



Republic of the Philippines

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City
<http://www.dilg.gov.ph>

DILG OPINION NO. 21 S. 2018

27 APR 2018

MAYOR ALVERA VERONICA R. RIMANDO
Office of the Municipal Mayor
Municipality of Maco
Province of Compostela Valley

Dear Mayor Rimando:

This has reference to your letter dated 26 September 2017 seeking for clarification whether Punong Barangay (PB) Edgardo L. Leray could claim and avail his salaries and other benefits from 16 July 2016 to 4 April 2017 from the municipality of Maco, Province of Compostela Valley.

It must be recalled that the Department, in its Legal Opinion No. 5, S.2017 dated 29 March 2017, has recognized the discussion made by RD Ananias Villacorta in his letter-reply dated 14 July 2016, wherein, he opined that PB Leray should first secure the confirmation from the National Liga Executive Board for succession to take effect. Sans said confirmation, it would make his assumption procedurally defective.

Moreover, in a letter dated 27 December 2016 of Atty. Edmund R. Abesamis, President of the National Liga ng mga Barangay affirmed that PB Leray has met all the legal requirements and is the rightful claimant to the position by operation of law.

To guide us in determining and answering your query, the following are the salient issuances and/or law:

1. Per DBM-LBC No. 66¹ dated 4 March 1998, it was stated that:

"3.3 - The respective Federation/Chapter Vice-Presidents of the Liga ng mga Barangay and SK who sit in the Sangguniang Bayan as ex-officio members in lieu of the Federation/Chapter President who are elevated to the higher Sanggunian, shall collect their full salaries and emoluments from the concerned municipal governments which they represent. The municipality shall provide in full the requirement for the personnel benefits of concerned officials."

¹ GUIDELINES ON THE PAYMENT OF COMPENSATION TO EX-OFFICIO MEMBERS OF THE LOCAL SANGGUNIAN

2. In the DBM-LBC No. 66-A² dated 28 August 2000, it was provided that:

“3.2- The Punong Barangay and SK Chairman who were elected as federation presidents and therefore sit as ex-officio members in the Sangguniang Bayan may collect honorarium as chairman of the barangay and ex-officio member in the sangguniang barangay at a rate not exceeding P1,000 and P600 per month, respectively, provided that they continue to perform their functions in the barangay.”

3. Section 2, Article XII of the Constitution and By Laws of the Liga ng mga Barangay sa Pilipinas, viz:

“Vacancies and Succession. – In case of a permanent vacancy in the office of the President due to refusal to assume office, failure to qualify, death or removal from office, voluntary resignation or incapacity to discharge functions of his/her office, the Executive Vice-President, in the case of the local Liga at all levels, shall assume the office for the unexpired term of the former. Succession shall take effect only after confirmation of the National Liga Executive Board. The Vice-President who assumed the vacant position shall represent the Liga chapter in the Sanggunian concerned”

On the bases of the above-mentioned issuances and law, the Department is of the considered view that since the time that PB Leray has secured his Certificate of Confirmation on 19 July 2016, he is entitled to the salaries, benefits and honorarium.

We hope to have addressed your concern accordingly.

Very truly yours,
By Authority of the Secretary:

MARTIN B. DIÑO
Undersecretary

CC: Atty. Odilon L. Pasaraba
OIC, BLGS

RD Alex C. Roldan
Officer-in-Charge
DILG-Region XI

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² ADDITIONAL GUIDELINES ON THE PAYMENT OF COMPENSATION TO EX-OFFICIO MEMBERS OF THE LOCAL SANGGUNIAN