



September 17, 2014

HON. MA. LUISA F. MILLAN-SUPNET
Vice Mayor
Natividad, Pangasinan



Dear VM Millan-Supnet:

This has reference to your request for legal opinion on whether the Sangguniang Bayan will acquire jurisdiction to act, given that the person petitioned or complained of is the Local Chief Executive of Natividad, Pangasinan.

Upon perusal on your query, the people of Barangay San Maximo and Barangay Poblacion East filed a "Petition Opposing the Establishment of a Memorial Park along the Northside Dike of Viray River, Eastside of Barangay San Maximo and Westside of Sitio Luarca." Said memorial park is planned and being initiated by Honorable Mayor Rodrigo Rafael.

Based on the given facts, it is not a complaint against the Municipal Mayor but a petition for the Sangguniang Bayan to act in behalf of the people who opposed the establishment of the said memorial park. If the petition is a complaint against the Mayor for grounds enunciated in Section 60 of the Local Government Code of 1991, then the Sanggunian Bayan does not have jurisdiction over said complaint because *Section 61 of the same law provides that a complaint against municipal elective officials shall be filed before the office of the Sangguniang Panlalawigan.*

Since it is not an administrative case against the Mayor, the Sanggunian Bayan may acquire jurisdiction based on Section 447(a) (1)(vi), The Local Government Code of 1991, to wit:

Section 447. Powers, Duties, Functions and Compensation. -

(a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:

(1) Approve ordinances and pass resolutions necessary for an efficient and effective municipal government, and in this connection shall:

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(vi) Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs.

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smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance:

xxx

Based on the provisions of the Local Government Code, the Sanggunian Bayan has the power to pass resolution for the efficient and effective municipal government and the duty to protect the environment and impose appropriate penalties for acts that will endanger the environment or activities which result in pollution of rivers and lakes, or of ecological imbalance.

Hence, the Sangguniang Bayan has the jurisdiction over the petition filed by the people of Barangay San Maximo and Barangay Poblacion East because it is not an administrative case against the Municipal Mayor of Natividad, Pangasinan but a petition of environmental concern which is within their legislative power.

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

Warm regards.

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

Legal/joa