



Republic of the Philippines  
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT  
REGION XIII (Caraga Region)  
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REGION XIII  
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DILG 13 Legal Opinion No. 2016-023  
July 12, 2016



JERRY T. ANTIGO  
Purok 2, Barangay El Rio  
Sibagat, Agusan del Sur

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*Dear Mr. Antigo:*

This refers to your Letter of Resignation dated June 06, 2016 addressed to The Secretary of the Interior and Local Government. The same letter was indorsed to us by Hon. Leocadio T. Trovela, CESO IV, OIC Director, National Barangay Operations Office, DILG for advice of action direct to you.

May we invite your attention to the following provision of the Local Government Code (R.A. 7160):

*"Section 82. Resignation of Elective Local Officials. -*

*(a) Resignations by elective local officials shall be deemed effective only upon acceptance by the following authorities:*

*(1) xxx*

*(2) xxx*

*(3) xxx*

*(4) The city or municipal mayor, in the case of barangay officials.*

*(b) Copies of the resignation letters of elective local officials, together with the action taken by the aforesaid authorities, shall be furnished the Department of the Interior and Local Government.*

*(c) The resignation shall be deemed accepted if not acted upon by the authority concerned within fifteen (15) days from receipt thereof.*

*(d) xxx*

Therefore, we recommend that you submit your resignation letter to the Municipal Mayor of Sibagat, Agusan del Sur. Your resignation shall be deemed effective only upon acceptance of the same Municipal Mayor. Thereafter, provide copies of your resignation letter and of the action taken thereon by the Municipal Mayor to the Office of the Local Government Operations Officer in your municipality.

If the resignation is not acted upon within 15 days from receipt of the Municipal Mayor, then, the same resignation is also deemed accepted.

This opinion is rendered without prejudice to any contrary opinion of competent higher authorities and the courts.

Please be guided accordingly.

Truly yours,

  
LILIBETH A. FAMACION, CESO III  
Regional Director *pls*

cc: *Arleen Ann R. Sanchez*  
*Provincial Director*  
*DILG Agusan del Sur*

*LBC*  
*126 383466654*

*Alice B. Robles*  
*MLGOO - Sibagat*  
*Agusan del Sur*