

September 16, 2009

HON. MANUEL A. SY  
Vice Mayor  
Manjuyod Municipal Hall  
6208 Negros Oriental

Sir:

This has reference to your letter dated September 14, 2009, requesting legal opinion on whether in the creation of an office or position by the sanggunian will require a prior request or recommendation from the local chief executive.

In reply thereto, please be advised that Article 100(a)(1)(viii) of the rules and regulations implementing the Local Government Code of 1991 provides for the sanggunian's authority to determine the position/s in the office created. The power of a sanggunian to create and abolish offices in the municipal government finds basis in Section 443(c)(2 & 3) of the Local Government Code of 1991, and nowhere can we find a provision stating that the recommendation or request of a local chief executive is a pre-condition before an office is created or abolished by the sanggunian.

Truly yours,

PEDRO A. NOVAL, JR.  
Regional Director

