

**BASIC : LETTER DATED JUNE 16, 2008, FROM MAYOR LUCIANO A.
BONGALOS OF DAUIS, BOHOL**

2nd Indorsement

July 1, 2008

Respectfully returned to Ms. Rustica N. Mascariñas, Provincial Director, DILG Bohol Provincial Office, the herein basic communication from Mayor Luciano A. Bongalos requesting legal opinion on whether or not to release or pay the salary and other benefits to Punong Barangay Ephraim R. Bomediano as ex-officio member of the Dauis sangguniang bayan whose election to the Presidency of the Liga ng Barangay Dauis Chapter is being contested in court.

Mayor Luciano Bongalo mentioned in his letter that he has issued a Memorandum Circular to the Municipal Treasurer to withhold the salary and other benefits of Punong Barangay Ephraim R. Bomediano. In effect, the requested opinion will rule on the validity or nullity of the aforementioned order, which is beyond the authority of this Department. Said matter properly belongs to the court of justice. However, we wish to point out certain facts which hopefully will guide Mayor Bongalos on the course of action to take –

- that despite the letter-complaint dated December 10, 2007, of Felix C. Milallos submitted to the Board of Election Supervisors, the body, with the exception of DILG MLGOO Dulce Alforque, attested to the Certificate of Canvass and Proclamation showing Ephraim Bomediano as the sole candidate for President of the Liga ng mga Barangay Dauis Chapter and on the Minutes of the Election Meeting;
- no restraining order nor injunction was issued by the court in connection with the case filed by Felix Milallos et al against Ephraim Bomediano et al;
- the salary and other benefits of Punong Barangay Ephraim Bomediano are chargeable against sanggunian funds the authority for the disbursement of which belongs to the Vice Mayor as provided in Section 445 of the Local Government Code of 1991.

PEDRO A. NOVAL, JR.
Regional Director

