

**BASIC : LETTER DATED AUGUST 12, 2010, FROM MAYOR ENRIQUE V. GONZALEZ OF VALENCIA, NEGROS ORIENTAL**

**2<sup>nd</sup> Indorsement**

August 19, 2010

Respectfully returned to Mr. Jofralito L. Lorico, Provincial Director, DILG Negros Oriental Provincial Office, the herein basic communication from Mayor Enrique V. Gonzalez of Valencia, Negros Oriental requesting clarification as to who are the members of the Municipal Development Council when the accreditation process for NGOs & POs is still on-going, and whether or not the meeting of the municipal development council held on July 09, 2010, was valid.

As regards the first query, Section 107(b) of the Local Government Code of 1991 (RA 7160) provides –

“Section 107 (b) - The city or municipal development council shall be headed by the mayor and shall be composed of the following members:

- (1) All punong barangays in the city or municipality
- (2) The chairman of the committee on appropriations of the sangguniang panlungsod or sangguniang bayan concerned;
- (3) The congressman or his representatives; and
- (4) Representatives of non-governmental organizations operating in the city or municipality, as the case may be, who shall constitute not less than one-fourth (1/4) of the members of the fully organized council.”

The term of office of the selected representatives of non-governmental organizations and people’s organizations in the local development council is co-terminous with that of the local chief executive concerned as provided in Article 64(e) of the rules and regulations implementing the Local Government Code. The term of office of the previous elected local officials ended at noon on June 30, 2010. The term of office of the newly elected and re-elected local officials started also at noon of June 30, 2010, to end at noon of June 30, 2013. With the term of office of the local chief executives just commenced, the selection process as to who from among the accredited non-governmental organizations and people’s organizations

shall sit as members of the different local special bodies, is still on-going. DILG MC No. 2010-073 provides for the accreditation of NGOs and Pos and the selection of representatives to the local special bodies. The law does not provide for hold-over or extension of term of the representatives of the NGOs and POs to the different local special bodies once such term ended with the term of office of the local chief executives concerned. Hence, while the accreditation and selection process is still going on, the local special bodies do not have private sector representation.

As regards the second query, our office is bereft of any authority to pass upon the validity of official acts of local officials. Said official acts are accorded with the presumption of validity. However, please take note that under the law, representatives of non-governmental organizations to the local development council shall constitute not less than  $\frac{1}{4}$  of the members of the fully organized council. If the meeting of the local development council of Valencia on July 9, 2010 a quorum was present, the presumption of validity of said meeting is bolstered even without the representations from the non-government organizations.

PEDRO A. NOVAL, JR.  
Regional Director