



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
REGION XIII (CARAGA REGION)
 1559 Matimco Bldg., Km.4, Libertad, Butuan City
 Telefax. Nos. (085) 342-2134/815-1299
 website: caraga.dilg.gov.ph; email address: dilgxiii@yahoo.com



Post office registered mail

DILG RO XIII
FILE

DILG-13 OPINION NO. 17
 July 4, 2013

Hon. LUCIO T. GONZALES
 Municipal Mayor
 Pilar, Surigao del Norte

Dear Mayor Gonzales:

This refers to your letter dated 08 June 2013 to Director Jesus B. Doque IV Legal Service, DILG, Quezon City, seeking the Department's legal opinion on the following:

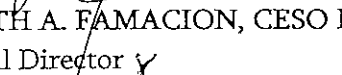
- 1) Whether the unauthorized absences of the SK Federation Presider sitting as Ex-Officio Member of the Sangguniang Bayan of Pilar may be a ground for disciplinary action against him; and
- 2) The extent of liability of the Municipal Vice-Mayor in allowing the disbursement of salaries and wages in full to the said official despite the alleged absences.

For your first query, a member of the sanggunian can be administratively liable only if he/she has unauthorized absence for four (4) consecutive sessions (Art. 124 (6), RRI of R.A. No. 7160). Based on the records attached to your letter, the SK Federation President is administratively liable for incurring four (4) consecutive absences from September 17 and 24 and October 03 and 10, 2012. Any disciplinary action against the SK Federation President for being absent in the session is also governed by the sanggunian's internal rules of procedures (Sec. 5 (b) (6), R.A. No. 7160).

For your second query, the municipal vice mayor should have caused the deduction in the salary of ex-officio member equivalent to the number of days absent since he knew that the member was absent without filing any leave certificate. His failure to do so makes him liable under Anti-Graft and Corrupt Practice Act (R.A. No. 6713) Section 3(e), for causing injury to the government in the discharge of his officials through manifest partiality, evident bad faith or gross negligence. Correspondingly he may be liable administratively for gross negligence of duty, etc.

We hope to have clarified you on this matter.

Very truly yours,


LILIBETH A. FAMACION, CESO IV
Regional Director

cc: Atty. Cynthia Laureano-Pulido
OIC, Law Division
Legal Service, DILG
Quezon City

} J.R.S # 092453

d:\apv\fact-finding\2013\07pilar.doc

DILG - REGION
RELEAS
DATE: JUL 04 20
TIME: 3:42 PM
BY: PERS