



October 23, 2014

MS. PAZ F. VALLO, M.D., MPH
Municipal Health Officer
Bayambang, Pangasinan



Dear Ms. Vale:

This pertains to your letter request seeking clarification on the following issues, to wit:

1. What right does the Liga ng mga Barangay have on the non-government organization of Federated Barangay Health Workers of Bayambang to reorganize and call for a new election?
2. The petition was addressed to the Liga ng mga Barangays without lawful endorsement from the ABC President Rogelio Domalanta to the Sangguniang Bayan. Does the Sangguniang Bayan has the right to investigate and hold hearing with proper endorsement of the Liga ng mga Barangay?
3. Regarding the contention of Councilor Cathy De Vera regarding holding two (2) positions: 1 – barangay Kagawad; 2 – being an officer/president of the Federated BHW of Bayambang. Do you have any document to prove this contention?

Before dwelling on the issues, may we first invite your attention on the provisions of RA 7160 otherwise known as the Local Government Code of 1991 particularly on section 495 which states that:

Section 495. Powers, Functions and Duties of the Liga. - The liga shall:

- (a) Give priority to programs designed for the total development of the barangays and in consonance with the policies, programs and projects of the national government;
- (b) Assist in the education of barangay residents for people's participation in local government administration in order to promote united and concerted action to achieve country-wide development goals;
- (c) Supplement the efforts of government in creating gainful employment within the barangay;
- (d) Adopt measures to promote the welfare of barangay officials;
- (e) Serve as a forum of the barangays in order to forge linkages with government and non-governmental organizations and thereby promote the social, economic and political well-being of the barangays; and





(f) Exercise such other powers and perform such other duties and functions which will bring about stronger ties between barangays and promote the welfare of the barangay inhabitants.

Based on the above-cited provisions, the Liga ng mga Barangay (LIGA for brevity) does not have any power to intervene in any operations of a non-governmental organization particularly in the reorganization and election of their officers. Doing so would constitute breach of the independence of non-governmental organizations.

The primary purpose of the Liga is to determine the representation of the Liga in the Sanggunian, and for ventilating, articulating and crystallizing issues affecting barangay government administration and securing proper and legal means, solutions thereto (Barangay Primer, 4th edition, 2013, p.76). In sum, the Liga does not have any quasi-judicial functions to exercise nor the power to legislate in aid of legislation so to speak.

Hence, the Liga does not have any right in the organizations of non-government organization like the Federated Barangay Health Workers.

On the second issue, the Internal Rules of Procedures of the Sangguniang Bayan of Bayambang should be referred with on whether or not such rules would allow them to act on matters which require investigation absence of proper endorsement from the concerned party or agency. But such being the case, the Sangguniang Bayan has the power to investigate and hold hearings on matters that would affect the operations of the municipal government including non-government organizations in aid of legislation.

On the last issue, this office opine that a Barangay Kagawad did not violate any law which would prevent him/her from holding the position of Barangay Kagawad and at the same time, as officer (President) of the Federated Barangay Health Workers (BHW) of Bayambang. This hold true because being a Kagawad, it does not prohibit him/her from practicing his/her profession or engaging from any occupation or business or teach in school except during session hours per section 90 of RA 7160.

This office is in the assumption that the Barangay Kagawad is a volunteer BHW and not an appointed BHW of the barangay. Otherwise, if appointed BHW, the prohibition on double appointment is blatantly violated. Section 94 of RA 7160 provides that *"No elective or appointive local officials shall be eligible for appointment or designation in any capacity to any public office or position during his tenure."*

However, if he/she is a volunteer BHW, the prohibition on double appointment is not violated considering that the nature of his/her position as BHW is in voluntary nature not in the context of appointment or designation as govern by the Civil Service rules and regulations.

The law on double compensation is not violated considering that a Barangay Kagawad is not receiving compensation but only honorarium as enunciated by the Supreme Court in the case of Santiago v. Commission on Audit (G.R. No. 92284, 12 July 1991) in reference to Local Budget Circular No. 66 dated March 4, 1998.



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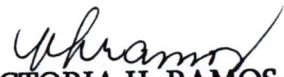
Hence, a Barangay Kagawad can be a volunteer BHW and as such, when the by-laws of the non-government organization would allow, he/she can be elected as officer of such organization.

We hope to have enlightened you on the issues at hand. This opinion, however, is without prejudice to any ruling or opinion rendered by a higher authority or a competent tribunal.

Warm regards.

JULIE J. DAQUIOAG, Ph. D., CESO IV
Officer-in-Charge

By:


VICTORIA H. RAMOS, CESO V
OIC- Asst. Regional Director

Legal/joa

