

n.b. - the addressee should have been VM Merlito C. Surita. The query was contained in a faxed letter, which was hardly legible at the signing part, the name of the vm was read as merelipo surita.. (another query was sent to CO on dec 16 2010, forwarded to RO on Jan 24, 2011, responded on Jan 26, 2011 (under file name local legislation – ex officio....)

December 9, 2010

MS. MERELIPO C. SURITA
Office of the Vice Mayor
Lilo-an Municipal Hall
Lilo-an, Cebu

Dear Ms. Surita:

This has reference to your letter dated December 08, 2010, seeking clarification on whether or not ex-officio members of the sangguniang bayan can vote on any issue brought before the body even if such issue has nothing to do with the affairs of the office or sector they are representing.

In reply thereto, please be advised that Section 446 of the Local Government Code provides that the sangguniang bayan shall be composed of the municipal vice mayor, the regular sanggunian members, the president of the municipal chapter of the liga ng mga barangay, the president of the pambansang pederasyon ng mga sangguniang kabataan, and the sectoral representatives as members. The ex-officio members shall be considered in the determination of quorum and the number of votes needed to approve a measure. They are entitled to all rights, powers, responsibilities, benefits and privileges enjoyed by their elected colleagues since these are incidents of the office (DILG Legal Opinion No. 27-1996, No. 87-1995). As such, they can vote on any issue brought before the sanggunian even if said issue does not pertain to the barangays nor the liga ng mga barangays nor the youth and the sangguniang kabataan.

Truly yours,

PEDRO A. NOVAL, JR

Regional Director

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