



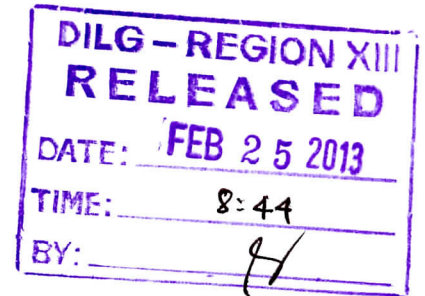
Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
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DILG-13 OPINION NO. 03

February 19, 2013

HON. HENRY S. DANO
Municipal Mayor
Lingig, Surigao del Sur



Dear Mayor Dano:

This refers to your letter seeking legal opinion related to several issues arising from the decision of the Office of the Ombudsman-Mindanao dated reconsidering/modifying its decision to some employees of the municipal government of Lingig from dismissal to one (1) year suspension. You also asked on the propriety of Vice Mayor Roberto Luna, Jr., as then acting mayor, of ordering the reinstatement of the concerned personnel while you were held captive by the New People's Army. Your other concern is the implementation of that decision despite resolution of the Ombudsman of the opposition of complainant Leonor M. Octagon.

Based on the documents you have submitted, it was presented that on March 31, 2009, the Office of the Ombudsman-Mindanao decided dismissing Jethro P. Lindo, et.al. from service. Based on the letter of the said Office you issued an order dismissing the respondents even the latter filed a motion for reconsideration. On February 24, 2011, the same Office issued an Order reducing the penalty from dismissal to one (1) year suspension without pay. On September 13, 2011, complainant Leonor M. Octagon, Jr. filed a Manifestation opposing the February 24, 2011 Order of the Ombudsman. Without waiting for resolution of the Ombudsman and while you were still in captivity, Vice Mayor Luna, as acting Mayor reinstated the respondents effective September 29, 2011. On October 12, 2011 the Chief of CPL Unit Atty. Marco Anacleto P. Buena of the Office of the Ombudsman filed his Comment and concurs with the manifestation of Mr. Otagan. Until today, the Ombudsman has not yet resolved both the manifestation and comment.

Therefore, we will answer your query on the validity of Vice Mayor Luna's act of reinstating the respondent once we could determine from the Ombudsman whether the Order modifying the penalty from dismissal to suspension can be implemented pending resolution of the manifestation and comments of Mr. Otagan and Atty. Buena.

Thus, much as we would like to answer your query, we believe that your concern pertaining to the implementation of February 24, 2011 Order of the Office of the Ombudsman-Mindanao should be coursed first to that office.

Very truly yours,


LILIBETH A. FAMACION, CESO IV
OIC-Regional Director 