

**BASIC : LETTER DATED JULY 31, 2006, FROM PUNONG BARANGAY
MICHAEL L. RALOTA OF T. PADILLA, CEBU CITY.**

2nd Indorsement
August 08, 2006

Respectfully returned to Dr. Patricio Gabuya, City Director, DILG Cebu City Office, the herein basic communication from Punong Barangay Michael L. Ralota of T. Padilla, Cebu City.

At the onset, let it be stressed that our Department does not have the authority to issue the official appointment to or proclamation of the sangguniang kabataan member who obtained the next highest number of votes in the election immediately preceding to assume the office of the SK chairman for the unexpired portion of the term and to discharge the powers and duties, and enjoy the rights and privileges appurtenant to the office.

On the resignation of the SK Chairman, it shall be deemed effective upon acceptance by the city mayor (Sec. 82(a)(4) RA 7160). In that regard, it should be noted that SK officials are among the elective barangay officials enumerated under Article 71 of the Rules and Regulations Implementing the Local Government Code of 1991. Corollarily, in the case of Marquez vs. COMELEC (G.R. No. 127318, August 25, 1999), the Supreme Court ruled that it should be understood that SK officials are elective barangay officials. Consequently, the resignation of an SK Chairman, as an elective barangay official, has to be submitted to the mayor, the authorized accepting authority therefor. In the meantime and during the continued absence of the SK Chairman, the highest ranking SK member may continue to discharge the powers, perform the duties and functions and enjoy the rights and privileges appurtenant to the office as provided for in Section 435(a) of the Local Government Code of 1991.

RENE K. BURDEOS
Regional Director

.cc : Atty. G. J. Emeterio S. Moreno, Jr
Director, Legal Service
DILG Central Office

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