

BASIC : LETTER DATED MARCH 30, 2007, FROM ATTY. JOSE V. TORRALBA OF TAGBILARAN CITY.

2nd Indorsement
April 10, 2007

Respectfully returned to Ms. Rustica Mascariñas, Provincial Director, DILG Bohol Provincial Office, the herein basic communication from Atty. Jose V. Torralba of Tagbilaran City on the complaint of some concerned citizens against Mayor Dan Lim in entering into a Rehabilitate, Operate and Transfer Contract.

Please be advised that we do not have the authority to pass upon on the validity of official actions of local officials. Their acts are accorded with presumption of regularity. Likewise, it is provided in the Local Government Code of 199 that there can be no investigation on local officials within ninety (90) days immediately prior to any local election.

Moreover, as can be gleaned from Resolution No. 07-44, dated March 21, 2007, the subject contract is one contemplated under R.A. 6957 (the BOT Law), as amended by R.A. 7718, which is not among the laws repealed by R.A. 9184, the Government Procurement Reform Act. NEDA is the lead agency in the implementation of the BOT Law.

If indeed the complainants believe that the contract is disadvantageous to the city in violation of the Anti-Graft and Corrupt Practices Act, it is suggested that they bring the matter to the attention of the Office of the Ombudsman (Visayas) complete with supporting documents.

RENE K. BURDEOS
Regional Director

.ord/legal