

OFFICE OF THE SANGGUNIANG PANLUNGSOD

CITY RESOLUTION NO. CR 2016-001

Series of 2016

A RESOLUTION REQUESTING THE COMMISSION ON ELECTIONS (COMELEC) AND THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) TO ISSUE A LEGAL OPINION TO DETERMINE WHO AMONG THE MEMBERS OF THE SANGGUNIANG PANLUNGSOD SHOULD ASSUME THE POWERS OF THE CITY VICE MAYOR IN AN ACTING CAPACITY DURING A TEMPORARY VACANCY IN THE SAID OFFICE.

Sponsored by: Hon. Miguel N. Bautista, Hon. Venus D. De Castro, Hon. Bayani M. De Leon, Hon. Leandro A. De Leon, Hon. Rowena Bautista-Mendiola, Hon. Reynaldo M. Fabian, Hon. Edwin G. Gawaran, Hon. Hernando C. Gutierrez, Hon. Victorio L. Guerrero, Jr., Hon. Roberto R. Javier, Hon. Gaudencio P. Nolasco, and Hon. Avelino B. Solis.

WHEREAS, the following provisions of Section 25 of Republic Act No. 10160 (otherwise known as the "Charter of the City of Bacoor") outline the mechanism by which another elected official of the city may assume the powers of the City Mayor in an acting capacity whenever there is a temporary vacancy at the said office:

"Section 25. Temporary Vacancy in the Office of the City Mayor. – (a) When the city mayor is temporarily incapacitated to perform the duties for physical or legal reasons such as, but not limited to, leave of absence, travel abroad and suspension from office, the city vice mayor or the highest sangguniang panlungsod member shall automatically exercise the powers and perform the duties and functions of the city mayor, except the power to appoint, suspend or dismiss employees which can only be exercised if the period of temporary incapacity exceeds thirty (30) working days.

(b) Said temporary incapacity shall terminate upon submission to the sangguniang panlungsod of a written declaration by the city mayor of having reported back to office. In case where the temporary incapacity is due to legal cause, the city mayor shall also submit necessary documents showing that the said legal cause no longer exists.



HON. AVELINO B. SOLIS
City Councilor

HON. EDWIN G. GAWARAN
City Councilor

HON. MIGUEL N. BAUTISTA
City Councilor

HON. ROWENA BAUTISTA - MENDIOLA
City Councilor

HON. REYNALDO M. FABIAN
City Councilor

HON. VENUS D. DE CASTRO
City Councilor

District II:

HON. REYNALDO D. PALABRICA
City Councilor / Acting Presiding Officer

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City Councilor

HON. GAUDENCIO P. NOLASCO
City Councilor

HON. BAYANI M. DE LEON
City Councilor

HON. LEANDRO A. DE LEON
City Councilor

HON. ROBERT R. JAVIER
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor - ABC Pres.

Attested by:


ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

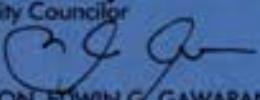
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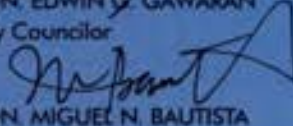
HON. AVELINO B. SOLIS
Acting City Mayor

OFFICE OF THE SANGGUNIANG PANLUNGSOD



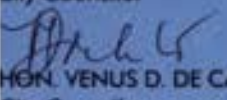

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City Councillor


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City Councillor

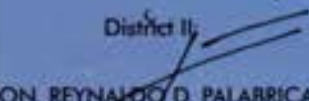

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City Councillor - ABC Pres.

(c) When the city mayor is traveling within the country but outside the territorial jurisdiction for a period not exceeding three (3) consecutive days, the officer-in-charge of the office may be designated in writing. Such authorization shall specify the powers and functions that the local official concerned shall exercise in the absence of the city mayor, except the power to appoint, suspend or dismiss employees.

(d) In the event however, that the city mayor fails- or refuses to issue such authorization, **the city vice mayor or the highest ranking sangguniang panlungsod member, as the case may be, shall have the right to assume the powers, duties and functions of the said office on the fourth (4th) day of absence of the city mayor,** subject to the limitations provided for in subsection (c) hereof.


(e) Except as provided above, the city mayor shall, in no case, authorize any local official to assume the powers, duties and functions of the office other than the city vice mayor or the highest ranking member of the sangguniang panlungsod, as the case may be." (Emphasis supplied.)

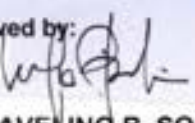
WHEREAS, aside from Section 25, no other provision of the Charter of the City of Bacoor deals with the manner by which an elected city official may exercise the powers of the City Vice Mayor in a situation where there is a temporary vacancy in the said office.

WHEREAS, the City Mayor, Hon. Strike B. Revilla went on official leave in order to travel abroad beginning on 18 December 2015 until 15 January 2016. Mayor Revilla then appointed Vice Mayor Catherine S. Evaristo as Acting Mayor on 16 December 2015. Consequently, Councilor Avelino S. Solis assumed the powers of City Vice Mayor in an acting capacity being the member of the Sangguniang Panlungsod who garnered the highest number of votes during the last local elections held in 2013.

WHEREAS, Vice Mayor Evaristo went on official leave in order to travel abroad beginning on 1 January 2016 until 15 January 2016. Consequently, Councilor Solis was appointed as Acting Mayor of the City of Bacoor by Vice Mayor Evaristo on 29 December 2015 for the period abovementioned.

WHEREAS, due to the temporary vacancy in the position of City Vice Mayor, the absence of any provision under Section 25 of RA 10160 that specifically determines who should assume the powers of the City Vice Mayor in case of a temporary

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Approved by:

HON. AVELINO B. SOLIS
Acting City Mayor

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vacancy in the said office, and the fact that the City of Bacoor was divided into two (2) districts for the purpose of electing the members of the Sangguniang Panlungsod as provided under Section 10 of RA 10160 -- there is now a need for the Sangguniang Panlungsod to determine who among its members should assume the powers of the City Vice Mayor in an acting capacity during the period of temporary vacancy abovementioned.

WHEREAS, the Sangguniang Panlungsod deliberated on the said matter and unanimously decided to request the legal opinion of the Commission on Elections (COMELEC) and the Department of Interior and Local Government (DILG) on the said matter.

NOW THEREFORE, upon motion of Hon. Edwin G. Gawaran, duly seconded by Hon. Leandro A. De Leon, **BE IT RESOLVED AS IT IS HEREBY RESOLVED** by the Sangguniang Panlungsod in regular session duly assembled to request the DILG and the COMELEC to issue a legal opinion to determine who among its members should assume the powers of the City Vice Mayor in an acting capacity during the period of temporary vacancy abovementioned.

RESOLVED LASTLY, to furnish the COMELEC, the DILG, and all government agencies concerned with copies of this Resolution.

UNANIMOUSLY APPROVED this 4th day of January 2016 at the City of Bacoor, Cavite during the 122nd regular session of the Sangguniang Panlungsod of the City of Bacoor, Cavite.

I hereby certify that the foregoing Resolution was duly approved in accordance with law and that its contents are true and correct.

Certified by:

HON. REYNALDO D. PALABRICA
President Pro-Tempore/Acting Presiding Officer

[Signature]
District Mayor
HON. AVELINO B. SOLIS
City Councilor

[Signature]
HON. EDWIN G. GAWARAN
City Councilor

[Signature]
HON. MIGUEL N. BAUTISTA
City Councilor

[Signature]
HON. ROWENA BAUTISTA - MENDIOLA
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[Signature]
ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Approved by:

[Signature]
HON. AVELINO B. SOLIS
Acting City Mayor

Republic of the Philippines
CITY OF BACOR
Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD



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Sangguniang Panlungsod Secretary

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Acting City Mayor

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