

April 2, 2008

HON. REYMAR DICO
Lapu-lapu City SK Federation President
Lapu-lapu City Hall
Cebu

Dear SKF President Dico:

This has reference to your letter dated March 28, 2008, requesting legal opinion on various SK concerns and issues.

In reply to your first query on the SK federation annual dues, Section 3, Article XI of the 2001 Katipunan ng Kabataan (KKP) and Sangguniang Kabataan (SK) Constitution and By-Laws provides that 2% of SK fund in the barangay shall be automatically appropriated for annual dues. Hence, the SK Chairman is obliged to pay and remit said dues. And as provided in Section 1, Article XV of the said constitution and by-laws, any SK official at all levels may be disciplined, suspended or removed for culpable violations of any provisions of same, among other grounds.

As regards the residual or remaining unexpended SK Funds at the end of the year, it does not revert to the general fund of the barangay since SK fund is considered as a continuing fund. Such fund shall be included in the barangay budget as a lump sum amount and transferred to the account of the sangguniang kabataan as a trust fund (DILG Legal Opinion No. 24-1996).

On the SK budget, it can be disbursed once it is approved by the sangguniang kabataan. Approval by the Punong Barangay is not required. Article 423 of the Rules and Regulations Implementing R.A. 7160 provides that SK funds shall be appropriated and administered by the sangguniang kabataan and shall be spent for the purposes provided in Rule XXVII of said rules, except for personal services. Our Department has consistently held that during the pendency of the review, the approved budget subject of the review is presumed valid and effective.

With regard to compensation or honorarium of the SK Chairman elected as the SKF President, he or she may collect honorarium from the barangay at a rate not exceeding P600.00 in accordance with Local Budget Circular No. 66-A issued on August 28, 2002. As ex-officio member of the sangguniang panlungsod or sangguniang bayan, he/she is entitled to monthly salary of the corresponding salary grade of a sangguniang panlungsod/bayan member under the Local Government Code of 1991.

On absences during sessions or general membership meetings, SK Chairpersons are subject to the disciplinary authority and jurisdiction of the sangguniang bayan or sangguniang panlungsod as ex-officio members of the sangguniang barangay. After due process, disciplinary sanctions such as suspension or removal from office may be imposed upon them for absenteeism and/or neglect or dereliction of duty. Moreover, they may be also held administratively liable by the Office of the Ombudsman.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

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