

November 27, 2009

ATTY. JONNAH JOHN B. UNGAB
Sangguniang Bayan Member
Municipal Hall
Ronda, Cebu

Dear Atty. Ungab:

This has reference to your letter dated November 06, 2009, requesting for a legal opinion as to who has the authority to appoint the SB Secretary and other officials and employees of the sanggunian, and who has the authority to sign/approve the payrolls for the salaries of the employees of said body.

In reply thereto, please be advised that the Local Government Code of 1991 provides that, subject to civil service law, rules and regulations, the Vice Mayor has the power and authority to appoint the SB Secretary and all other officials and employees of the sanggunian (Sec. 445, R.A. 7160). Further, the Civil Service Commission has consistently held that it is the Vice Mayor who the power to appoint employees of the sanggunian, whether permanent, temporary, casual or contractual (CSC Resolution Nos. 92-1111, 691-93 & 1753-94).

As regards the disbursement of funds covering all expenditures appropriated for the operation of the sanggunian, it is the Vice Mayor who has the authority to sign checks, warrants and vouchers. This will include the approval of the payrolls for the salaries of officials and employees of the sanggunian which are drawn against August Body's appropriation.

Truly yours,

PEDRO A. NOVAL, JR
Regional Director

