



Item No.: 30
Date: 03 2026 NOV



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center, EDSA cor. Quezon Avenue, West Triangle, Quezon City
www.dilg.gov.ph

LEGAL ADVISORY

TO : ALL GOVERNORS, VICE GOVERNORS, CITY AND MUNICIPAL MAYORS AND VICE MAYORS, SANGGUNIAN, AND ALL OTHERS CONCERNED



SUBJECT : LEGAL ADVISORY ON THE POWERS, DUTIES, AND LIMITATIONS OF VICE MAYORS AND VICE GOVERNORS AS PRESIDING OFFICERS OF THE SANGGUNANG BAYAN, SANGGUNANG PANLUNGSOD, AND SANGGUNANG PANLALAWIGAN

DATE : OCT 26 2026

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This Department issues the present Advisory to clarify the extent of the powers of the Presiding Officers of the respective Sanggunians.

In this regard, all Local Government Units (LGUs) are hereby enjoined to be guided by the provisions of Sections 49 and 50 of the Local Government Code of 1991 (RA 7160), which delineate the powers, duties, and limitations of the Presiding Officer, as follows:

SECTION 49. Presiding Officer. - (a) *The vice-governor shall be the presiding officer of the Sangguniang Panlalawigan; the city vice-mayor, of the Sangguniang Panlungsod; the municipal vice-mayor, of the Sangguniang bayan; and the Punong Barangay, of the Sangguniang Barangay. The presiding officer shall vote only to break a tie.*

(b) *In the event of the inability of the regular Presiding officer to preside at a Sanggunian session, the members present and constituting a quorum shall elect from among themselves a temporary presiding officer. He shall certify within ten (10) days from the passage of ordinances enacted and resolutions adopted by the Sanggunian in the session over which he temporarily presided.*

SECTION 50. Internal Rules of Procedure. - (a) *On the first regular session following the election of its members and within ninety (90) days thereafter, the Sanggunian concerned shall adopt or update its existing rules of procedure.*

(b) *The rules of procedure shall provide for the following:*

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- (1) The organization of the Sanggunian and the election of its officers as well as the creation of standing committees which shall include, but shall not be limited to, the committees on appropriations, women and family, human rights, youth and sports development, environmental protection, and cooperatives; the general jurisdiction of each committee; and the election of the chairman and members of each committee;*
- (2) The order and calendar of business for each session;*
- (3) The **legislative process**;*
- (4) The **parliamentary procedures which include the conduct of members during sessions**;*
- (5) The discipline of members for disorderly behavior and absences without justifiable cause for four (4) consecutive sessions, for which they may be censured, reprimanded, or excluded from the session, suspended for not more than sixty (60) days, or expelled: Provided, That the penalty of suspension or expulsion shall require the concurrence of at least two-thirds (2/3) vote of all the Sanggunian members: Provided, further, That a member convicted by final judgment to imprisonment of at least one (1) year for any crime involving moral turpitude shall be automatically expelled from the Sanggunian; and*
- (6) **Such other rules as the Sanggunian may adopt**. (Emphasis supplied)*

On the Scope and Limitations of the Presiding Officer's Powers

While the Local Government Code of 1991 (LGC) expressly prescribes the functions and voting limitations of the Presiding Officer, Section 50 thereof authorizes the Sanggunian to adopt its own Internal Rules of Procedure (IRP) to regulate the conduct of its sessions and proceedings. This authority, however, is not absolute and must be exercised within the limits established by the LGC and other applicable laws.

In *Zamora v. Caballero* (G.R. No. 147767, January 14, 2004), the Supreme Court did not categorically prohibit a Presiding Officer from stepping down from the chair. Rather, the Court disallowed the practice when used as a means of circumventing the statutory restriction on the Presiding Officer's exercise of voting rights. The ruling thus recognizes the importance of examining the purpose and effect of such an act to determine whether it constitutes a legitimate exercise of procedural authority or an attempt to evade a limitation imposed by law.

Consistent with this principle, the Sanggunian's authority to regulate its internal proceedings does not extend to authorizing the Presiding Officer to assume legislative functions that are inconsistent with the limitations attached to the office. In particular, the Presiding Officer may not sponsor an ordinance in the capacity of a regular member of the Sanggunian. Stepping down from the chair does not, by itself, confer authority to exercise functions that the law does not permit the Presiding Officer to perform. Neither may the IRP be invoked to create an exception to, or circumvent, the statutory limitations governing the office.

This does not, however, preclude the Sanggunian from prescribing, through its IRP,

reasonable procedures necessary for the effective conduct of its sessions and deliberations. Under the doctrine of necessary implication and its authority under Section 50 of the LGC, the Sanggunian may address procedural matters that the Code does not expressly regulate. Thus, subject to applicable legal limitations, the IRP may allow the Presiding Officer to step down from the chair to deliver a privilege speech, address the assembly, or participate in a debate. Such participation must remain consistent with the nature and limitations of the Presiding Officer's office and must not be used to circumvent an express statutory restriction.

Accordingly, the IRP serves to supplement, not supplant, the LGC. While the Sanggunian enjoys discretion in regulating matters concerning its internal proceedings, it cannot adopt rules that amend, override, or dispense with statutory requirements, particularly those governing the powers, functions, and limitations of the Presiding Officer under Sections 48 to 59 of the LGC. The exercise of such rule-making authority must, therefore, remain within the framework established by the LGC and other applicable laws.

Hierarchy of Governing Parliamentary Authorities

For guidance, the following hierarchy¹ shall govern parliamentary rules in the conduct of Sanggunian proceedings:

1. **The 1987 Constitution;**
2. **The Local Government Code of 1991 (RA 7160);**
3. **Judicial Decisions;**
4. **The duly adopted Internal Rules of Procedure of the Sanggunian;**
5. **Established Parliamentary Practice;**
6. **Recognized Parliamentary Authorities and Authors; and**
7. **Customs and Usage.**

This hierarchy underscores that higher authorities shall prevail over subordinate sources, and that lower sources may be applied only in the absence of applicable higher law or rule.

For instance, in the absence of an IRP provision addressing a particular procedural matter, the Sanggunian may refer to established parliamentary practice, as exemplified by the procedure in the Philippine Senate and House of Representatives, where the Presiding Officer may temporarily relinquish the chair to participate in deliberations — a practice historically recognized in legislative bodies.

Conclusion

In summary, the Presiding Officer's powers are clearly defined and circumscribed by the Local Government Code. While the Sanggunian enjoys discretion to formulate its Internal Rules of Procedure, such rules must remain consistent with the law and jurisprudence, and may only supplement — not supplant — statutory provisions.

¹ DILG Opinion no. 10 s 2009, 25 February 2009

All local legislative bodies are thus advised to review and align their respective Internal Rules of Procedure with this guidance, ensuring fidelity to the Local Government Code and adherence to established principles of parliamentary governance.

For your information.

By Authority of the Secretary:



ATTY. ROMEO P. BENITEZ

Undersecretary for External, Legal and Legislative Affairs

LLLS/RPBL/LRALLD/mcv
LLLS-2025-10-29-011



Republic of the Philippines
Province of Bulacan
City of Malolos
Office of Board Member
ARTHUR A. LEGASPI
6th District of Bulacan



October 28, 2025

HON. JUANITO VICTOR "JONVIC" C. REMULLA, JR.

Secretary
Department of the Interior and Local Government
DILG-NAPOLCOM Center
EDSA corner Quezon Avenue, Quezon City

Thru: The DILG Legal and Legislative Liaison Service

Subject: Request for the Issuance of a Memorandum Circular Clarifying the Powers and Limitations of Vice Mayors and Vice Governors in Local Sanggunians Despite the Issuance of Prior DILG Legal Opinions

Dear Secretary Remulla,

Warm greetings.

In the interest of ensuring clarity, uniformity, and good governance in local legislative operations, this Office respectfully requests the issuance of a Memorandum Circular addressed to all local government sanggunians in the Philippines to clarify the powers, duties, and limitations of Vice Mayors and Vice Governors as Presiding Officers of the Sangguniang Bayan, Sangguniang Panlungsod, and Sangguniang Panlalawigan.

While we acknowledge the Department's issuance of Legal Opinion No. 98, series of 2002 and Legal Opinion No. 95, series of 2025, which provide interpretative guidance on the extent of the presiding officers' powers under the Local Government Code of 1991 (Republic Act No. 7160), we have observed that divergent interpretations and practices continue to exist among various local sanggunians.

These differences in implementation often give rise to procedural disputes and administrative confusion, particularly concerning:

1. The extent of the presiding officer's authority to participate in discussions and debates;
2. The limitations of their voting rights, especially in cases involving tie votes;
3. Their authority over the creation, composition, and leadership of sanggunian committees; and
4. Other procedural and administrative matters affecting local legislative proceedings.

To promote consistency and adherence to the rule of law, we respectfully submit that a comprehensive Memorandum Circular from the Department would be highly beneficial in harmonizing local practices, reaffirming established interpretations, and preventing further confusion among local legislative bodies.



2nd Floor, Capitol Bldg., City of Malolos, Bulacan, 3000



BMArt.Legaspi@gmail.com



044-791-8162



Republic of the Philippines
Province of Bulacan
City of Malolos
Office of Board Member
ARTHUR A. LEGASPI
6th District of Bulacan



We trust in the Department's continued leadership in guiding local government units toward effective and transparent governance.

Thank you very much for your kind attention and consideration.

Respectfully yours,

HON. ARTHUR A. LEGASPI
Board Member
Province of Bulacan – 6th Congressional District
bm.artlegaspi@gmail.com



2nd Floor, Capitol Bldg., City of Malolos, Bulacan, 3000

BMart.Legaspi@gmail.com



044-791-8162



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
Kanhuraw Hill, Tacloban City
www.region8.dilg.gov.ph



MEMORANDUM

TO : ALL DILG PROVINCIAL / HUC DIRECTORS, C/MLGOOs, AND OTHERS CONCERNED

SUBJECT : DISSEMINATION OF LEGAL ADVISORY ON THE POWERS, DUTIES, AND LIMITATIONS OF VICE MAYORS AND VICE GOVERNORS AS PRESIDING OFFICERS OF THE SANGGUNIANG BAYAN, SANGGUNIANG PANLUNGSOD, AND SANGGUNIANG PANLALAWIGAN

DATE : October 26, 2026

This has reference to the Legal Advisory dated October 26, 2026 signed by Atty. Romeo P. Benitez, *Undersecretary for External, Legal and Legislative Affairs*, regarding the above-mentioned subject.

In this regard, all Provincial/City Directors, C/MLGOOs are hereby directed to cause the immediate dissemination of the said issuance to all LGUs within their respective jurisdictions.

For information and compliance.

By authority of the Regional Director:


ARNEL M. AGABE, CESO III
Regional Director

Encl: a/s
LGMED: AMA/DNB/JMA/ATEC
/mld

R08-LGMED-2026-10-26-006



"Matino, Mahusay at Maaasahan"
Tel. Nos. (053) 321-5175; Fax Nos. (053) 832-0894
Email: dilg_r8@yahoo.com