

September 16, 2009

HON. SALVADOR M. PILIOTAS, SR.
Barangay Kagawad
Pondol Barangay Hall
Balamban
6041 Cebu

Dear Kagawad Piliotas:

This has reference to your letter dated September 01, 2009, seeking answers to certain questions raised therein.

Death by electrocution is not caused by force majeure. Force majeure refers to natural and unavoidable catastrophes that interrupt the expected course of events and restrict participants from fulfilling obligations.

In reply to your second query, barangays through the sangguniang barangay have the power to declare a state of calamity. It is provided in R.A. 8185, the law amending Section 324 of the Local Government Code of 1991, that 5% of the estimated revenue from regular sources shall be set aside as annual lump sum appropriations for relief, rehabilitation, reconstruction and other works or services in connection with calamities which may occur during the budget year provided, however, that such fund shall be used only in the area, or a portion thereof, of the local government unit or other areas affected by a disaster or calamity, as determined and declared by the local sanggunian concerned. There is no distinction made as to the sanggunian concerned; hence, the sangguniang barangay is included.

As regards the third concern, barangays through the sangguniang barangay may create such other positions or offices as may be deemed necessary to carry out the purposes of the barangay government in accordance with the needs of public service, subject to the budgetary limitation on personal services.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

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Regional Director

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