

March 15, 2010

HON. MARIO PATRICIO P. BARCENAS
Mayor
City Hall
Carcar City, Cebu

Dear Mayor Barcenas:

This has reference to your letter dated March 12, 2010, requesting legal opinion on the following –

1. Is it proper for the sangguniang panlungsod to declare the veto of the local chief executive as inofficious and ineffectual?
2. What happens to the vetoed appropriation ordinance which the sanggunian failed to override?
3. Is there any prescribed period for the sanggunian to override the veto of the local chief executive?

In reply to the first issue, please be advised that it is not within the power of the sanggunian to pass upon the validity of the exercise of the local chief executive of his veto power. There is nothing in the Local Government Code of 1991 which provides for such authority. What the Code provides is on authority of the sanggunian to override the veto of the local chief executive, and that is by 2/3 votes of all the members of the sanggunian concerned.

As regards the second concern, the vetoed items in the appropriation ordinance are deemed to have been disapproved with the sangguniang failing to override the said veto. The item or items in the appropriation ordinance of the previous year corresponding to those vetoed shall be deemed reenacted (Section 55(b), Local Government Code of 1991).

On the third issued, the Local Government Code of 1991 does not provide for a prescriptive period within which for the sanggunian to override a particular veto of the local chief executive. And we have also not encountered any law or jurisprudence that provides for the same.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director