

April 3, 2008

MR. JUANITO L. CAPUL  
Dawis, Bayawan City  
6221 Negros Oriental

Dear Mr. Capul:

This has reference to your letter dated January 28, 2008, addressed to AO Virginia Palanca-Santiago of the Office of the Ombudsman (Visayas) requesting clarification on certain issues raised therein. Your letter was referred to us for appropriate reply.

Appointive barangay officials and personnel do not enjoy security of tenure. Their services may be terminated anytime by the appointing authority provided such termination is concurred or approved by the majority of all the members of the sangguniang barangay. Moreover, their term of office is co-terminus with that of the appointing authority, meaning it ends at the end of the term of office of the official who appointed them (Punong Barangay).

The authority to appoint barangay personnel is vested with the Punong Barangay, subject to the concurrence of the majority of all the members of sangguniang barangay. The punong barangay may appoint anyone, except those who are disqualified as provided in the Local Government Code of 1991.

Applying the aforementioned rules to your situation, you were not dismissed from service. Your term ended with the term of office of the former punong barangay. As you stated in your letter, the new Punong Barangay wanted to re-appoint you as barangay secretary. Unfortunately, majority of the members of your sangguniang barangay did not concur your re-appointment.

Truly yours,

PEDRO A. NOVAL, JR.  
Regional Director

.cc : AO VIRGINIA PALANCA-SANTIAGO  
Office of the Ombudsman (Visayas)  
Ref. RAS-V-08-0050

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