

**MEMORANDUM -**

**FOR : HON. AUSTERE A. PANADERO**  
**Undersecretary for Local Government**

**ATTENTION: LEGAL SERVICE**

**DATE : APRIL 23, 2009**

**RE : REQUEST FOR LEGAL OPINION**

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This has reference to the query raised by Mayor Ritchie C. Wagas of Compostela, Cebu on the process provided in Section 53(b) of the Local Government Code of 1991 to compel the attendance of any member of the sanggunian who is absent without justifiable cause. It is provided that the Presiding Officer or a majority of the members of the sanggunian present may compel the immediate attendance of any member absent without justifiable cause by designating a member of the sanggunian, to be assisted by a member or members of the police force assigned in the territorial jurisdiction of the local government unit concerned, **to arrest the absent member** and present him at the session.

Mayor R. Wagas is asking about the nature of such arrest; can force be used to compel the absent member and forcibly bring him to the session hall?

Respectfully submitted.

PEDRO A. NOVAL, JR.  
Regional Director

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