

September 17, 2010

HON. ROMEO C. VILLARANTE  
Member, Sangguniang Panlungsod  
Talisay City Hall  
Cebu

Dear Councilor Villarante:

This has reference to your letter dated September 15, 2010, requesting for legal opinion on the limitation of a member of the sanggunian to introduce, propose or sponsor resolutions or ordinances in the light of a provision in the Internal Rules of Procedure of the Sangguniang Panlungsod of Talisay that “only the chairman of the committee may pass or sponsor an ordinance or a resolution with the subject pertaining to his committee; and any member of the committee may likewise pass a measure provided he/she shall have obtained the authority of the committee chair”.

In reply thereto, please be advised that the Local Government Code does not provide for limitations on the power and authority of a sanggunian member to introduce, propose or sponsor resolutions or ordinance for the consideration of the body. The Code provides for the powers and duties of the sanggunian as a legislative body in the local government unit.

Internal rules of procedure do not have the force of law but are merely in the nature of by-laws prescribed for the orderly and convenient conduct of proceedings. They are merely procedural and not substantive. They may be waived or disregarded by the deliberative body. The internal rules must conform with the provisions of the Local Government Code. If it is used to suppress the interest of the minority, the person responsible therefor may be administratively held liable for oppression, abuse of discretion, violation of the Code of Conduct and Ethical Standards for Public Officials and Employees and Section 3 subparagraphs (e) and (f) of the Anti-Graft and Practices Act, R.A. 3019.

Truly yours,

PEDRO A. NOVAL, JR.  
Regional Director

