

BASIC : LETTER DATED JULY 26, 2010, FROM VICE MAYOR JOSE G. CEPEDOZA OF DANAOS, BOHOL

2nd Indorsement
July 30, 2010

Respectfully returned to Ms. Rustica N. Mascariñas, Provincial Director, DILG Bohol Provincial Office, the herein basic communication from Vice Mayor Jose G. Cepedoza of Danao, Bohol requesting legal opinion on whether or not the resumption of the sanggunian session on July 12, 2010, by some members of the sangguniang bayan of Danao after its adjournment by the Presiding Officer violated the prohibition on the conduct of two sessions in a single day.

Based on the information presented by Vice Mayor J. Cepedoza and from the copy of the minutes of the session conducted in the morning of July 12, 2010, no one seconded the motion of SB Member Albert Vitor to adjourn the session. Member Lirio Vitor even objected to the said motion for adjournment as he and the other members still have some questions that they wanted MLGOO Jogiepons Ruloma, who was present thereat upon the invitation of the sanggunian, to respond. On this regard it is important to consider the Internal House Rules of the concerned sanggunian to determine the rules on adjournment, and on the power and authority granted to the Presiding Officer to adjourn the session in case of emergency, or when the same became unruly or uncontrollable. There is no clear and express rule on the power of the Presiding Officer to adjourn the session under the Local Government Code of 1991 and its Implementing Rules and Regulations.

It is imperative to consider the propriety of the Presiding Officer in declaring the session adjourned vis-à-vis the declaration of the majority members of the sanggunian to continue the session. Due to insufficiency of facts, this level deems it prudent not to render the opinion requested.

PEDRO A. NOVAL, JR.
Regional Director