

July 24, 2008

MS. EDITH N. TACAN
Manager
Lang Bank of the Philippines
Cebu Osmeña Boulevard Branch
Cebu City

Dear Ms. Tacan:

This has reference to your letter dated July 18, 2008, raising certain concerns affecting the Municipality of Tudela.

In reply thereto, please be advised that unless Mr. Demetrio Granada has secured a Writ of Execution implementing the Order dated January 09, 2008, of the Regional Trial Court, Branch 25, Danao City or unless the reported Order of Preventive suspension issued by the Sandigan Bayan has been implemented, Mr. Rogelio Baquerfo is still the sitting Mayor of Tudela as far as we are concerned.

In the event a Writ of Execution is issued in connection with the Order dated January 09, 2008, of the Regional Trial Court, Branch 25, Danao City or the Commission on Election, 1st Division, decides the appealed protest case in favor of Mr. Demetrio Granada, then it would be the latter who would sit as Mayor of Tudela. If the two preceding situations do not happen, but instead the reported preventive suspension issued by the Sandigan Bayan on Mayor Rogelio Baquerfo is implemented, Vice Mayor Cliff Maratas will assume the Office of the Mayor and shall perform its duties and functions as provided in Section 46 of the Local Government Code of 1991. Hence, the succession of Vice Mayor Maratas to the Office of the Mayor is by operation of law. It does not require any operative act from the sangguniang bayan or by the suspended Mayor. You may require the submission of the document implementing the Order of Suspension.

As regards the last issue raised in your letter, we cannot provide you a categorical answer since we do not know what are the "unauthorized acts" of the Vice Mayor and the circumstances these acts have been performed.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

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