

October 15, 2007

ATTY. JULIUS CEASAR S. ENTISE
11th Avenue corner Benedicto Street
North Reclamation Area
Cebu City

Dear Atty. Entise:

This has reference to your letter dated August 08, 2007, addressed to DILG Cebu City Director Patricio Gabuya, and indorsed to this level on October 10, 2007, for appropriate reply to the query raised - whether or not Punong Barangay Eugenio Faelnar could still run for another term as punong barangay of Guadalupe based on the facts presented.

In reply thereto, we wish to emphasize at the outset that contrary to the opening statement in your letter, the 1987 Constitution does not set the term of office of barangay officials. As provided in Section 8, Article X of the Constitution, the term of office of barangay officials shall be determined by law. Hence, its the Local Government Code of 1991 which provides for the term of office of elected barangay officials amended, however, by R.A. 8524, R.A. 9164 and R.A. 9340.

As regards the query at hand, we are of the view that Punong Barangay Eugenio Faelnar could still run for another term as punong barangay of Guadalupe, Cebu City in the forthcoming barangay and SK elections based on the facts presented vis-a-vis the decision of the Supreme Court in the case of Borja vs. COMELEC, G.R. No. 133495, September 3, 1998.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

.cc : Dr. Patricio Gabuya
DILG Cebu City Office

.ord/legal

