

**BASIC : LETTER DATED MARCH 05, 2010, FROM VICE MAYOR DANTE  
G. ZAMORA OF JIMALALUD, NEGROS ORIENTAL**

**2<sup>nd</sup> Indorsement**  
March 16, 2010

Respectfully returned to Mr. Jofralito L. Lorico, Provincial Director, DILG Negros Oriental Provincial Office, the herein basic communication from Vice Mayor Dante G. Zamora of Jimalalud, Negros Oriental requesting legal opinion on whether or not the appointment issued by Gov. Emilio C. Macias to Shinette S. Bungcasan to fill the vacancy in the sangguniang bayan of Jimalalud is valid and legal.

The Department of the Interior and Local Government does not have the authority to pass upon the appointment issued by Gov. Emilio C. Macias to Shinette S. Bungcasan to fill the vacancy in the sangguniang bayan of Jimalalud. The appointment issued by Gov. E. Macias is accorded with the presumption of regularity which only the court can declare otherwise. Hence, we cannot render the opinion requested.

Any question as to the compliance with the requirements provided under the Local Government Code of 1991, the recourse for any party aggrieved by said appointment is to bring the matter to court for it is the authority which can overcome the presumption accorded to the official action of Gov. Emilio C. Macias. Until such time, the appointment issued is presumed valid.

Field offices are reminded of Memorandum Order No. 2010-01 dated March 04, 2010, issued by Usec. Austere A. Panadero which directs Provincial/City Directors C/MLGOOs to first address at their respective levels the issues and concerns brought by their respective constituencies.

PEDRO A. NOVAL, JR.  
Regional Director









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