

December 9, 2010

HON. ALTEA RACUYA-LIM
Member
Sangguniang Barangay of Poblacion Pardo
Cebu City

Dear Barangay Kagawad Lim:

This has reference to your letter dated December 07, 2010, on the manner of the selection of the members and chairpersons of the different standing committees of your sanggunian. You reported that selection of chairpersons and members of the different committee was not taken up during session.

Surely the election or selection of the chairpersons and members of the different committees of the sanggunian will be embodied in a resolution. Let it be emphasized that Article 107(g) of the rules and regulations implementing the Local Government Code, provides that no ordinance or resolution passed by the sanggunian in a regular or special session duly called for the purpose shall be valid unless approved by the majority of the members present. Hence, it is required that the matter should be taken up during session and presented to the body for approval. If the measure (ordinance or resolution) which did not go through the process prescribed under Article 107 is legally infirmed. And the parties responsible for not adhering to the manner or procedure prescribed therein can be administratively held liable for abuse of discretion/abuse of authority. Moreover, the organization of the sanggunian and the election of its officers as well as the creation of standing committees and the election of the chairman and members of each committee are among the provisions of the sanggunian's internal rules of procedure. Section 50 of the Local Government Code mandates that on the first regular session and within ninety (90) days thereafter, the sanggunian shall adopt or update its existing rules of procedure. Hence, it is imperative that each sanggunian has its internal rules of procedure.

We would like to stress, likewise, that the Code of Conduct and Ethical Standards for Public Officials and Employees provides for the norms of conduct of public officials and employees among which is political neutrality. Violation thereof will again subject the respondent to administrative sanctions.

Truly yours,

PEDRO A. NOVAL, JR
Regional Director