

MALACAÑANG
Manila

MEMORANDUM CIRCULAR NO. 126

PRESCRIBING GUIDELINES FOR THE IMPLEMENTATION OF SECTION 45 CHAPTER 2, TITLE TWO, BOOK I OF THE LOCAL GOVERNMENT CODE OF 1991 AND OF ARTICLE 83, RULE XIV OF THE RULES AND REGULATIONS IMPLEMENTING THE SAME CODE RELATIVE TO THE APPOINTMENT TO PERMANENT VACANCIES IN THE SANGGUNIAN WHERE THE RULES ON AUTOMATIC SUCCESSION UNDER SECTION 44 DO NOT APPLY

WHEREAS, Subsection (c), Article 83, Rule XIV of the Rules and Regulations Implementing the Local Government Code of 1991 prescribes that the President, through the Executive Secretary, shall fill by appointment permanent vacancies in (1) the *sangguniang panlalawigan*; (2) the *sangguniang panlungsod* of highly urbanized cities and independent component cities; and (3) the *sangguniang bayan* of the component municipalities of Metropolitan Manila; and by the governor, in case of vacancies in the *sangguniang panlungsod* of component cities and the *sangguniang bayan* where the rules of automatic succession provided by Section 44, Chapter 2, Title Two, Book I of the same Code do not apply; and

WHEREAS, there exists the need to adopt guidelines on the procedures and requirements for recommendations and appointments to such permanent vacancies;

IN VIEW THEREOF, the following guidelines are hereby prescribed:

SECTION 1. A permanent vacancy arises when an incumbent elective local official fills a higher vacant office, refuses to assume office, fails to qualify, dies, is removed from office, voluntarily resigns, or is otherwise permanently incapacitated to discharge the functions of his office.

SECTION 2. Where a permanent vacancy exists in the *sangguniang panlalawigan*, the *sangguniang panlungsod* and the *sangguniang bayan* involved, such vacancy shall be filled by the appointment of the nominee who belongs to the same political party under which the *sanggunian* member concerned who caused the last vacancy had been elected.

SECTION 3. The recommendation for the appointment of the nominee shall be effected through the nomination signed by the highest official of the political party concerned. The highest official refers to the national chairman of the political party. The nomination shall be accompanied by the following documents:

- a. Certificate of Membership of the nominee in the political party under which the *sanggunian* member concerned who caused the last vacancy has been elected. Such Certificate of Membership shall also be signed by the highest official of the said political party;
- b. Certification from the Election Registrar of the province, city or municipality, as the case maybe, as to the political party under which the person who caused the last vacancy had been elected; and
- c. Personal data Sheet through Civil Service Form No. 21 (Revised 2005).

SECTION 4. The nomination, together with the required documents mentioned in the preceding section, shall be submitted to the concerned Regional Director of the Department of the Interior and Local Government, who is hereby directed to ascertain and certify the authenticity of all the documents presented to him and to transmit the same, within 15 working days, to the Secretary of the Interior and Local Government, through the Director, Bureau of Local Government Supervision.

SECTION 5. The Secretary of the Interior and Local Government is likewise directed to see to it that the recommended appointee shall come from the same political party as that of the *sanggunian* member who caused the vacancy and that the nomination and certificate of membership of the recommended appointee are duly signed by the highest official of the political party concerned.

Upon determination that the nomination is in full compliance to the administrative and documentary requirements as prescribed, he shall transmit the same within 30 days, together with his recommendation, to the Office of the President.

SECTION 6. The nominee shall enter upon the discharge of his duties only after having been issued the corresponding appointment and after having taken the requisite oath of office before any of the officers who have the general authority to administer oaths in accordance with the provisions of Section 41, Chapter 10, Book I of the Administrative Code of 1987, as amended by Republic Act No. 6733.

SECTION 7. In case the permanent vacancy is caused by a *sanggunian* member who does not belong to any political party, the local chief executive shall, upon the recommendation of the *sanggunian* concerned, appoint a qualified person to fill the vacancy.

SECTION 8. In case of vacancy in the representation of the youth and the barangay in the sanggunian, the said vacancy shall be filled automatically by the official next-in-rank of the organization concerned.

SECTION 9. All issues not consistent with this Memorandum Circular are hereby modified or repealed accordingly.

SECTION 10. This Memorandum Circular shall take effect immediately.

By authority of the President:


EDUARDO R. ERMITA
Executive Secretary

Manila, December 06, 2006