

March 11, 2009

HON. ANNE MICHELLE O. PONCE
Sibonga PPSK President
Sibonga Municipal Hall
6020 Cebu

Dear PPSK Pres. Ponce:

This has reference to your letter dated February 23, 2009, requesting legal opinion on the extent of the supervisory authority of the Punong Barangay over the affairs of the Sangguniang Kabataan including budget preparation and disbursement of SK funds.

In reply thereto, Section 389(b)(11) of the Local Government Code of 1991 provides that the Punong Barangay shall exercise general supervision over the activities of the sangguniang kabataan. It means that the Punong Barangay has the power to see to it that the affairs of the sangguniang kabataan are administered according to law. Supervision is different from control which is not the power given to the Punong Barangay under the Local Government Code. Supervision does not carry with it the power to alter or modify or nullify or set aside what a subordinate had done in the performance of his duties nor does it include the power to substitute the judgement of the supervisor for that of the party being supervised.

As regards SK budget, there is nothing in the law which requires the submission of the SK budget to the Punong Barangay or to the sangguniang barangay for approval. Instead, the barangay is mandated or commanded to set aside ten percent (10%) of its general fund for the sangguniang kabataan, as provided in Section 329 of the Local Government Code of 1991. And Article 423 of the implementing rules and regulations of the Local Government Code, further adds that the said ten percent **shall be appropriated and administered by the sangguniang kabataan** (DILG Legal Opinion No. 88 S2001, November 14, 2001).. The added proviso in the Article 423 will show that it will be up to the sangguniang kabataan to appropriate and administer its funds. Hence, its budget does not need the approval of the Punong Barangay nor from sangguniang barangay. If any elected barangay official will encroach on the prerogatives of the sangguniang kabataan, he can be subjected to administrative proceedings for abuse of authority or discretion before the Office of the Ombudsman or before the sangguniang bayan of the municipality where the barangay belongs.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

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