

February 11, 2008

HON. LISSA MARIE DURANO
Acting Mayor
Sogod Municipal Hall
6007 Cebu

Dear Acting Mayor Durano:

This has reference to your letter dated February 07, 2008, requesting for enlightenment on the leave application of Punong Barangay Francisco C. Dayak of Bagatayam, Sogod, Cebu.

As can be gleaned from the documents attached to your letter, Punong Barangay Dayak filed an application for leave dated January 03, 2008 for the period January 07, 2008 to January 31, 2008. This was received by your office on January 07, 2008. It was shown therein that he was going to Brunei. No action was taken thereon.

On January 28, 2008, Punong Barangay Dayak sent you a letter (received by your office also of the same date) requesting for an extension of his leave until February 29, 2008 for him to finish his contract

Under Section 47 of the Local Government Code of 1991, leave of absence of a punong barangay shall be approved by the city or municipal mayor . And whenever the application for leave of absence is not acted upon within five (5) days after receipt thereof, the application for leave shall be deemed approved. The authority given to the mayor to approve the leave of absence of the punong barangay is consistent with its role as exercising supervision over the latter. The approval of leave is contingent upon the necessities of the service (CSC Omnibus Rules on Leave). Mayors are tasked to ensure that acts of the municipality's component barangays and of its officials and employees are within the the scope their prescribed powers, functions, duties and responsibilities.

The Code of Conduct and Ethical Standards for Public Officials and Employees provides that public officials and employees shall uphold the public interest over and above personal interest. They shall enter public service with utmost devotion and dedication to duty. When Punong Barangay Francisco C. Dayak ran for office last October 29, 2007, he should have been aware what he was getting into.

On the basis of your mandate to ensure the acts of barangay officials are within the scope of their prescribed powers, duties, functions and responsibilities among which is the adherence to the provisions of the Code of Conduct and Ethical Standards for Public Officials and Employees, you may issue a written Return-to-Work Order to Punong Barangay Francisco C. Dayak. His continued absence despite the order may result in the institution of appropriate administrative complaint against him.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

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