



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.com.ph>

**DILG OPINION NO. 42 S. 2019**  
06 AUG 2019

**MS. VENUS C. VELASCO**  
Secretary, Sangguniang Panlungsod  
City of Cabuyao, Laguna

Dear Ms. Velasco:

This has reference to your letter dated 29 January 2019, seeking clarification on whether or not it is legal for a Punong Barangay (PB) to serve as author to Resolutions pertaining to sport activities and whether the same will not constitute as an interference on the powers of the Sangguniang Kabataan (SK) pursuant to Republic Act No. 7942, otherwise known as the "SK Reform Act of 2015".

This Department is of the considered view that there is no prohibition on the PB to serve as author to Resolutions pertaining to sport activities. PB is a member of the sangguniang barangay, the legislative body of the barangay, who can propose a Resolution or Ordinance of any kind, including sports activities. As a matter of fact, the same is sanctioned under Section 389(b)(13) of Republic Act No. 7160, or the "Local Government Code", which provides that, the PB shall have the power to conduct an annual palarong barangay which shall feature traditional sports and disciplines included in national and international games, in coordination with the Department of Education, Culture and Sports.

The herein request for legal opinion can be paralleled with DILG Legal Opinion No. 029-93, dated 11 November 1992, where it was opined that:

*"In Angara vs. Electoral Commission, certain rules of procedure promulgated by the respondent were challenged on the ground that they had not been expressly authorized by the 1935 Constitution. The Supreme Court nevertheless upheld them, declaring that they were necessary to the proper exercise of the express power granted to the body. Thus, in the absence of an express conferment, the exercise of a given power may be justified under the doctrine of implication, which is based on the theory that the grant of an express powers carries with it all other powers that may be reasonably inferred from it. (Phil. Political Law, IA Cruz, 1987 Ed., p.71).*

*In the light of the abovesited doctrine of implication, and of the following express codal provisions, to wit:*

"SEC. 446 (a) The Sangguniang Bayan, the legislative body of the municipality, shall be composed of the municipal vice-mayor, as the presiding officer.xxx

SEC. 447 (a) The Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions,xxx"

**we are of the considered view that the Vice-Mayor may sponsor or co-author an ordinance or resolution.** If he finds it urgent to participate in the deliberation of a resolution or ordinance, he may temporarily relinquish his chair to the majority floorleader as what Senate President and the Speaker of the Philippine Legislature usually do." (Emphasis supplied)

Thus, a PB who authored a Resolution is neither committing any violation nor in conflict of him being the **Presiding Officer**. As member of the sangguniang barangay, the legislative body of the barangay, he can also author a Resolution.

Nevertheless, it should be noted that while PBs are allowed to propose and author a resolution/ordinance, they are prohibited from participating in the voting process. As held in the case of *Javier, et al. vs. Cadiao, et al.*<sup>1</sup>, the Presiding Officer of the Sanggunian is counted for the purpose of determining the existence of a quorum, however, the Presiding Officer of the Sanggunian is not included in the counting to determine the required number of votes to uphold the matter before the Sanggunian.

Further, may we point out that not all sports should be with the SK. It should be remembered that the target beneficiaries of SK programs are the SK members themselves. On the contrary, the beneficiaries of the programs authored by the PB is for all the barangay constituents.

Hence, it follows that the same is not an interference on the powers of the SK, pursuant to the SK Reform Act.

Nevertheless, it must be emphasized that the source of funding for the said sport activities shall be sourced from the barangay fund.

We hope to have assisted you on the matter.

Very truly yours,  
By Authority of the Secretary:

**MARTIN B. DIÑO**  
Undersecretary

CC: Dir. Manuel Q. Gotis  
Regional Director  
DILG-Region IV-A (CALABARZON)  
Ls/90

<sup>1</sup> G.R. No. 185369, August 3, 2016