

July 26, 2010

HON. ANTONIO D. RENANCIA
Vice Mayor
Municipal Hall
Municipality of Sibulan
Negros Oriental

Dear Vice Mayor Renancia:

This has reference to your letter dated July 22, 2010, requesting legal opinion on whether or not your joint action with the Mayor on the temporary detail and swapping of functions of the Secretary to the Sanggunian and the Administrative Officer II of the Office of the Mayor violated or runs counter with DILG Legal Opinion No. 245-1993.

In reply thereto, please be advised that DILG Legal Opinion No. 245-1993, as well as all other subsequent opinion on the matter, gives emphasis on the authority of the Vice Mayor to appoint the Secretary to the Sanggunian and all other officials and employees of the sanggunian and of the Office of the Vice Mayor whose salaries are paid out of the sanggunian appropriation. As regards your joint action with the Mayor through Office Order No. 126 dated July 15, 2010, you gave your assent thereto by affixing your signature; hence, you did not relinquish nor was there a usurpation of your authority over the sanggunian secretary nor to the office of the sanggunian secretary. And for that, your action does not run counter with DILG Legal Opinion No. 245-1993. In a later opinion, DILG Legal Opinion No. 49 S1999, dated March 23, 1999, it was held that casual and regular employees of the sanggunian may be detailed to the Office of the Mayor provided, however, that there must be a written request relative thereto, stating therein the organizational unit where the personnel is proposed to be detailed, the period of detail and shall specifically explain the reasons for the detail. Further, such request for detail must be with the written concurrence of the supervisor of the personnel sought to be detailed (CSC Memorandum Circular No. 5; Sec. 216(e)(f) Government Accounting and Auditing Manual, Vol 1). Office Order No. 126 dated July 15, 2010, seems to have all what is required.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director