

March 31, 2009

HON. THERESA P.M. CAMACHO
Mayor
Getafe Municipal Hall
6334 Bohol

Dear Mayor Camacho:

This has reference to your letter dated March 30, 2009, inquiring whether or not Roberto C. Lugod, Jr., husband of the deceased Pacita S. Lugod who was a sangguniang barangay member Cangmundo, Getafe, can be appointed as sangguniang barangay member to fill the vacancy therein. As reported, Mr. Roberto C. Lugod, Jr. also served before as sanggunian member of said barangay for three consecutive terms prior to the October 2007 election.

It is our considered view that Mr. Roberto C. Lugod, Jr. is qualified to be appointed as sanggnuniang barangay member of Cangmundo to fill the vacancy therein brought about by the death of his wife, Pacita S. Lugod, upon the recommendation of the sanggunian concerned. In the case of *Borja vs. COMELEC*, G.R. No. 133495, September 03, 1998, the Court ruled that the term limit for elective local officials must be taken to refer to the right to be elected as well as the right to serve in the elective position. In the case of Mr. Roberto C, Lugod, Jr. he is to be **appointed not elected** to a position he previously held.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

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