

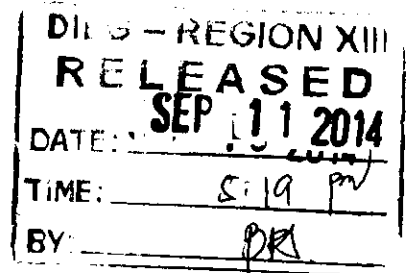


Republic of the Philippines  
**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**  
**REGION XIII (CARAGA REGION)**  
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September 11, 2014

MAYONITO FERNAN E. RAMOS  
OIC - CLGOO  
Tandag City, Surigao del Sur



*Dear Mr. Ramos:*

This refers to your query whether the Decision of the Sangguniang Panlungsod of Tandag City in Administrative Case No. 14-01 for Dereliction of Duty, Gross Misconduct, Grave Abuse of Authority and Falsification of Public Documents imposing six (6) months suspension against Hon. Eduardo A. Villaluz, Punong Barangay of Buenavista, Tandag City effective September 8, 2014 and received by the respondent on the same date may be implemented IMMEDIATELY and if not, when may it be implemented.

Noting the facts presented in your query, we invite your attention to Section 67 (a), and Section 68 of the Local Government Code of 1991 (R.A. 7160) in relation to Section 50 of the Rules of Procedures of the Sangguniang Bayan on Administrative Investigation:

*"Section 67. Administrative Appeals. - Decisions in administrative cases may, within thirty (30) days from receipt thereof, be appealed to the following:*

*(a) The sangguniang panlalawigan, in the case of decisions of the sangguniang panlungsod of component cities and the sangguniang bayan; and*

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*Section 68. Execution Pending Appeal. - An appeal shall not prevent a decision from becoming final or executory. The respondent shall be considered as having been placed under preventive suspension during the pendency of an appeal in the event he wins such appeal. In the event the appeal results in an exoneration, he shall be paid his salary and such other emoluments during the pendency of the appeal."*

In as much as Section 14 (i) of the Rules of Procedures of the Sangguniang Bayan on Administrative Investigation prohibits a Motion for Reconsideration, the proceeding being summary in nature, the provisions quoted above state the remedy of an aggrieved party, i.e., appeal to the higher sanggunian, in this case the Sangguniang Panlalawigan of Surigao del Sur. Pending appeal, the Decision of the Sangguniang Panlungsod may, therefore, be implemented immediately.

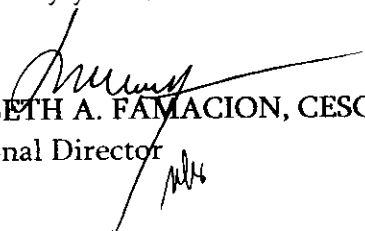
Necessarily, the Sangguniang Panlungsod may deny the Motion for Reconsideration filed by the respondent, the same being a prohibited pleading, and direct him to avail of the proper remedy instead.

Be advised that, in the future, when there are queries you receive from the Local Government Units under your care and we have clear provisions of law (in the Local Government Code (R.A. 7160)) and standing DILG Legal Opinions, you may render the opinion yourself and furnish the undersigned and/or the Legal Officer a copy.

We hope to have satisfactorily addressed your concern. This opinion is rendered without prejudice to the decisions that competent higher authorities and the courts may subsequently decree. .

Thank you and God bless!

Very truly yours,

  
LILIBETH A. FAMACION, CESO IV  
Regional Director