



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
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February 7, 2011

HON. MIGUEL MA. T. MARTINEZ
Vice Mayor
San Remigio Municipal Hall
Cebu

Dear Vice Mayor Martinez:

This has reference to your letter dated January 21, 2011, requesting this office's legal opinion on whether or not the decision of the sangguniang bayan of San Remigio was valid or proper in not recognizing the proclaimed ABC President of San Remigio Chapter in view of the protest filed by the defeated ABC President contender, and in declaring as vacant the seat of the ABC President as ex-officio member of the sangguniang bayan pending the resolution of the protest case.

As provided in the Constitution and By-Laws of the Liga ng mga Baranay, the term of office of all officers and members of the Board of Directors of the LIGA at all levels including the National Liga shall be from the date of their elections until their successors have been elected and qualified, unless sooner removed from office for cause. Moreover, under the Election Code of the Liga ng mga Barangay, the Board of Election Supervisor is authorized to resolve any post-proclamation electoral protest submitted in writing to the Board within 24 hours from the close of the election. The Board of Election Supervisor constituted in connection the election of officers of the Liga ng Barangay San Remigio Chapter resolved that the protest of PB Jaime Vistar was filed out of time and no action was taken thereon. Although it is provided in the said Code that the decision of the BES shall be subject to review of the National Liga Board, nevertheless, it is likewise provided therein that said decision of the BES is final and executory. Hence, the decision of the body stands until and unless altered modified or reversed by the National Liga Board. Accordingly, it is our considered view that the action of the sangguniang bayan of San Remigio was inappropriate.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

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