

**BASIC : LETTER DATED OCTOBER 14, 2009, FROM ATTY. DOMINIC
DIÑO OF THE OFFICE OF THE VICE MAYOR, CEBU CITY**

2nd Indorsement
October 27, 2009

Respectfully returned to Dr. Patricio Gabuya, City Director, DILG Cebu City Office, the herein basic communication from Atty. Dominic Diño, Chief of Staff, Office of the Vice Mayor, Cebu City, requesting legal opinion on whether or not the Vice Mayor has disciplinary authority over the personnel under the sangguniang panlungsod.

In cases where the employees of the sanggunian are the subject of administrative investigation, the Vice Mayor, being the appointing authority, has the power to conduct such administrative investigation. He has the power not only to investigate personally the said employees, but also to delegate the power of investigation to another person or committee and to adjudicate or decide the said case (Pimentel, The Local Government Code of 1991, The Key to National Development, p. 201). The reason is that the proper appointing authority for employees of the sanggunian is the Vice Mayor pursuant to the latter's power to appoint officials and employees of the Sangguniang Panlungsod (Sec. 456, RA 7160). Likewise, in the case of *Alquizola vs. Ocol*, G.R. No. 132413, August 27, 1999, the Supreme Court reiterated the principle the power to appoint includes the power to remove.

PEDRO A. NOVAL, JR.
Regional Director

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