

BASIC : LETTER DATED MARCH 07, 2007, FROM THE HON. TERESITA MONDIGO, HON. JUAN ALFONSO LIM, HON. PETRONILO VILLARIN, SR. AND HON. CESAR LAMBO, SANGGUNIANG BAYAN MEMBERS OF MEDELLIN, CEBU.

3rd Indorsement
March 13, 2007

Respectfully returned to Mr. Edmundo J. Jamisola, Provincial Director. DILG Cebu Provincial Office, the herein basic communication requesting legal advice in connection with the reported prevailing situation in the sangguniang bayan of Medellin. As reported, the Vice Mayor of the municipality blatantly refused to sign 3 resolutions passed and approved by the body; and that on a number of occasions no SB regular session were conducted in view of his absence and that of other members allied with him.

Being the presiding officer of the council, the vice mayor is considered a regular member of the local legislative council concerned (DILG Legal Opinion Nos. 138-1992, 342-1992 and 81-1995). He is duty bound to expedite the proceedings of the council. He must abide by the Internal Rules of Procedures of the body and cannot unilaterally or wantonly disregard the same. It bears emphasis to state that every deliberative body such as the sanggunian must adopt rules and procedures to define the mode and manner of conducting its business for the orderly and proper disposition of matters before it. Section 50(b) of the Local Government Code of 1991 requires all levels of the sanggunian to adopt or update its existing rules of procedure which shall provide, among other matters, the order and calendar of business for each session, **the legislative process**, the parliamentary procedures which include the conduct of members during sessions and the discipline of members for disorderly behavior and absences without justifiable cause for four (4) consecutive sessions (DILG Legal Opinion No. 69-1996).

It is incumbent upon the Vice Mayor/Presiding Officer to faithfully and strictly abide by the rules of procedure which the sanggunian may have adopted. For this reason, he cannot just do any and all acts he may desire, at his own whims and caprices. His persistence to go against such rules, without any valid and justifiable reasons therefor, should not be tolerated and may even be a sufficient ground for disciplinary action against him.

RENE K. BURDEOS
Regional Director

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

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