

BASIC : LETTER DATED MAY 05, 2008, FROM MS. GLORA D. PACAMPARA, CLGOO, DILG TOLEDO CITY OFFICE

3rd Indorsement

May 14, 2008

Respectfully returned to Mr. Edmundo J. Jamisola, Provincial Director, DILG Cebu Provincial Office, the herein basic communication with the opinion requested.

Perusal of Sections 491 and 492 of the Local Government Code of 1991 would reveal that the liga ng mga barangay is infused with a purpose which is governmental in nature. It exercises governmental powers, functions and duties. It is believed that the liga ng mga barangay is a government organization which refers to an association, federation, league or union created by law or by authority of law whose members are either appointed or elected government officials. The preceding statement is reinforced by the fact that any position in the liga would qualify as a public office or position because one important element of the same is that it must possess some sovereign functions of government to be exercised for public interest. The principal aim of the liga ng mga barangay is to promote the development of barangays and secure the general welfare of their inhabitants. All other powers and duties vested upon the liga are ancillary to this main purpose (DILG Legal Opinion No. 71, June 25, 1997).

As regards the appointment of a sangguniang barangay member as adviser to the Liga ng mga Barangay Toledo City Chapter, it bears to emphasize that Section 94 of the Local Government Code of 1991 provides that no elective or appointive local official shall be eligible for appointment or designation in any capacity to any public office or position during his tenure. This section expresses the policy against the concentration of several public positions in one person, so that a public officer or employee may serve full-time with dedication and thus be efficient in the delivery of public services. It is an affirmation that a public office is a full-time job, and the official or employee holding such office should be allowed to attend his duties and responsibilities without the distraction of other government duties or employment. He should be precluded from dissipating his efforts, attention and energy among too many positions of responsibility, which may result in haphazardness and inefficiency (Flores vs. Drilon, 223 SCRA 568).

Since the Liga ng mga Barangay is a government organization as pointed out in the second paragraph hereof, the employment of the sangguniang barangay member in the said liga falls squarely within the prohibition aforesaid

PEDRO A. NOVAL, JR.
Regional Director

