



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
A. Francisco Gold Condominium II
EDSA Cor. Mapagmahal St., Diliman
Quezon City



LEGAL SERVICE

DILG OPINION No. 27 s. 2011

JUN 16 2011

MS. MA. GLADYS CRUZ-STA. RITA

Director General
Partido Liberal Pilipinas
Liberal Party National Headquarters
Expo Centro, EDSA cor. MacArthur Avenue
Araneta Center, Cubao, Quezon City

Dear Madam:

This pertains to your letter requesting our legal opinion on whether a person who ran for the position as a member of a local sanggunian but lost may substitute and be appointed as a member of the said local sanggunian following a vacancy therein after the one (1) year ban on appointments.

In reply thereto, may we invite your attention on the pertinent provisions of law applicable to the issue.

Section 6, Article IX(B) of the 1987 Constitution.

“Section 6. - No candidate who has lost in any election, shall within one year after such election, be appointed to any office in the Government or any government-owned or controlled corporation or in any of its subsidiaries.”

Section 94(b) of the Local Government Code.

“Section 94. - Appointment of Elective and Appointive Local Officials; Candidates Who Lost in an Election.

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(b) Except for losing candidates in barangay elections, no candidate who lost in any election shall, within one (1) year after such election, be appointed to any office in the Government or any government-owned or controlled corporations or in any of their subsidiaries.”

Based on the aforequoted provisions, clearly the prohibition of appointment to any public office of a losing candidate to a recently concluded election is only within one (1) year after such election. After the one year prohibition on appointments, the losing candidate may now be appointed to any office in the government or any government-owned or controlled corporations or in any of their subsidiaries.

Hence, he/she may be appointed as member of a local sanggunian provided he/she possesses all the qualifications and non of the disqualifications.

Hope we have enlightened you on the matter.

Very truly yours,

ATTY. JESUS B. DOQUE IV
Director III

Legal:12/Merle