



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City
<http://www.dilg.com.ph>

DILG OPINION No. 134 s. 2022

October 18, 2022

MS. DHEMIE ANN BELARGA

Barangay Jibolo, Janiuay, Iloilo
dhemiebelarga@gmail.com

Dear Ms. Belarga:

This has reference to your e-mail dated 18 August 2022 seeking legal assistance from this Department regarding the access of certain public records in a barangay.

Per your e-mail, your mother is requesting the following documents from the barangay:

1. *Receipts of the summons she attended*
2. *Copy of the original summon letters*
3. *Minutes of the meeting of each warrant attended*

You further represented that you made to the barangay both verbal and formal requests for the aforesaid documents. However, the barangay officials denied your requests and referred you instead to the municipal DILG. Said barangay officials are telling you that you need a court order before you are given copies of those documents.

At the outset, we would like to establish that your e-mail did not provide sufficient details surrounding your concern in order for us to formulate a comprehensive recommendation on the matter. Be that as it may, may we cite hereunder the relevant provisions of law which we deem applicable given the limited representation of the letter.

To begin with, Chapter VII of Republic Act No. 7160, otherwise known as the "Local Government Code" (LGC), expanded the scope and powers of the Katarungang Pambarangay or the Barangay Justice System, to further facilitate resolution or mediation of community and family disputes. Particularly, it creates a *Lupong Tagapamayaya ("lupon")* in each barangay which exercises administrative supervision over the conciliation panels.

Moreover, Section 403 of the LGC provides that the barangay secretary shall concurrently serve as the secretary of the lupon. He shall record the results of mediation proceedings before the punong barangay and shall submit a report thereon to the proper city or municipal courts. He shall also receive and keep the records of proceedings submitted to him by the various conciliation panels.

Accordingly, it is the lupon secretary who issues certified true copies of any public record in his custody that is not by law otherwise declared confidential (Sec. 404). The minutes of the mediation proceedings are not, generally, deemed confidential.

"Matino, Mahusay at Maaasahan"
Trunkline No.: 8876-34-54

In this regard, we are of the view that barangay summons, and minutes of the meeting during conciliation proceedings are public records which can generally be accessed by anyone upon proper request, subject to certain exceptions enshrined in the Constitution, existing laws, or jurisprudence. Furthermore, considering that the person requesting to access such records is a party in the proceeding, it is with more reason that her request must be granted.

As to the function of this Department, while it is true that it has supervisory functions over local government units (LGUs), it does not carry with it the power or authority to discipline appointed barangay officials such as the barangay secretary. In this respect, the disciplining authority is the Punong Barangay as provided under Section 389 of the LGC wherein it states that upon approval by a majority of all the members of the sangguniang barangay, appoint or replace the barangay treasurer, the barangay secretary, and other appointive barangay officials.

Consistently, the Supreme Court made a pronouncement in the case of *Alquizola et al. v. Ocoli*¹, the term "replace" would embrace not only the appointment of the replacement but also prior removal of, or the vacation by the official currently occupying the appointive position concerned, and that the power to remove is deemed implied in the power to appoint.

Note, however, that the barangay secretary and barangay treasurer may also be removed for cause in accordance with the pertinent Civil Service law, rules and regulations. In such case, concurrence of the majority of all the sangguniang barangay members is not anymore required².

In view of the foregoing, your mother may request a copy of the barangay summons and minutes of the mediation proceedings with the barangay/lupon Secretary as the latter is required under the law to record and keep the results of mediation proceedings before the punong barangay and proceedings submitted to him by the various conciliation panels, and in case the barangay/lupon secretary refuses without any justifiable cause, a case may be filed against such official in accordance with the pertinent Civil Service law, rules and regulations.

We hope to have provided you guidance on the matter. Thank you.

Very respectfully yours,

BY AUTHORITY OF THE SECRETARY:

~~ATTY. JUAN VICTOR R. LLAMAS~~

Undersecretary for External, Legal and Legislative Affairs

~~OJSELLA/JVRL/LLS-LRALLD/rjki~~

DIR. JUAN JOVIAN E. INGENIERO
Regional Director, DILG-Region VI
P. Aquino St., Fort San Pedro
Iloilo City

¹ G.R. NO. 132413, 27 August 1999

² DILG MC No. 2002-150; *Guidelines on the Appointment of Barangay Secretaries, Treasurers, and other Appointive Barangay Officials*, 18 September 2002.