

BASIC : LETTER DATED NOVEMBER 03, 2008, FROM MLGOO SOFRONIO ABING, JR. OF DILG LILA (BOHOL) OFFICE

2nd Indorsement
November 18, 2008

Respectfully forwarded to Ms. Rustica N. Mascariñas, Provincial Director, DILG Bohol Provincial Office, the herein basic communication from MLGOO Sofronio Abing, Jr. requesting guidance on certain issues affecting elected municipal officials and appointed barangay officials.

As regards the first concern, the Local Government Code of 1991 does not provide any prohibition on the barangay secretary and barangay treasurer seeking private employment. To the contrary, it can even be implied that it is allowed when it is expressly provided in the Code that no person shall be appointed barangay secretary or barangay treasurer if he is a government employee. Stated otherwise, one can be appointed as such even if he is privately employed. But if one is gainfully employed by a private concern working 8 hours a day from Monday to Friday, how can he perform his duties and functions as barangay treasurer or barangay secretary. As provided in Section 394(d) and Section 395(e), the duties and functions of the barangay secretary and the barangay treasurer are enormous. It would best if they make a choice, whether to stay on as barangay secretary/barangay treasurer or to be continually employed by the private concern.

On the second issue, the barangay treasurer or the barangay secretary may be allowed to enroll in order to pursue further his education, provided it will not affect the performance of his duties and functions, bearing in mind that he does not have security of tenure.

With regard to members of the sangguniang bayan, they are not prohibited to practice their profession or to engage in any occupation, provided there is no conflict of interest, and it will not affect the performance of their duties; otherwise, they may be administratively sanctioned for dereliction of duty, violation of the Anti-graft and Corrupt Practices Act or of the Code of Conduct and Ethical Standards for Public Officials and Employees.

PEDRO A. NOVAL, JR.
Regional Director

