

September 15, 2014

MR. FREDDIE C. ASUNCION
Secretary
Office of the Sangguniang Bayan
San Gabriel, La Union

Dear Mr. Asuncion:

This has reference to your request for legal opinion relative to the following issues, to wit:

1. *Whether or not the imposition of community service as a penalty for violation of an ordinance illegal.*
2. *Whether or not the imposition in a Barangay Ordinance of a mandatory duty (not a penalty) of one person for every household to render once a day per month community service by rendering road cleaning, is in the nature of involuntary servitude therefore illegal.*

Before dwelling on the issue, may we first invite you to the provisions of RA 7160, otherwise known as the Local Government Code (LGC) of 1991, particularly on Section 391, (a)(14) to wit:

391. Powers, Duties, and Functions. -

(a) The sangguniang barangay, as the legislative body of the barangay, shall:

(14) Prescribe fines in amounts not exceeding One thousand pesos (P1,000.00) for violation of barangay ordinances;

Based on the above provisions, the Sanggunian Barangay cannot impose Community Service as a penalty for violation of an ordinance because it can only impose the penalty of fine in their barangay ordinances. Any imposition thereof of community service as a penalty is contrary to the provision of the Local Government Code and therefore illegal.

On the second issue, the imposition of a community service as a mandatory duty is not within the scope of involuntary servitude. Involuntary servitude is working for someone else against your will for their benefit (a form of slavery).



The ordinance which imposes mandatory duty to render community service is not within the scope of involuntary servitude because the mandate to render community service, like road cleaning, is really for the benefits of the people. Legislative measure for maintaining



a clean environment which requires cooperation from the people for their own benefit is valid and legal.

We hope to have enlightened you on the issues at hand. Our opinion, however, is without prejudice to any ruling or opinion rendered by a higher authority or a competent court or tribunal.

Warm regards.


JULIE J. DAQUIOAG, Ph.D., CESO IV
Officer-in-Charge 

Legal/joa