



REPUBLIC OF THE PHILIPPINES

**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**

Regional Office No. I, San Fernando City, La Union

Tel. Nos. (072) 888-21-08; 700-57-46; 888-22-89; 700-27-01; 700-36-79; 607-12-45

Fax Nos. 888-22-94; 700-27-03



October 21, 2011

**TERESITA V. SUÑER**  
Barangay Treasurer  
Francia West, Tubao  
2509 La Union



Dear Ms. Suñer

This refers to your letter seeking the Department's opinion on the status of your appointment as Barangay Treasurer of Barangay Francia West, Tubao, La Union despite the temporary appointment made by your Punong Barangay.

Before dwelling on the issue, may we first invite your attention to the provision of the **Local Government Code of 1991**, to wit;

**Section 395. Barangay Treasurer: Appointment, Qualification, Powers and Duties. -**

(a) The barangay treasurer shall be appointed by the punong barangay with the concurrence of the majority of all the sangguniang barangay members. The appointment of the barangay treasurer shall not be subject to attestation by the Civil Service Commission.

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(c) No person shall be appointed barangay treasurer if he is a sangguniang barangay member, a government employee, or a relative of the punong barangay within the fourth civil degree of consanguinity or affinity.

(d) The barangay treasurer shall be bonded in accordance with existing laws in an amount to be determined by the sangguniang barangay but not exceeding Ten thousand pesos (P10,000.00), premiums for which shall be paid by the barangay.

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Now, resolving the issue, this Office opines that your appointment as Barangay Treasurer made and issued by the Punong Barangay and the Sangguniang Barangay members is valid under the law. There being no disqualifications that would make you inappropriate to such position. Your being the focal person of the 4Ps will not affect the



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validity of your appointment since, upon being informed, you immediately relinquished such position. Also, the absence of proper turn-over involving the past barangay treasurer will not affect the validity of your appointment since you qualified and appointed to such position.

This Office would like to note that there are no valid grounds that would disqualify you from being the appointed Barangay Treasurer of your Barangay.

Now, on the matter of appointing Arnold Bello as a Temporary Barangay Treasurer of your Barangay. This Office opines that the act of the Punong Barangay and the Sangguniang Barangay Members in appointing a temporary barangay treasurer is invalid, illegal and contrary to law. Under the law, an appointment to any position can only be made when there is a PERMANENT VACANCY or TEMPORARY VACANCY to any government position.

The position of Barangay Treasurer of Barangay Francia West is not vacant because you have legal title to such position being the appointed Barangay Treasurer, which is valid and in compliance with the requirements of the Local Government Code of the Philippines. The Barangay Officials of your Barangay did not revoke your appointment as a Barangay Treasurer. Hence, there is no vacancy to such position that would justify the appointment of Mr. Arnold Bello in a temporary capacity.

As to the validity and legality of the Internal Agreement made by the Punong Barangay and Sangguniang Barangay Members. This Office opines that it is a blatant violation of the Equal Protection Clause as provided by Article III of the Philippine Constitution. The Internal Agreement signed by the Barangay Officials concerned will tolerate discrimination in the Local Government.

However, since the Internal Agreement is not embodied in a resolution or an ordinance, the same has no legal effect. The internal agreement cannot be the basis of any action by the Barangay Officials. It cannot be the rule to be followed by the Barangay Officials. So, any concerned citizen may question such internal agreement. And if the Barangay Officials will still follow such internal agreement, they can be subjected to administrative disciplinary action.

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

Very truly yours,

  
**MANUEL V. BIASON, CESO III**  
Regional Director

Legal/joa