



Republic of the Philippines  
**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**  
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February 4, 2011

MS. RHEENA JAYNE TOMAKIN  
MS. GLOREL BACLAYON  
MR. EARLSON VON MAG-UYON  
Sangguniang Kabataan Councilors  
Guadalupe Barangay Hall  
Cebu City

Sir & Mesdames:

This has reference to your letter dated February 03, 2011, requesting clarification/legal opinion on whether or not projects of the sangguniang kabataan needs the approval of the sangguniang barangay.

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, not the sangguniang 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 judgment of the supervisor for that of the party being supervised. Hence, sangguniang kabataan projects do not need the approval of the sangguniang barangay. However, there should be proper coordination, not control.

In the same manner, 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.

As regards the hiring of staff for the sanggunian kabataan, there is nothing in the law which authorizes the SK to do so. Even the SK Constitution and By-Laws which provides on how the SK funds will be allocated, does not contain provisions on hiring of SK staff. Bear in mind that SK funds is only 10% of the barangay budget. It may not be enough to cover for SK programs and projects, how much more if said funds will be used to pay for the services of SK staff.

On SK sessions, observers are not allowed to interfere, speak and participate during sessions, unless the house rules are suspended and/or such observer is recognized and given the floor. The rules on parliamentary procedure also apply to SK sessions.

Truly yours,

PEDRO A. NOVAL, JR.  
Regional Director

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*Celebrating 20 Years of Local Autonomy in the Philippines*

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