



REPUBLIC OF THE PHILIPPINES

Department of Budget and Management
Malacañang, Manila

LEGAL OPINION NO. L-B-2002-03


- SUBJECT :** Local Government Budgeting – Appropriations
- ISSUE :** Legality of appropriating funds for the establishment of a monument for the late General Vicente Alvarez.
- FACTS :** The Sangguniang Panlalawigan of Zamboanga City enacted Ordinance No. 213 dated 29 June 1998 declaring General Vicente Alvarez as the revolutionary hero of Zamboanga City. Thereafter, the SP passed Resolution No. 820 dated 20 September 2001 requesting the City Mayor to set aside the necessary funding for the construction of the monument of General Vicente Alvarez.
- OPINION :** Appropriation is legal since it is pursuant to a public purpose.

The Local Sanggunian, as the legislative body of the local government unit (LGU) has, under R.A. 7160, otherwise known as the Local Government Code of 1991, the power to enact ordinances, approve resolutions and appropriate funds for the general welfare of the LGU and its inhabitants. Such power, however, is subject to Section 305 of the LGC of 1991 which provides that local government funds and monies shall be spent solely for public purpose.

In the instant case, the construction of said monument is one that is imbued with public interest as it is intended primarily for the recognition of the heroic deeds of General Vicente Alvarez which heroism and nationalism could be emulated by the people of Zamboanga.

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

Recommended:


RUBY U. ALVAREZ
Director, LLS

Approved:


EMILIA T. BONCODIN
Secretary