

BASIC : LETTER DATED OCTOBER 21, 2009, FROM BARANGAY KAGAWAD GEORGE U. CHANG OF KASAMBAGAN, CEBU CITY

2nd Indorsement
October 27, 2009

Respectfully returned to Dr. Patricio Gabuya, City Director, DILG Cebu City Office, the herein basic communication from barangay kagawad George U. Chang of Kasambagan, Cebu City requesting legal opinion on whether the husband of the sister-in-law of the Punong Barangay may be appointed as barangay treasurer without violating the prohibition on nepotism.

To determine who are relatives within the prohibitive degree we should be guided with Article 963 of the Civil Code of the Philippines, which provides that proximity of relationship is determined by the number of generation and each generation forms a degree. In application then, the husband is one degree removed from his parents and two degrees from his sister or brother. The same is the case of his wife. Since the husband shares no degree of relationship with his wife because they are treated as one, the sister or brother of the wife is also two degrees removed from the husband (meaning the prohibition will apply to the brother or sister of your wife). The brother or sister of the Punong Barangay's wife is his relative by affinity. Affinity has been defined as the "relationship of a husband to the blood relatives of his wife, or of a wife to the blood relatives of her husband. Hence, a spouse is related by affinity only to the blood relatives of his/her spouse. On the basis thereof, the husband of the sister of the Punong Barangay's wife (bilas) is not related to him by affinity, and is not therefore covered in the prohibition on nepotism. He may be appointed as barangay treasurer.

PEDRO A. NOVAL, JR.
Regional Director

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