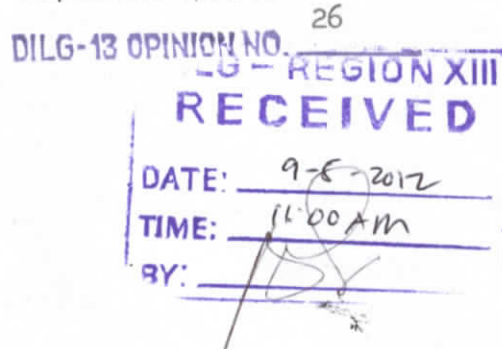




September 4, 2012



Ms. CHERRY N. VITOR  
MLGOO, DILG  
Buena Vista, Agusan del Norte

Thru: Mr. Romeo A. Solis  
OIC – Provincial Director  
DILG, Agusan del Norte

Dear Ms. Vitor:

This refers to your query on whether request to MLGOO to execute the decision of the sangguniang bayan, is covered by DILG Memorandum dated March 14, 2012 entitled "IMPLEMENTATION OF DECISIONS OR PREVENTIVE SUSPENSION ORDERS OF LOCAL SANGGUNIAN IN THE EXERCISE OF THEIR QUASI-JUDICIAL FUNCTIONS". It is the contention of Vice Mayor Ramon A.G. Bungabong that what is covered by that Memorandum is service and not the execution of the decision.

This level believes that "SERVICE OF DECISION" as stated in the Memorandum encompasses "EXECUTION OF THE DECISION". It is very clear in Section 68 of the Local Government Code of 1991 that the decision of the sanggunian is immediately final and executory even pending appeal. *Immediately means "without delay or hesitation" or "with no time intervening"* (<http://www.thefreedictionary.com/immediately>). We opine that respondent punong barangay is considered suspended immediately upon receipt of the decision without waiting any order of execution. It is unlike in other cases in which the decision becomes final and executory only after the failure the concerned party to file a motion for reconsideration or an appeal within a prescribed period from the receipt of the decision and which a writ of execution may be issued.

The authority to enforce the decision is inherent in judicial and quasi-judicial bodies that have the duty to hear and decide cases. In the case of *GSIS vs. CSC* (G.R. No. 96938 October 15, 1991), the Supreme Court said that "*it would seem quite obvious that the authority to decide cases is inutile unless accompanied by the authority to see that what has been decided is carried out. Hence, the grant to a tribunal or agency of adjudicatory power, or the authority to hear and adjudicate cases, should normally and logically be deemed to include the grant of authority to enforce or execute the judgments it thus renders, unless the law otherwise provides*". Thus,

this office believes that the punong barangay should have vacated his post upon service of the decision last August 23, 2012 without waiting for the execution.

Nevertheless, you may serve and implement the decision of the sangguniang bayan, sitting as a quasi-judicial body, as long as prior approval from the Secretary of the Department has been obtained by the sanggunian.

Your duty now is to update the masterlist of barangay officials stating therein that the highest ranking kagawad acts as punong barangay for the duration of the punong barangay's suspension. You may instruct the highest ranking barangay kagawad to take an oath of office as acting punong barangay for the duration of the incumbent's suspension.

We hope to have clarified you on this matter.

Very truly yours,



LILIBETH A. FAMACION, CESO IV  
OIC - Regional Director