

January 28, 2008

MS. IRISH N.H. GABUYA
Branch Head
Land Bank of the Philippines
Mandaue City Branch

Dear Ms. Gabuya:

This has reference to your faxed message dated January 25, 2008, on the issue whether or not the Punong Barangay/Presiding Officer is included in the determination of the existence of a quorum in a sangguniang barangay session and, on the number of votes required to approve a measure taken in such session.

In reply thereto, please be advised that as provided in Section 390 of the Local Government Code of 1991, the sangguniang barangay shall be composed of the punong barangay as presiding officer, and the seven (7) regular sangguniang barangay members elected at large and sangguniang kabataan chairman, as members. And in Section 53 of the Code, it is provided that a majority of all the members of the sangguniang who have been elected and qualified shall constitute a quorum to transact official business. With the phrase "majority of all the members of the sanggunian", it is evident therefrom that the reckoning point should be the entire composition of the sangguniang barangay (DILG Legal Opinion No. 28 S2000, April 17, 2000). Since the Punong Barangay is included in the composition of the sangguniang barangay, he should also be then included in the determination of the majority of all the members of said body. For a quorum to exist in the sangguniang barangay composed of 9 members (1 PB, 7 regularly elected Sbarangay members and 1 SK Chairman), the presence of 5 or more members shall constitute a quorum.

As regards the second concern, Article 107(g) of the Implementing Rules and Regulations of the R.A 7160 (the Local Government Code of 1991) 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 a majority of the members present, there being a quorum (unless the measure calls for the payment of money or the creation of a liability which requires the vote of the majority of all the members). Hence, in a session of the sangguniang barangay composed of 9 members with 4 members and the punong barangay as presiding officer in attendance, there was an existence of a quorum. The number of votes required to approve a measure should be three (3), which is the majority of the members present constituting a quorum.

Truly yours,

DANILO E. ALMENDRAS
Chief, Local Government Operations
Division

