

**BASIC : LETTER DATED SEPTEMBER 01, 2009, FROM HON. FELIMON C. ALISON, MEMBER OF THE SANGGUNIANG BAYAN OF CLARIN, BOHOL**

**2<sup>nd</sup> Indorsement**  
September 14, 2009

Respectfully returned to Ms. Rustica N. Mascariñas, Provincial Director, DILG Bohol Provincial Office, the herein basic communication requesting legal opinion on whether or not the Mayor can order or direct the Punong Barangay or other barangay officials not to accede to requests or accept invitations from the sangguniang bayan to appear or attend session unless approved by him.

In reply thereto, we answer in the negative. To recall, under Section 32 of the Local Government Code of 1991, the city or municipality, through the city or municipal mayor concerned, shall exercise general supervision over component barangays to ensure that said barangays act within the scope of their prescribed powers and functions. The key word is supervision. Supervision is different from control as the latter enables a superior officer to substitute his judgment for that of the subordinate. Control means the power of an officer to alter, modify or nullify or set aside what a subordinate officer had done in the performance of his duties. While supervision only pertains to ensuring that the actions of the subordinate are within the bounds of his authority as provided by law. The supervisor cannot impose his judgment over that of the subordinate. The mayor is not given this power of control over components barangays and its officials.

However, let it be emphasized also that the sanggunian, in the exercise of its legislative functions, cannot compel the attendance of any person before it in aid of legislation.

PEDRO A. NOVAL, JR.  
Regional Director

