

**BASIC : LETTER DATED OCTOBER 23, 2008, FROM PUNONG BARANGAY
EUGENIO GABUYA, JR. OF COGON-PARDO, CEBU CITY**

2nd Indorsement
November 6, 2008

Respectfully returned Dr. Patricio Gabuya, City Director, DILG Cebu City Office, the herein basic communication from Punong Barangay Eugenio Gabuya, Jr. of Cogon-Pardo, Cebu City requesting legal opinion on the leave benefits of barangay officials and on the execution of the amicable settlement reached and agreed upon by the parties at the katarungang pambarangay.

The grant of leave benefits to barangay officials has been institutionalized under the Joint Memorandum Circular No. 1 S2004 of the Department of Budget and Management and the Civil Service Commission based on the provisions of Section 81 of the Local Government Code of 1991. Under said circular, barangay officials (referring to the Punong Barangay, the barangay kagawads including the SK Chairman, barangay secretary and treasurer) shall earn thirty days leave credit per year. For elected barangay officials, attendance in twenty four regular sessions a year shall earn them thirty days leave credit or 1.25 days leave credit earned per regular session attended. Attendance in special sessions shall not earn them leave credit. Absences during regular sessions in a given year shall be deducted from the annual leave credit/benefits. However, even if the elected barangay officials has available leave credits which could cover for his or her absence from a regular session, he may still be penalized or fined of the amount agreed or stipulated in sanggunian barangay's house rules or internal rules of procedure, if there is such provision. For the barangay secretary and treasurer, they shall be entitled to the leave privileges if they render service in the barangay at least forty (40) hours a week.

As regards the execution of an amicable settlement reached and agreed upon by the parties at the katarungang pambarangay, the Punong Barangay as the Chairperson of the lupong tagapamayapa is tasked to execute said settlement agreement upon motion by the disputant.

PEDRO A. NOVAL, JR.
Regional Director

