



REPUBLIC OF THE PHILIPPINES

Department of Budget and Management
Malacañang, Manila

LEGAL OPINION NO. L-B-2002-02

SUBJECT : Local Government Budgeting – Re-appropriation

ISSUE : Whether a local government can re-appropriate budgetary appropriations validly reduced and/or deleted by the sanggunian through a mere resolution passed by its local chief executive.

FACTS : On 27 March 2001 the FY 2001 General Fund Annual Budget of the Municipality of Sogod, Southern Leyte was enacted by the Sangguniang Bayan (SB). However, the Mayor vetoed certain items which were deleted/reduced and realigned by the SB.

The SB unanimously passed a resolution overriding the veto of the Municipal Mayor.

The Mayor then issued and signed, " An SB Resolution Ordinance" re-appropriating the items which he previously vetoed.

OPINION : Considering that the veto of the Mayor was overridden by the Sanggunian, said vetoed items cannot be re-appropriated in the FY 2001 Annual Budget of the Municipality of Sogod through a mere resolution-ordinance approved by the Mayor.

Articles 108, 109 and 415 of the Implementing Rules and Regulations of R.A. No. 7160, the Local Government Code of 1991, enumerates the following steps in the approval of ordinances:

- (a) Every ordinance enacted by the sanggunian shall be presented to the local chief executive.
- (b) If the local chief executive concerned approves the same, he shall affix his signature on each and every page thereof.

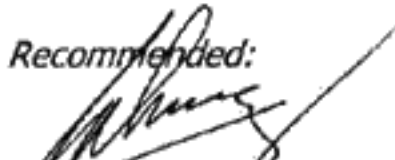
- (c) If he disapproves, he shall veto it on the ground that it is ultra vires or prejudicial to the public welfare and return the same to the sanggunian stating his objections thereto.
- (d) Likewise, the local chief executive, except the punong baranggay has the power to veto any particular item or items in an appropriations ordinance. In this case, the veto shall not affect the item or items which are not objected to.
- (e) The sanggunian concerned may override the veto or item veto of the local chief executive by two-thirds (2/3) vote of all the members thereby, making the ordinance or resolution effective for all legal intents and purposes.
- (f) The vetoed appropriations ordinance or item/s of an appropriations ordinance shall not take effect unless the sanggunian overrides the veto;
- (g) If the vetoed appropriations ordinance or the vetoed item/s of an appropriations ordinance has not been overridden by the sanggunian, the vetoed appropriations ordinance or the item/s in the appropriations ordinance of the previous year corresponding to those vetoed shall be deemed reenacted.

In the instant case, the veto of the reduced/deleted items was overridden by the sanggunian therefore, the reduction/deletion is valid and effective. Reenactment of the previous year's items corresponding to those vetoed takes place only when the veto is not overridden.

Accordingly, said reduced/deleted items cannot be the subject of re-appropriation through a mere resolution-ordinance approved by the Mayor.

REFERENCE : Memorandum of the Secretary dated 19 May 2002 to DBM RO-VIII

Recommended:


RUBY U. ALVAREZ
Director, LLS

Approved:


EMILIA T. BONCODIN
Secretary