

September 27, 2010

HON. WILSON Q. BACOR
Punong Barangay
Barangay Hall
Binaliw, Cebu City

Dear Punong Barangay Bacor:

This has reference to your letter dated September 24, 2010, requesting legal opinion on certain concerns in connection with the forthcoming barangay & sangguniang kabataan elections on October 25, 2010.

As regards the effects of the filing of a certificate of candidacy, elected local officials shall remain in office and are not considered resigned; but for appointive officials and employees, they are considered resigned upon the filing of the certificate of candidacy. If there is an immediate need to appoint a replacement such as the services of the office is necessary for the continued operation of the barangay, the COMELEC should be informed of said appointment within 3 days from its issuance.

On the issue of holding sessions during the election period, it cannot be dispensed with as it is mandated in the Local Government Code that the sangguniang barangay shall hold sessions at least twice a month. Unauthorized absences during the election/campaign period may result in the imposition of administrative sanctions.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director