



REPUBLIC OF THE PHILIPPINES

**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**

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November 15, 2011

**HON. DIONISIO G. CABURAO, JR.**

Vice-Mayor  
Sual, Pangasinan



Dear Vice-Mayor:

This has reference to your letter requesting this Office a clarification on the following issues, to wit:

1. Is it proper and legal for the appointing authority (Municipal Mayor Arcinue) to continue reappointing a person whose appointment was already rejected?
2. What then is the nature of appointment of Juvenile M. Pastor to the Office of the Municipal Assessor if the Sanggunian will not to (sic) give its concurrence whenever her appointment is submitted for the Sanggunian's action?
3. What is the remedy of the Sangguniang Bayan to enjoin the Mayor in no longer reappointing Juvenili M. Pastor as the Municipal Assessor of Sual, Pangasinan whose appointment was already rejected?

Before dwelling on the issues, may we first invite your attention to the provisions of the Local Government Code of 1991, Sec. 443 (a) and (d) to wit:

**Section 443. Officials of the Municipal Government. -**

(a) There shall be in each municipality xxx a municipal assessor xxx.

xxx

(d) Unless otherwise provided herein, heads of departments and offices shall be appointed by the municipal mayor with the concurrence of the majority of all the sangguniang bayan members, subject to civil service law, rules and regulations. The sangguniang bayan shall act on the appointment within fifteen (15) days from the date of its submission; otherwise, the same shall be deemed confirmed. xxx

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*Celebrating 20 Years of Local Autonomy in the Philippines*