

BASIC : LETTER DATED JULY 08, 2006, FROM MS. MENILDA L. SOLINAP, BOOKKEEPER OF THE LIGA NG MGA BARANGAY, CANLAON CITY CHAPTER.

2nd Indorsement
July 26, 2006

Respectfully returned to Mr. Jofalito L. Lorico, Provincial Director, DILG Oriental Negros Provincial Office, the herein basic communication from Ms. Menilda L. Solinap, bookkeeper of the Canlaon City Liga ng mga Barangay, with this office's response to the query raised therein.

We will not dwell on the particular benefits the employees of the liga ng mga barangay are entitled to receive. Instead we will discuss on the nature or status of the liga and its funds.

As this level previously opined, the Liga ng mga Barangay (ABC) is a government organization created pursuant to law (Sec. 491, R.A. 7160). As such, this Office believes that the liga possesses a legal personality that is separate and distinct from that of the local government units. It may be noted that the liga has its own set of officers and its own sources of funding (Sec. 493 and Sec. 495, R.A. 7160). The board of directors of the liga may therefore pass a resolution authorizing the hiring of casual employees to meet the demand of the service. The services of such casual employee may be deemed government service. The Office of the Legal Affairs of the Civil Service Commission concurred the foregoing view, emphasizing the provision of Section 505 of the Local Government Code of 1991 that all funds of the liga shall be deposited as trust funds and shall be disbursed in accordance with board of directors' resolution, subject to accounting rules and regulations.

It might interest Ms. M. Solinap that a former employee of the Cebu City Liga ng mga Barangay filed a complaint before the Office of the Ombudsman (Visayas) against the officer of the liga for oppression. Said employee alleged that the officers of the liga denied her request for reimbursement of expenses incurred in the performance of her official functions, and her claim of terminal leave benefits.

The Office of the Ombudsman docketed the complaint into administrative and criminal cases. In the administrative case, the Office of the Ombudsman (Visayas) concluded that the respondent officers were guilty of the offenses complained of and imposed on them the penalty of suspension for six (6) months. However, the Court of Appeals in Cebu City overturned the decision of the Office of the Ombudsman (Visayas). The complaining former employee has brought the matter before the Supreme Court which is now pending resolution. The criminal case resulted in the filing of information against the officers of the liga; and, as a matter of course, they were placed under preventive suspension for a period of ninety (90) days. It is for this reason that we do not include in our discussion the particular benefits the employees of the liga are entitled to receive.

RENE K. BURDEOS
Regional Director

