



Republic of the Philippines
Department of the Interior and Local Government
Region 13 (Caraga)

DILG 13 Legal Opinion No. 2016-035
December 13, 2016

JOHN GIL S. UNAY SR.
Counsel for Leonardo Liga
227 Fernandez Homesite,
Libertad, Butuan City

Dear Atty. Unay:

This refers to your request for legal opinion on whether or not the latest Ombudsman order allows Mr. Leonardo Liga to resume his duties as Brgy. Councilor and for him to be entitled once again to receive his honorarium for the months he was suspended by Mayor Amante.

We took note of the dispositive portion of the referred Ombudsman Order dated 14 November 2016 in Case No. OMB-M-A-15-0338 entitled Michael P. Castillo vs. Leonardo Namuag Liga, Brgy. Kagawad, Holy Redeemer, Butuan City, as follows:

“WHEREFORE, in the spirit of fairness and due process, respondent is given 10 days from notice of this Order to submit counter-affidavit and position paper containing his comments, denials or admissions to the allegations contained in the enclosed complaint.

The Postmasters of the Davao City Post Office and Butuan City Post Offices are directed to submit to this Office within five days from notice of this Order separate reports on the status of: 1) the registered mail [containing the Joint Order dated 7 September 2015] sent by this Office to the respondent Leonardo Namuag Liga, Barangay Hall, Holy Redeemer, Butuan City, on 14 September 2015; and 2) the registered mail [containing the Decision dated 11 April 2016] sent by this Office to respondent Leonardo Namuag Liga, Barangay Hall, Holy Redeemer, Butuan City, on 28 April 2016.

The Mayor of Butuan City is directed to hold in abeyance the implementation of the penalty of Suspension imposed upon respondent by this Office through the assailed Decision until further notice.

SO ORDERED.”

Based on your presentation, it appears 1) that the Order above was received after the implementation of the Decision suspending the respondent

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2. that the Office of the Ombudsman had no notice that the same had already been implemented; thus, the Order to hold the implementation in abeyance; 3. and thus, the same does not explicitly order any reinstatement or payment of honorarium and other benefits and emoluments.

So that, in view of the recent developments, such as the implementation of the Decision, it is now incumbent upon you to file necessary pleadings and/or manifestations before the Office of the Ombudsman. It is the Honorable Office of the Ombudsman who can resolve whether or not Mr. Liga may resume his post and receive whatever is due him as Barangay Kagawad.

We hope to have satisfactorily addressed your concern.

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

Very truly yours,

(SGD) LILIBETH A. FAMACION, CESO III
Regional Director

cc: Charissa T. Guerta
City Director
DILG-Butuan City

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