

May 22, 2008

HON. GERARDO ABELLA CARILLO  
Sangguniang Panlungsod  
Cebu City Hall

Dear Councilor Carillo:

This has reference to your letter dated May 08, 2008, seeking this office's opinion on whether your representation as counsel of Mr. Reagan King in a special proceeding before Branch 15 of the Regional Trial Court of Cebu violated the provisions of the Local Government Code (R.A. 7160).

Under Section 90 of the Local Government Code, members of the sanggunian are allowed to practice their profession, engage in any occupation or teach in schools outside of session hours. Sanggunian members who are lawyers are allowed to represent clients and appear as counsel **except in any civil case wherein a local government unit or any office, agency or instrumentality of the government is the adverse party or in any criminal case wherein an officer or employee of the national or local government is accused of an offense committed in relation to his office.** Based on the foregoing, the answer to your query would depend on whether or not a local government unit or any office, agency or instrumentality of the government is the adverse party to the court action brought in the name of your client Mr. Reagan King.

Moreover, while being authorized by law to practice your profession, it is incumbent upon you to regularly attend any and all sessions of the sanggunian, faithfully perform your duties, functions and responsibilities as an elected public official, and to avoid any conflict of interest as provided in the Code of Conduct and Ethical Standards for Public Officials and Employees.

Truly yours,

PEDRO A. NOVAL, JR.  
Regional Director

