

October 29, 2010

MS. CYNTHIA M. KAHULUGAN
Acting Secretary to the
Sangguniang Panlungsod
City Hall
Cebu City

Dear Ms. Kahulugan:

This has reference to the two concerns raised before the Sangguniang Panlungsod of Cebu and referred to this Office for comments under the August Body's Resolution No. 12-898-2010 dated October 01, 2010.

As regards the issue on termination of appointive barangay officials and employees, Section 389(b)(5) of the Local Government Code of 1991 is explicit in providing that the barangay secretary, barangay treasurer or other appointive barangay officials shall be terminated or replaced by the Punong Barangay with the concurrence of the majority of all the sangguniang barangay members. Failure to comply with said provision of law, the termination of said officials is ineffective.

On the matter of the failure of sangguniang barangay members to attend regular session, it does not automatically follow they are not entitled to the payment of their honoraria on the basis of the principle that honorarium is paid based on actual services rendered. Under Joint Memorandum Circular No. 1 S2004 issued by the Civil Service Commission and the Department of Budget and Management on March 23, 2004, elected barangay officials, barangay secretary and barangay treasurer are entitled to leave benefits equivalent to thirty (30) days for every year of service in the barangay, which must be availed of or commuted to cash within the year. Absences during regular sessions in a given year shall be deducted from the annual leave credits/benefits. It is only when a barangay kagawad who fails to attend a regular session or sessions and who does not have earned leave credits that he is not entitled to receive honorarium.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director