

November 22, 2007

HON. SERGIO B. RESTAURO
Sangguniang Panlungsod
City Hall
Talisay City
Cebu

Dear Councilor Restauro:

This has reference to your letter dated November 15, 2007, requesting legal opinion on the action of your sanggunian approving a committee report with the recommendation that only those POs and NGOs registered with the SEC, CDA and DOLE are eligible to apply for accreditation.

In reply thereto please be advised that under the Local Government Code of 1991, local government units are mandated to promote the establishment and operation of people's and non-government organization to become active partners in the pursuit of local autonomy. In relation therewith, Article 62 of the Rules and Regulations Implementing the Local Government Code of 1991 provides that POs, NGOs and the private sector shall be directly involved in the plans, programs or activities of the local governments with regard to their local special bodies, among others. Consequently, Section 64 of the same rules and regulations provides for the criteria in the accreditation of the POs and NGOs, among which is the registration with either the SEC, CDA, DOLE DSWD or any recognized national government agencies that accredits said POs and NGOs. The Supreme Court has consistently held that rules and regulations issued by national government agencies tasked with the implementation of a law form part of the laws of the land, unless the same is in contravention of the Constitution, of the law it seeks to implement or of any other law passed by Congress. Hence, your sanggunian cannot put a limitation on the registration criterion provided by law in the accreditation of POs and NGOs.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

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