

July 3, 2006

HON. NESTOR M. ABAD
Vice-Mayor
Municipal Hall, Pres. Carlos P. Garcia
6346 Bohol

Dear Vice-Mayor Abad:

This has reference to your letter dated June 21, 2006, inquiring whether or not Section 44 of the Local Government Code of 1991 (R.A. 7160) has been amended, modified or repealed.

In reply thereto, please be advised that Section 44 of the Local Government Code of 1991 has not been repealed, amended nor modified. It continues to be existing and effective.

We gathered that your query arose out of the issue that cropped up after a series of deaths in the Office of the Vice-Mayor with you filling the vacancy being the second highest ranking sangguniang bayan member (No. 2 councilor).

It is expressly provided in Section 44 of the Local Government Code of 1991 that if a permanent vacancy occurs in the offices of the governor, vice governor, mayor or vice mayor, the highest ranking sanggunian member or, in case of his permanent inability, the second highest ranking sanggunian member, shall become the governor, vice governor, mayor or vice mayor, as the case may be. Subsequent vacancies in the said office shall be filled automatically by the other sanggunian members according to their ranking. As provided in the law, ranking in the sanggunian is determined on the basis of the proportion of votes obtained by each winning candidate to the total number of registered voters in the locality in the immediately preceding local election.

On the basis of the foregoing, you, being the second highest ranking sanggunian member, rightly assumed the Office of the Vice Mayor upon the death of the highest ranking sanggunian member who died a few days after he assumed said office with the death of the duly elected Vice Mayor.

Truly yours,

RENE K. BURDEOS
Regional Director

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

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