



March 17, 2015

HON. MAURICIO P. CANUTAB
 Vice-Mayor
 San Gabriel, La Union



Dear VM Canutab:

This has reference to your letter seeking clarification on the following issues pertaining to the appointing power of the Punong Barangay, to wit:

1. To whom the phrase “and other appointive officials” under section 389(5) is referring to, those resigned, died or incapacitated elected barangay officials or the semi volunteer officers such as the BNS, BHW, BDCW, BT and Lupon members?
2. Who is the proper appointing officer of the BNS, BHW, BDCW, BT and Lupon members?

Before dwelling on the issue, may we invite your attention to sections 389 and 399 of RA 7160, otherwise known as The Local Government Code of 1991.

Section 389. Chief Executive: Powers, Duties, and Functions. -

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(b) For efficient, effective and economical governance, the purpose of which is the general welfare of the barangay and its inhabitants pursuant to Section 16 of this Code, the punong barangay shall:

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(5) Upon approval by a majority of all the members of the sangguniang barangay, appoint or replace the barangay treasurer, the barangay secretary, and other appointive barangay officials;

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Section 399. Lupong Tagapamayapa. -

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(d) The **punong barangay**, taking into consideration any opposition to the proposed appointment or any recommendations for appointment as may have been made within the period of posting, shall within ten (10) days thereafter, **appoint** as members those whom he determines to be suitable therefor. Appointments shall be in writing, signed by the punong barangay, and attested to by the barangay secretary.

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