

January 26, 2011

HON. MERLITO C. SURITA
Vice Mayor
Lilo-an Municipal Hall
Cebu

Dear Vice Mayor Surita:

This has reference to your letter dated December 16, 2010, addressed to Sec. Jesse M. Robredo requesting legal opinion on whether the ex-officio members of the sangguniang bayan, specifically the President of the municipal chapter of the Liga ng mga Barangay and the President of the SK Federation of the municipality, can vote on any issue brought before the august body, even if such issue has nothing to do with the affairs of the sectors they are representing. Your said letter was referred to this level for reply.

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