

September 10, 2008

HON. DIOSDADA I. GEILCZYK
Punong Barangay
Barangay Hall
Jugan, Consolacion
6001 Cebu

Dear Punong Barangay Geilczyk:

This has reference to Resolution No. 08-29 S2008, dated August 19, 2008, of the sangguniang barangay of Jugan requesting legal opinion on the absenteeism of SK Chairman Ardel H. Edaño.

In reply thereto, please be advised that habitual absences, absenteeism or incurring unauthorized absences could result in the imposition of administrative sanctions. The sangguniang barangay itself may impose such sanction upon the erring member if it is provided in its internal rules of procedure and after observing due process. Section 50 of the Local Government Code of 1991 provides that the internal rules of procedure may include the discipline of members for disorderly behavior and absences without justifiable cause for four (4) consecutive sessions, for which they may be censured, reprimanded or excluded from the session, suspended for not more than sixty (60) days or expelled. Moreover, the absenteeism of SK Chairman Ardel H. Edaño which would constitute dereliction of duty, may be a ground for disciplinary action under Section 60 of the Local Government Code and under other laws. Such action may be filed before the sangguniang bayan of Consolacion or directly before the Office of the Ombudsman. If he is removed from office as a result thereof, he would be perpetually disqualified to hold public office, be it elective or appointive position.

Should SK Chairman Edaño really want to quit as such, he should submit a resignation letter in unequivocal terms. His letter dated July 18, 2008, is not a resignation letter. In it he just expressed the idea of resigning when he said "I might withdraw as the SK Chairman."

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

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