

BASIC : LETTER DATED JULY 12, 2010, FROM VICE MAYOR RONALD LOWELL G. TIROL OF BUENAVISTA, BOHOL

2nd Indorsement

July 20, 2010

Respectfully returned to Ms. Rustica N. Mascariñas, Provincial Director, DILG Bohol Provincial Office, the herein basic communication from Vice Mayor Ronald Lowell G. Tirol of Buenavista requesting clarification as to who is the proper appointing authority of the Secretary to the Sangguniang Bayan and the staff and employees of the sanggunian.

In reply thereto, the proper appointing authority of the secretary to the sangguniang bayan is the Vice Mayor. As per Resolution No. 92-1111 of the Civil Service Commission, the Commission resolved the said issue by stating that the secretary to the sanggunian is not a department head per se but only an officer of the sanggunian. The wordings of the law is very clear in Section 469(a) of the Local Government Code of 1991 when it provided that “there shall be a secretary to the sanggunian who shall be a career official with the rank and salary equal to a head of department or office”. Therefore, not being a department head but only an officer of the sanggunian, the only conclusion is that a sangguniang bayan secretary shall be appointed by the vice mayor pursuant to the latter’s appointing authority under Section 445(a) of the Local Government Code (DILG Legal Opinion No. 13S2002, January 22, 2002).

In the case of *Atienza vs. Villarosa* (G.R. No. 161081, 10 May 2005), the Supreme Court ruled that the Vice Mayor appoints all officials and employees of the sanggunian bayan as well as of the Office of the Vice Mayor whose salaries are paid out of the funds appropriated for the sangguniang bayan.

Any encroachment or usurpation of the authority of vice mayor to appoint the secretary to the sanggunian and employees of the sanggunian whose salary are taken from the funds appropriated for the sanggunian shall be the subject of an administrative proceeding for grave misconduct and/or abuse of authority before the sangguniang panlalawigan or the Office of the Ombudsman.

PEDRO A. NOVAL, JR.
Regional Director