



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
A. Francisco Gold Condominium II Bldg, EDSA
corner Mapagmahal St., Diliman, Quezon City

OFFICE OF THE UNDERSECRETARY FOR LOCAL GOVERNMENT

10 July 2008

VICE-MAYOR ERNESTO S. MERCADO
Makati City

DILG OPINION NO. 51 S. 2008

Dear Vice-Mayor Mercado:

This has reference to your earlier letter seeking the Department's opinion relative to your proposed professionalization/standardization of Barangay Tanods in Makati City.

Per your letter, Mayor Jejomar C. Binay of Makati City, in his desire to strengthen the maintenance of peace and order in that city, is planning to standardize all Barangay Tanods in their uniforms with paraphernalia, honoraria and other benefits as well as the trainings to be conducted with the end in view that they become professional Barangay Tanods in the thirty-three (33) component Barangays. Also, Mayor Binay is planning to adopt a common standard operating procedure to address the needs of his constituents on Public Safety and Peace and Order in a program to be known as the "Barangay Tanod Brigade of Makati City". According to you, the aforesaid project is based primarily on Section 16 of the Local Government Code of 1991 (RA 7160) pertaining to the "general welfare clause" and Executive Order No. 546 which authorizes the deputation of Barangay Tanods as force multipliers in the implementation of the peace and order plan in their area of responsibility.

You also represented in your letter that each barangay in your city has already allocated funds but the same may not be sufficient so as to fully implement the project. For this reason, you are proposing that the city government will instead subsidize a portion of the funds needed so as to fully implement the project.

In view of the foregoing, you are now seeking our legal opinion regarding your proposed project and whether it is possible for the city government of Makati to allocate funds to subsidize the honoraria, other benefits, uniforms and trainings of every barangay's roster of barangay tanods.

In reply thereto, please be informed that we see no legal impediment in the execution of your proposed project. In fact, the following provisions under the Local Government Code of 1991, even sanction your proposed project of standardizing the Barangay Tanods in your city, to wit:

“SECTION 455. Chief Executive: Powers, Duties and Compensation.—(a) The city mayor, as the chief executive of the city government, shall exercise such powers and perform such duties and functions as provided by this Code and other laws.

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

(1) Exercise general supervision and control over all programs, projects, services, and activities of the city government, and in this connection, shall: xxx

(2) Enforce all laws and ordinances relative to the governance of the city and in the exercise of the appropriate corporate powers provided for under Section 22 of this Code, implement all approved policies, programs, projects, services and activities of the city and, in addition to the foregoing, shall:

(i) Ensure that the acts of the city’s component Barangays and of its officials and employees are within the cope of their prescribed powers, duties and functions;”

xxx xxx xxx

As to the issue on whether the city government of Makati may allocate funds to subsidize the honoraria, other benefits, uniforms and trainings of every barangay’s roster of Barangay Tanods, we answer in the affirmative.

Section 387 of the Local Government Code of 1991 expressly enumerated the main barangay officials in the barangay government, namely: the Punong Barangay, the seven (7) Sangguniang Barangay Members, the Barangay Treasurer, the Barangay Secretary, the SK Officials and the Lupong Tagapamayapa. The Barangay Tanods were not expressly mentioned therein. However, in a succeeding provision of the Local Government Code, specifically, Section 393 thereof, Barangay Tanods were already mentioned when said Section provides for the appointment of barangay tanod brigades, or their equivalent, which shall number not more that twenty (20) in each barangay. The first sentence of Section 393 further classified the Barangay Tanods as barangay officials.

Furthermore, if the barangay deems it necessary to create additional positions in the barangay whose duties and functions are similar to that of the barangay tanods, the barangay concerned, by way of an ordinance, may create said positions pursuant to the second sentence of Section 387 (b) of the Code, which empowered the barangay to “xxx form community brigades and create such other positions or offices as may be deemed necessary to carry out the purposes of the barangay government in accordance with the needs of public service, subject

to the budgetary limitations on personal services prescribed under Title Five, Book II of this Code". Since these additional positions were created through a barangay ordinance, the officials occupying these positions are thus considered also as barangay officials.

In this regard, may we invite your attention to Section 393 (a) of the Local Government Code of 1991, which provides and we quote:

"SECTION 393. Benefits of Barangay Officials.—
(a) Barangay officials, including barangay tanods and members of the lupong tagapamayapa, shall receive honoraria, allowances, and such other emoluments as may be authorized by law or barangay, municipal or city ordinance in accordance with the provisions of this Code, but in no case shall it be less than One thousand pesos (P1,000.00) per month for the punong barangay and Six hundred pesos (P600.00) per month for the sangguniang barangay members, barangay treasurer, and barangay secretary: Provided, however, That the annual appropriations for personal services shall be subject to the budgetary limitations prescribed under Title Five, Book II of this Code. (Emphasis Supplied)

Based on the foregoing, the City, by way of a city ordinance, may allocate funds to subsidize the honoraria, allowances and such other emoluments given to barangay tanods and equivalent brigades. The foregoing provision may thus legally justify the allocation of city funds in support of the project to standardize the Barangay Tanods' honoraria, allowances and such other emoluments appurtenant to them as well as their uniforms with paraphernalia and the conduct of seminars all aimed at making them professional Barangay Tanods. May we take this opportunity, however, to remind you that your proposed standardization/professionalization of Barangay Tanods should not, in any way, remove from the punong barangay his power of operational control and supervision over the Barangay Tanods.

We hope that we have addressed your concern accordingly.

Very truly yours,


AUSTERE A. PANADERO
Undersecretary 

cc: Undersecretary Eduardo R. Soliman
DILG-NCR
• LMP Bldg., Ermin Garcia St.,
Cubao, Quezon City