

**BASIC : 1<sup>st</sup> INDORSEMENT DATED SEPTEMBER 03, 2009, FROM MAYOR  
EUTIQUIO M. BERNALES OF UBAY, BOHOL**

**2<sup>nd</sup> Indorsement**  
September 14, 2009

Respectfully returned to Mayor Eutiquio M. Bernales of Ubay, through Ms. Rustica N. Mascariñas, Provincial Director, DILG Bohol Provincial Office, the herein basic communication requesting legal opinion on what action to take against the members of the sangguniang bayan of Ubay who are believed to be enacting a legally infirmed measure to the detriment of the municipality.

The local chief executive, except the Punong Barangay, is given the power to veto any ordinance of the sanggunian on the ground that it is ultra vires or prejudicial to the public welfare, stating his reason therefor in writing. This is so provided in Section 55 of the Local Government Code of 1991. If such veto is overridden by the sanggunian in the manner provided by the law, the said local chief executive may call the attention of the higher sanggunian which has the authority to review the concerned measure on the points he raised in his veto message. If the reviewing sanggunian approves the measure, the local chief executive or any person for that matter may bring an action in court for the declaration of nullity of the subject ordinance.

PEDRO A. NOVAL, JR.  
Regional Director

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