

April 19, 2010

HON. JOSEPH L. REDULA
Member
Sangguniang Bayan of Alegria
Alegria Municipal Hall
Cebu

Dear SB Member Redula:

This has reference to your letter dated April 14, 2010, requesting for legal opinion on the proposed Supplemental Budget No. 2 of your municipality in the amount of P2.5M. We are in a quandary as to what particular issue on the proposed budget you are requesting for a legal opinion since you failed to specify any in your letter.

On its face, we find the proposed supplemental budget to be in order. As to its intrinsic validity or compliance with the requirements of the Local Government Code of 1991, we cannot give a comment for the insufficiency of the information presented. As expected, the proposed budget will cover for the funding of identified projects. As regards the approval of the budget, the sangguniang bayan may proceed to consider the matter without fear of violating any issuance of the Commission on Elections on prohibited acts during the election and campaign period. However, with regard to the drawing or disbursing of funds after the budget has been approved, the executive department or offices responsible therefor should proceed with caution and determine first whether or not the release and disbursement of public funds, the issuance of warrants and similar devices as well as the public works, construction of public works and delivery of materials for public works are not included in the ban during the election/campaign period; otherwise, prior authority or clearance from COMELEC has to be secured.

Truly yours,

PEDRO A. NOVAL, JR
Regional Director