

**BASIC : LETTER DATED FEBRUARY 21, 2008, FROM CEBU CITY SKF
PRESIDENT RENGELLE N. PELAYO**

2nd Indorsement

March 5, 2008

Respectfully returned to Dr. Patricio G. Gabuya, City Director, DILG Cebu City Office, the herein basic communication from Cebu City SK Federation President Rengelle N. Pelayo requesting legal opinion on whether or not the SK budget shall be submitted to the Punong Barangay or to the sangguniang barangay for approval.

In reply to the aforementioned query raised, we answer in the negative. 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 barangay, as provided in Section 329 of the Local Government Code of 1991 and in Article 423 of its implementing rules and regulations, which 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.

PEDRO A. NOVAL, JR.
Regional Director

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