

November 25, 2010

MR. SANTIAGO O. YGAY, JR.  
Tabok, Mandaue City  
Cebu

Dear Mr. Ygay:

This has reference to your letter dated November 25, 2010, requesting legal opinion on whether or not you are still qualified to be appointed as a barangay treasurer in view of the fact that your name has been deleted from the list of voters for failing to vote in two succeeding elections.

Section 395(b) of the Local Government Code provides for the qualification of the barangay treasurer, who shall be of legal age, a qualified voter and an actual resident of the barangay. Who is a qualified voter? The answer is found in Section 117 of the Omnibus Election Code -

[“Sec. 117. Qualifications of a voter. - Every citizen of the Philippines, not otherwise disqualified by law, eighteen years of age or over, who shall have resided in the Philippines for one year and in the city or municipality wherein he proposes to vote for at least six months immediately preceding the election, may be registered as a voter.](#)

Any person who transfers residence to another city, municipality or country solely by reason of his occupation; profession; employment in private or public service; educational activities; work in military or naval reservations; service in the army, navy or air force; the constabulary or national police force; or confinement or detention in government institutions in accordance with law, shall be deemed not to have lost his original residence.”

Moreover, Section 4 of the same law (Omnibus Election Code) provides that it shall be the obligation of every citizen qualified to vote to register and cast his vote. Based on the foregoing provisions of law, you are a qualified voter despite the fact that your name has been deleted from the list of registered voters due to your failure to cast your vote in two succeeding elections. As a qualified voter, you have the obligation to register again and to cast your vote.

It is our considered view that you still possess that qualification required of a barangay treasurer, a qualified voter.

Truly yours,

PEDRO A. NOVAL, JR.  
Regional Director

**Sec. 118. Disqualifications. - The following shall be disqualified from voting:**

**(a) Any person who has been sentenced by final judgment to suffer imprisonment for not less than one year, such disability not having been removed by plenary pardon or granted amnesty: Provided, however, That any person disqualified to vote under this paragraph shall automatically reacquire the right to vote upon expiration of five years after service of sentence.**

**(b) Any person who has been adjudged by final judgment by competent court or tribunal of having committed any crime involving disloyalty to the duly constituted government such as rebellion, sedition, violation of the anti-subversion and firearms laws, or any crime against national security, unless restored to his full civil and political rights in accordance with law: Provided, That he shall regain his right to vote automatically upon expiration of five years after service of sentence.**

**(c) Insane or incompetent persons as declared by competent authority.**