

**BASIC : LETTER DATED JANUARY 26, 2010, FROM PUNONG BARANGAY
BENJAMIN C. ZABATE OF SAWANG CALERO, CEBU CITY**

2nd Indorsement
January 29, 2010

Respectfully returned to Dr. Patricio Gabuya, City Director, DILG Cebu City Office, the herein basic communication from Punong Barangay Benjamin C. Zabate of Sawang Calero, Cebu City requesting legal opinion on the status of barangay kagawad John O. Wee. As reported Mr. John O. Wee has been out of the country for 11 months. But his approved leave was only for one month. He came back January 2010, and attended session on January 21, 2010.

Despite his unauthorized long absence, Mr. John O. Wee is still a member of the sangguniang barangay of Sawang Calero. Although he may have committed some infractions, such offenses will not automatically result in his exclusion as member of the sanggunian concerned. Due process will still have to be observed. Hence, he is entitled to receive his honorarium for his attendance during the January 21, 2010, session. But for the period he was away, he is not entitled to any.

Leave of absence must be approved, otherwise absences incurred will be unauthorized which can result in the imposition of administrative sanctions after observing due process. Let this fact be emphasized to Mr. John O. Wee. In addition to unauthorized absences, Mr. J. Wee may be administratively held for dereliction of duty and for violation of DILG Memorandum Circular on foreign travel. Dismissal from service as an administrative penalty will disqualify the respondent to hold further elective and appointive positions.

PEDRO A. NOVAL, JR.
Regional Director