

**BASIC : LETTER DATED NOVEMBER 12, 2008, FROM THE COMMITTEE
ON RULES OF THE SANGGUNIANG BAYAN OF VALENCIA,
NEGROS ORIENTAL**

2nd Indorsement
November 21, 2008

Respectfully returned to Mr. Jofralito L. Lorico, Provincial Director, DILG Negros Oriental Provincial Office, the herein basic communication with the reply to the issues raised therein.

DILG Legal Opinion No. 46-2007 dated July 02, 2007, still subsists. And on the basis thereof, it can be held there was a quorum during the sessions conducted by the Sangguniang Bayan of Valencia on October 17 & 22, 2008. And the measures passed and approved on these sessions are presumed valid. It bears to emphasize that ordinances and resolutions enjoy the presumption of validity, until declared otherwise by the court (DILG Legal Opinion No. 109-2007, November 23, 2007; Tano vs. Socrates, G.R. No. 110249, August 24, 1997).

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 business. Again, majority has been defined in Santiago v.s Guingona, et al (G.R. No. 134577, November 18, 1998), as that which is greater than half of the membership of the body. Following said ruling, 6 members present during a session of the sanggunian with a total membership of 11 constituted the required quorum. It cannot be denied that 6 is greater than half of 11.

PEDRO A. NOVAL, JR.
Regional Director

