

January 22, 2007

HON. LETECIA A. OROZCO
Mayor
Municipality of Asturias
6042 Cebu

Dear Mayor Orozco:

This has reference to your letter dated January 18, 2007, requesting for legal opinion on whether or not your municipality is obliged to pay for the services of a private surveyor contracted by a member of the sangguniang bayan.

As reported, a member of sangguniang bayan of Asturias contracted the services a private surveyor to undertake the survey of a real property located in the municipality, the ownership of which was not indicated. The sanggunian passed a resolution authorizing the mayor to ratify the survey work undertaken by said contractor and to correspondingly pay the same. The mayor vetoed the resolution.

Under the Local Government Code of 1991, it is the local chief executive, upon authorization from the sanggunian, who will represent the local government unit in all its business transactions, and sign on its behalf all bonds, contracts and obligations and such other documents made pursuant to law or ordinance. The mandate is not given to the sanggunian nor to any of its members. Moreover, the law provides that the contract, bond, obligation and such other documents relative to the business transaction must be made pursuant to law. If the foregoing provision of the Local Government Code of 1991 is not followed, the municipality is not bound by the transaction.

Truly yours,

RENE K. BURDEOS
Regional Director

.cc : Atty. G. J. Emeterio S. Moreno, Jr.
Director, Legal Service
DILG Central Office
.ord/legal

