

**BASIC : LETTER DATED SEPTEMBER 27, 2010, FROM VICE MAYOR STANLEY S. CAMINERO OF
ARGAO, CEBU**

3rd Indorsement
September 29, 2010

Respectfully returned to Ms. Edna G. Vicoy, OIC-Provincial Director, DILG Cebu Provincial Office, the herein basic communication from Vice Mayor Stanley S. Caminero of Argao requesting legal opinion on whether concurring the appointment issued by the Mayor before the start of the election period is among the prohibited acts during the said election period.

As reported, the Mayor of Argao appointed or issued an appointment to Ms. Vivien Charissa E. Sarmago as Municipal Administrator on September 16, 2010. The said appointment was submitted to the sangguniang bayan for concurrence, and will be taken during its session when the election period has commenced.

In reply thereto, it is our considered view that the concurrence by the sangguniang bayan during the election of the appointment issued by the Mayor on September 16, 2010, is not among the prohibited acts during the said election period. The election period for the synchronized barangay and sangguniang kabataan elections scheduled on October 25, 2010, started on September 25, 2010, to end on November 10, 2010. Among the prohibited acts during the election period are issuance of appointments, promotion, creation of new position or giving salary increases (Sec. 261 (g) Omnibus Election Code). Concurrence of the appointment issued is not among the prohibited acts.

PEDRO A. NOVAL, JR.
Regional Director