

November 16, 2009

HON. WILFREDO H. LLENO
Sangguniang Barangay Member
Barangay Hall
Pondol, Balamban
Cebu

Dear Kagawad Lleno:

This has reference to your letter dated November 03, 2009, inquiring whether it is proper, regular and/or in order for the Punong Barangay to refer for opinion to just anybody resolutions or measures passed and approved by the sangguniang barangay before their implementation.

Outright, it is not proper and regular for the Punong Barangay or for any sangguniang barangay member for that matter to refer to just anybody for opinion on the measures or resolutions passed and approved by the sangguniang barangay. Once a measure or a resolution is passed and approved by the sangguniang barangay in a session constituting a quorum and voted upon by the majority of the members, it is accorded with the presumption of validity which only the court can declare otherwise or the higher sanggunian in the performance of its review power within the period provided by law. The proper step to do is to refer the subject of the measure or resolution to the Mayor in the exercise of his supervisory authority, to the sangguniang bayan of the municipality where the barangay belongs, to the MLGOO in the locality or to any esteemed member of the community for his comments before the approval or enactment of said measure or resolution by the sangguniang barangay. Whatever comments, flaws discovered or recommendations made thereon can be discussed thoroughly or corrections made by the sanggunian before the measure or resolution is passed and approved.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director