



August 16, 2013

MR. JULIAN L. CAWANG
Sangguniang Bayan Member
Pugo, La Union



Dear SBM Cawang:

This refers to your letter seeking the Department's opinion relative to the following issues, to wit:

1. In approving the Local Budget by the Sangguniang Bayan how many votes from the Sangguniang Bayan concern (sic) is needed?
2. When does a quorum exist?
3. Do five (5) votes from the Sangguniang Bayan present make an appropriation ordinance legal? What is the nature of its effectivity?
4. How does an ordinance be amended or corrected?
5. Can be (sic) an ordinance be amended or corrected during the approval of the minutes journal of the Sangguniang Bayan?
6. Does the corrected minutes/journal of the Sangguniang Bayan could amend an Ordinance? Could it justify its legality and effectivity?
7. Despite the fact that only five (5) members of the Sangguniang Bayan present approved an appropriation ordinance and on the same date the said appropriation ordinance was approved by the Local Chief Executive. It is legal? How about its effectivity?
8. Can the LGU withdraw funds accordingly to a questionable appropriation Ordinance?

Before dwelling on the issues, may we first invite your attention to the provision of the Local Government Code of 1991 and its Implementing Rules and Regulations to wit;

Section 53. Quorum. -

(a) A majority of all the members of the sanggunian who have been elected and qualified shall constitute a quorum to transact official business. Should a question of quorum be raised during a session, the presiding officer shall immediately proceed to call the roll of the members and thereafter announce the results.



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