

**BASIC : LETTER DATED AUGUST 10, 2010, FROM MAYOR TERESITO P. MARIÑAS OF BARILI,
CEBU**

2nd Indorsement
August 13, 2010

Respectfully returned to Ms. Edna G. Vicoy, OIC-Provincial Director, the herein basic communication from Mayor Teresito P. Mariñas of Barili, Cebu requesting legal opinion on whether or not the sanggunian on its own, without the recommendation of the local chief executive, realign budget appropriations.

At the onset, let it be stressed that budget preparation is an executive function. And the executive budget shall be submitted by the local chief executive to the sangguniang bayan for legislative authorization through the enactment of an appropriation ordinance. And let it be stressed that the mayor, as provided in the Local Government Code of 1991, exercises general supervision and control over all programs, projects, services and activities of the municipal government.

Section 336 of the Local Government Code (RA 7160) provides that funds shall be available exclusively for the specific purpose for which they have been appropriated. No ordinance shall be passed authorizing any transfer of appropriation from one item to another. However, the local chief executive or the presiding officer of the sanggunian concerned may, by ordinance, be authorized to augment any item in the approved annual budget for their respective offices from savings in other items within the same expense class of their respective appropriations. Hence, in case of transfer of appropriation from one item to another, the presiding officer of the sanggunian may be authorized by way of an ordinance to augment any item in the approved budget only with respect to the appropriations of the office of the sanggunian or the vice mayor/presiding officer from savings in other items within the same expense class. The authority of the Vice Mayor/Presiding Officer to transfer appropriations from one time to another is limited only to the appropriations pertaining to the sanggunian.

PEDRO A. NOVAL, JR.
Regional Director