

September 4, 2006

HON. GLENA C. BONTUYAN
Sangguniang Panlungsod
City Hall
Cebu City

Dear SKF Pres. Bontuyan:

This has reference to your letter dated August 30, 2006, requesting legal opinion as to who is the proper authority to accept the resignation of the sangguniang kabataan chairman to make it effective.

In reply thereto, please be advised that our Central Office in its Legal Opinion No. 102-S2000 dated October 05, 2000, citing Article 71 of the IRR of the Local Government Code of 1991, and the case of Marquez vs. Comelec (G.R. No. 127318, August 25, 1999), held that the resignation of an SK Chairman, as an elective barangay official, has to be submitted to the Municipal/City Mayor, the authorized accepting authority therefor.

It might be of interest to note that Section 437 of the Local Government Code of 1991 provides that the Constitution and By-Laws of the Pederasyon ng mga Sangguniang Kabataan shall govern the manner of election, removal and suspension of the officers of the pederasyon at all levels in conformity with the provisions of the Code. Resignation is not included in the enumeration. And it pertains only to officers of the federation at all levels.

Truly yours,

RENE K. BURDEOS
Regional Director

.cc : Atty. G. J. Emeterio S. Moreno, Jr.
Director, Legal Service
DILG Central Office
.ord/legal