

**BASIC : LETTER DATED MARCH 20, 2006, FROM PUNONG BARANGAY
BUENAVENTURA A. POLINAR OF SAN VICENTE NORTE,
SAGBAYAN, BOHOL.**

3rd Indorsement
April 03, 2006

Respectfully returned to Ms. Rustica Mascariñas, Provincial Director, DILG Bohol Provincial Office, the herein basic communication from Punong Barangay Buenaventura A. Polinar of San Vicente Norte, Sagbayan, Bohol, requesting for legal opinion on what action should the sanggunian barangay take against barangay kagawad Cirilo Micabalo who was apprehended and charged for violation of R.A. 9287, The Illegal Numbers Game.

Despite his arrest and being criminally charged for violation of illegal gambling law, kagawad Cirilo Micabalo, who is reportedly out on bail, can continue to perform and discharge his duties and functions. However, he may likewise be administratively charged under Section 60 of the Local Government Code of 1991. The administrative complaint may be filed before the sangguniang bayan of Sagbayan, Bohol, or before the Office of the Ombudsman (Visayas). If found guilty of the administrative offense charged, he can be suspended from office.

As regards his honorarium, he shall be entitled to receive the same if he has been attending sessions. However, under Sec. 4.4. of DLG-DBM Joint Circular No. 90-1, dated February 1990, the barangay council by a majority vote may determine other grounds or causes for the forfeiture of the benefits authorized therein such as non-attendance in regular/special sessions or meetings and other officially approved activities of the barangay council.

RENE K. BURDEOS
Regional Director

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

.ord/legal