



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

March 28, 2017

ELLEN VEE P. CHUA
Provincial Director
DILG-Agusan del Norte

Attention: Yul Guerta
MLGOO – Tubay, Agusan del Norte

Dear PD Chua:

This refers to your request for legal opinion on the present situation of Brgy. Doña Telesfora, Tubay, Agusan del Norte, given the resignation of the elected Punong Barangay and the refusal of the Sangguniang Barangay to approve a resolution authorizing the newly installed Punong Barangay to change official bank signatories for and on behalf of the barangay, causing a disruption in the financial transactions of the same barangay, among others.

First, based on the reading of your presentation as well as that of PB Norwell L. Labalan, we note that the refusal of the Sangguniang Barangay to approve the above resolution is due to the fact that the resigned Punong Barangay Jerosse Rey Jary O. Mondejar-Elle has not made a formal turn-over of Barangay documents and properties yet.

For this reason, we recommend that LGU Tubay, with the technical assistance of the MLGOO, shall facilitate the turn-over of such barangay documents and properties by the resigned Punong Barangay the soonest possible time.

Second, from our reading of your letters, we also note that one member of the Sangguniang Barangay objected to approving the above resolution due to lack of confidence on the first ranking Sangguniang Barangay.

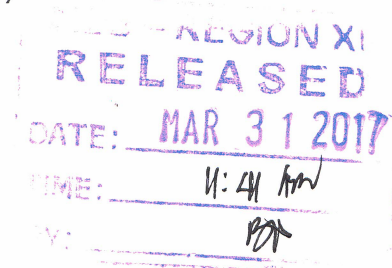
For this, we recommend that LGU Tubay, with the technical assistance of the MLGOO, shall orient / remind the members of the Sangguniang Barangay of Doña Telesfora that succession to the office of the Punong Barangay in case of permanent vacancy is by operation of law, i.e., the first ranking member of the Sangguniang Barangay succeeds to the office of the Punong Barangay.

We appreciate an update on these matters.

"Matino, Mahusay at Maaasahan"

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

Thank you and God bless!

Truly yours,


LILIBETH A. FAMACION, CESO III
Regional Director

/amg dlo 2017-005

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