

**BASIC : QUERY FROM VICE MAYOR DOMENCIANO A. DELIGERO OF ANDA,
BOHOL**

2nd Indorsement
October 19, 2009

Respectfully returned to Ms. Rustica N. Mascariñas, Provincial Director, DILG Bohol Provincial Office, the herein basic communication from Vice Mayor Domenciano A. Deligero of Anda inquiring whether a resolution adopted by the sangguniang bayan is rendered void if not approved by the Mayor.

Section 54 of the Local Government Code of 1991 provides that every ordinance enacted by the sangguniang panlalawigan, sangguniang panlungsod or sangguniang bayan shall be presented to the provincial governor or city or municipal mayor, as the case may be. If the local chief executive concerned approves the same, he shall affix his signature on each and every page thereof; otherwise, he shall veto it and return the same with his objections to the sanggunian, which may proceed to reconsider the same. The sanggunian concerned may override the veto of the local chief executive by two-thirds (2/3) vote of all its members, thereby making the ordinance or resolution effective for all intents and purposes. It is worth noting from the aforecited provision of law that it is only in the last sentence where the word “resolution” is incorporated. Both in the first and second sentences the word resolution is not mentioned. By strict construction, it means that only ordinances are required to be presented for approval and signature of the local chief executive concerned. The third sentence of the above-mentioned provision, which mentions “resolution” as regards overriding the veto, has to be related to Section 55(b) of the same Code which provides -

“The local chief executive, except the punong barangay, shall have the power to veto any particular item or items of an appropriation ordinance, an ordinance or resolution adopting a local development plan and public investment program or an ordinance directing the payment of money or creating a liability, in such a case, the veto shall not affect the item or items which are not objected to. The vetoed item or items shall not take effect unless the sanggunian overrides the veto in the manner herein provided; otherwise, the item or items in the appropriations ordinance of the previous year corresponding to those vetoed, shall be deemed reenacted.”

Above premises considered, this Department is of the view that only those resolutions dealing with local development plans and public investment programs are required to be submitted to the local chief executive for approval. Therefore, except those resolutions dealing with local development plans and public investment program, a resolution cannot be rendered void if a copy thereof was submitted by the sangguniang bayan to the Mayor, not for approval but merely for his information, because such approval is not necessary for its validity and effectivity. (DILG Legal Opinion No. 116 S2002, July 29, 2002).

PEDRO A. NOVAL, JR.
Regional Director

