

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
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OFFICE OF THE UNDERSECRETARY FOR LOCAL GOVERNMENT

DEPARTMENT ADVISORY

TO : ALL LOCAL CHIEF EXECUTIVES, SANGGUNIANG PANLUNGSOD/BAYAN/BARANGAY, DILG REGIONAL DIRECTORS, DILG FIELD OFFICERS AND OTHERS CONCERNED

RE : TERM OF OFFICE OF THE LIGA NG MGA BARANGAY FEDERATION PRESIDENTS AT ALL LEVELS AND THEIR EX-OFFICIO MEMBERSHIP IN THEIR RESPECTIVE SANGGUNIANs

DATE : November 07, 2007

In view of the recently concluded Synchronized Barangay and SK Elections, this Department is continuously receiving verbal and written queries regarding the above-subject matter.

In this regard, may we invite your attention to the following pertinent provisions of the Liga ng mga Barangay Constitution and By Laws, to wit:

"Section 1, Article XII of the Constitution and By Laws of the Liga ng mga Barangay sa Pilipinas.

"Term and Tenure of Office. The term of all officers and members of the Board of Directors of the LIGA at all levels including the national Liga shall be from the date of their election until their successors have been elected and qualified unless sooner removed from office for a cause. The term of the Liga Officers shall be understood strictly to be concurrent with the term and tenure of office of the Sangguniang Barangay. No stipulation in any form shall prejudice such term and tenure of office of such Liga officer.

In cases where the elected successor fails to qualify due to certain legal impediments such as the issuance of a restraining order by a competent court; fails or refuses to assume his office for whatever reason and other kinds of legal impediments, the incumbent Liga chapter President shall continue to represent the Liga in the Sanggunian concerned in hold-over capacity, until his successor is finally confirmed and legally assume his/her position. However, if the incumbent Liga chapter president does not get re-elected as Punong Barangay, the incumbent Vice- President shall represent the Liga in the Sanggunian concerned.

In the event the incumbent Vice-President also fails to get re-elected, the remaining incumbent officers and members of the board of the chapter concerned shall elect from among themselves their representative to the local Sanggunian. In case of failure to elect among themselves, the National Liga shall appoint a Caretaker of the chapter concerned with the designation of acting President.

In the case of multiple vacancies in the National Executive Board which results in "no quorum", the Board shall be filled up, only to constitute the needed quorum, by the remaining incumbent who is the most senior through appointment. This Board with the new appointees shall merely be interim and function until the election of the regular officers and members of the Board."

Corollary thereto, Section 2 of Republic Act No. 9340 "An Act Amending Republic Act No. 9164, Resetting the Barangay and Sangguniang Kabataan Elections, and For Other Purposes", provides, thus:

"Section 4 of Republic Act No. 9164 is hereby amended to read as follows:

Section 4. Assumption of Office.- xxx. The term of office of the barangay and sangguniang kabataang officials elected in the October 2007 election and subsequent elections shall commence at noon of November 30 next following their election."

Clearly from the foregoing, the term of office of the incumbent Punong Barangays (2002-2007) shall expire at noon of November 30, 2007

as a consequence of the provision under RA 9340 providing that the newly elected barangay officials in the October 2007 barangay elections shall commence at noon of November 30, 2007.

Theoretically, based on the aforementioned provisions of the Constitution and By Laws of the Liga ng mga Barangay, providing that the term of office of the Liga officers shall be understood strictly to be concurrent with the term and tenure of office of the Sangguniang Barangay, it seems that there is indeed a vacuum by the time that the term of office of the Punong Barangays, who are also Liga officers, will expire at noon of November 30, 2007. It is not amiss to point out that this vacuum was however also addressed by the same provisions of the Liga Constitution and By Laws.

At this point, it bears stressing that Section 509 of the Local Government Code authorized the different leagues of local government units and officials, including for this matter the Liga ng mga Barangay, to adopt its own Constitution and By Laws which shall govern their internal organization and operation. Said adoption of the Constitution and By Laws, therefore, is by authority of law and should, therefore, be respected.

In fine, the vacuum shall be addressed by the following scenarios, applying the provisions of the Liga Constitution and By Laws, to wit:

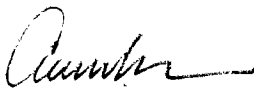
- In case the incumbent Liga Chapter President got re-elected in the recently concluded barangay elections, he shall continue to act as Liga President in a hold-over capacity until such time that his successor shall have been elected and qualified. As such, he can continue to represent the Liga Chapter in the Sanggunian as an ex-officio member thereof;
- If the Liga Chapter President ceases to be a Punong Barangay by noon of November 30, 2007, either because he was not re-elected or his term expired on the same date, the incumbent Vice President of the same Liga chapter shall represent the Liga in the Sanggunian concerned as ex-officio member; Provided, however, that he was re-elected as Punong Barangay in the last barangay elections;
- In case the incumbent Liga Chapter President and Vice President cease to be Punong Barangays by noon of

November 30, 2007, either because they were not re-elected or their term expired at noon of November 30, 2007, the remaining incumbent officers and members of the Board of the chapter concerned, shall elect from among themselves their representatives to the local Sanggunian. It has to be emphasized, however, that they must have been also re-elected as Punong Barangays in the last barangay elections.

- Should the foregoing scenarios are not anymore applicable, then the National Liga ng mga Barangay shall appoint a caretaker of the chapter concerned with the designation of Acting President who shall act as such until such time that the Liga Chapter could have elected their set of officers.

Please be guided accordingly.

Legal:10/94/28



AUSTERE A. PANADERO
Undersecretary 