymore necessary. It would be a different case if the authorization in itself provides for a requisite of further ratification by the local sanggunian concerned. If nothing is stated to that effect, mere authorization is sufficient to make valid the contracts entered into by the local chief executive in behalf of the local government unit.

PEDRO A. NOVAL, JR.  
Regional Director