

**BASIC : LETTER DATED JULY 20, 2009, FROM MLGOO NESTOR E. TEOFILO OF DILG LA LIBERTAD OFFICE**

**2<sup>nd</sup> Indorsement**

July 23, 2009

Respectfully returned to Mr. Jofralito L. Lorico, Provincial Director, DILG Negros Oriental Provincial Office, the herein basic communication with the opinion requested.

Section 53 of the Local Government Code of 1991 provides that a majority of all the members of the sanggunian who have been elected and qualified shall constitute a quorum to transact official business. With the phrase “majority of all the members of the sanggunian”, it is evident that the reckoning point should be the entire composition of the sanggunian.

As regards the composition of the sangguniang barangay, Section 390 of the same law provides that the sangguniang barangay, the legislative body of the barangay, shall be composed of the punong barangay as the presiding officer, and the seven (7) regular sangguniang barangay members elected at large and the sangguniang kabataan chairman, as members. Clearly then, the Punong Barangay, as presiding officer, is also a member of the sangguniang barangay and should, therefore, be included in determining the existence of a quorum since he is included in the enumeration as to who composes the said legislative body. The total membership of the sangguniang barangay, based on Section 390 of the Code, is 9. Again, based on Section 53 of the Code, majority of the members of the sanggunian shall constitute a quorum to transact business.

“Majority” has been defined in *Santiago vs. Guingona, et al.* (G.R. No. 134577, November 18, 1998) as that which is greater than half of the membership of the body. Following the said ruling, since the total membership of the sangguniang barangay being 9, 9 divided by 2 will give us a quotient of 4.5. Let it be noted however that a fraction cannot be considered as one whole vote, since it is physically and legally impossible to divide a person or even his vote into a fractional part. Accordingly, we have to go up to the next whole number which is 5. In this regard, 5 is greater than half of 9 which is 4.5 in conformity with the jurisprudential definition of the term majority. Thus, the presence of 5 members of the sangguniang barangay shall already constitute a quorum for it to conduct official session (DILG Legal Opinion Nom 46, July 02, 2007).

PEDRO A. NOVAL, JR.  
Regional Director