

May 4, 2010

HON. RAMON R. EWICAN
Vice Mayor
Barili Municipal Hall
Cebu

Dear Vice Mayor Ewican:

This has reference to your letter dated April 30, 2010, requesting legal opinion on the implication of signing another copy/copies of an ordinance passed and approved by your sanggunian the original copies of which were lost in the office of the Mayor while awaiting for his approval.

As regards the preparation and signing of another set of originals of an ordinance already passed and approved by the sangguniang bayan of Barili in view of the loss of the copies thereof at the Office of the Mayor, we find no legal impediment. However, there should first be notice from the Office of the Mayor of the loss of the documents and the corresponding request for the submission of another set of signed originals.

It is noted in your letter that the lost ordinance was forwarded to the Office of the Mayor on March 25, 2010. The Local Government Code provides that the Mayor shall communicate the veto (if he so decides to veto the measure) within 10 days from receipt of the ordinance; otherwise, it shall be deemed approved as if he had signed and approved it. In accordance with the established rules on statutory construction that when the time is specified for the execution of an official act and such time was designated in order to limit the power or authority of the officer or body, such time is considered as mandatory (DILG Legal Opinion No. 65, May 20, 1999).

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

