



June 30, 2014

HON. REX C. BENEMERITO
Vice Mayor
Pagudpud, Ilocos Norte



Dear VM Benemerito:

This has reference to your request for legal opinion on whether or not the attendance of the Sangguniang Bayan Members (in the Sangguniang Barangay sessions) in their respective district assignments and during public hearings of proposed measures to be used in offsetting their absences in the regular and special sessions of the Sangguniang Bayan is allowed by existing laws.

We answer in the negative.

The attendance to barangay sessions or public hearings by any Sangguniang Bayan member cannot be used to offset his/her absence in the regular or special sessions. In Section 52 of the Local Government Code of 1991 which reads:

(a) On the first day of the session immediately following the election of its members, the sanggunian shall, by resolution, fix the day, time, and place of its regular sessions. The minimum numbers of regular sessions shall be once a week for the sangguniang panlalawigan, sangguniang panlungsod, and sangguniang bayan, and twice a month for the sangguniang barangay. xxx.

Clearly, the law provides that the attendance to session of Sangguniang Bayan members means their attendance to their own sessions and not to the sessions of other local legislative bodies. It is because on the first day of their sessions, they are the one who fix the day, time and place of their regular sessions. Hence, by law, the session they are mandated to attend with is their own regular or special session.

Also, public hearings are not in the context of session. Hence, it cannot be used to offset an absence in the regular or special session. To allow such "offsetting" would