

**BASIC : LETTER DATED NOVEMBER 23, 2006, FROM HON. LAWRENCE  
S. TEVES, VICE MAYOR OF TANJAY CITY, ORIENTAL NEGROS**

2<sup>rd</sup> Indorsement  
November 24, 2006

Respectfully returned to Mr. Jofralito L. Lorico, Provincial Director, DILG Oriental Negros Provincial Office, the herein basic communication from Vice Mayor Lawrence S. Teves of Tanjay City, Oriental Negros, requesting legal opinion on whether or not the designated Officer-in-Charge of the Office of the Mayor, Hon. Nenita S. Rabaya, the highest ranking sangguniang panlungsod member, should turn over the duties, functions and responsibilities of said office on the fourth day of absence of Mayor Baltazar T. Salma who is at the national capital region.

In reply thereto, let it be emphasized that Section 46(c) of the Local Government Code of 1991 expressly provides that when the incumbent local chief executive is travelling within the country but outside his territorial jurisdiction for a period not exceeding three (3) consecutive days, he may designate in writing the Office-in-Charge of the said office. It bears stressing that the law provides a limit to the number of days the local chief executive is outside his territorial jurisdiction (DILG Opinion No. 80 S2002).

In connection therewith, paragraph (d) of the same section provides that on the fourth (4<sup>th</sup>) day of absence of the local chief executive, the vice local chief executive shall have the right to assume the powers, duties and functions of the said office.

It is therefore, clear that the power to designate an Officer-in-Charge is available only if the absence of the local chief executive does not exceed three (3) days. Should his absence exceed that number of days, on the fourth day, by operation of law, the vice local chief executive shall automatically assume the duties, powers and functions of the office (DILG Opinion No. 120 S2002, August 05, 2002).

**RENE K. BURDEOS**  
Regional Director

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

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