



Republic of the Philippines  
**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**  
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City  
<http://www.dilg.com.ph>

February 12, 2019

**MEMORANDUM CIRCULAR**

No. 2019-21

**TO :** ALL LOCAL CHIEF EXECUTIVES, LOCAL VICE CHIEF EXECUTIVES, MEMBERS OF ALL SANGGUNIANs, DILG REGIONAL, PROVINCIAL, AND CITY DIRECTORS, CLUSTER HEADS AND MLGOOS

**SUBJECT :** OPERATIONAL GUIDELINES AND RULES IN IMPLEMENTING ADMINISTRATIVE ORDER NO. 15 SERIES OF 2018

**I. BACKGROUND**

On 13 December 2018, President Rodrigo Roa Duterte issued Administrative Order No. 15 (AO 15) entitled “*Authorizing the Secretary of the Department of the Interior and Local Government (DILG) or the Officer-In-Charge (OIC) to Fill Temporary Vacancies in Certain Local Elective Offices to Prevent Hiatus in and Paralysis of Local Government Operations*”. Section 8 thereof authorized the Secretary of the Department of the Interior and Local Government (SILG) or the Officer-In-Charge (OIC-DILG) to issue the necessary rules, orders, and circulars as may be necessary for its implementation.

**II. PURPOSE**

This Memorandum Circular is issued to prescribe general policies and procedures in the implementation of AO 15 in filling up of temporary vacancies, multiple or otherwise, in local elective offices. It will likewise serve as a guide to (1) prospective nominees on the eligibility requirements, (2) non-government and people’s organizations on their role during the nomination process, and (3) DILG field officers on procedures to be carried out to strictly adhere to the provisions of AO 15.

**III. GUIDING PRINCIPLES**

- To remedy the lack of specific provisions in Republic Act No. 7160 otherwise known as the Local Government Code of 1991 in dealing with temporary vacancies in local elective offices particularly in the local sanggunians.

- To prevent hiatus in and paralyzation of local government operations and ensure the uninterrupted delivery of basic services to the local constituents.

#### **IV. POLICY CONTENT AND GUIDELINES**

##### **A. Temporary Vacancy in the Office of the Local Chief Executive (LCE)**

Vacancy in general, according to prevailing jurisprudence, presupposes a situation when there is no person lawfully authorized to assume and exercise at present the duties of the office.

LCEs pertain to governors, city mayors, municipal mayors and punong barangays. There is a temporary vacancy in the office of the governor, city mayor, municipal mayor or punong barangay if he/she is temporarily incapacitated to perform his duties for physical or legal reasons such as, but not limited to, leave of absence, travel abroad, and suspension from office.

1. When a temporary vacancy exists in the office of the governor, the vice-governor, or in case of his/her inability, the highest-ranking sangguniang panlalawigan member, shall automatically exercise the powers and perform the duties and functions of the governor, 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.
2. When a temporary vacancy exists in the office of the city mayor, the city vice-mayor or in case of his/her inability, the highest-ranking 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.
3. When a temporary vacancy exists in the office of the municipal mayor, the municipal vice-mayor or in case of his/her inability, the highest-ranking sangguniang bayan member, shall automatically exercise the powers and perform the duties and functions of the municipal 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.
4. When a temporary vacancy exists in the office of the punong barangay, the first ranking sangguniang barangay member or in case of his/her inability,

the second highest ranking sangguniang barangay member shall automatically exercise the powers and perform the duties and functions of the punong barangay, 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. Temporary Vacancy in the Office of the Provincial Vice-Governor, City Vice-Mayor and Municipal Vice-Mayor**

There is a temporary vacancy in the office of the vice-governor or city or municipal vice mayor if he/she is temporarily incapacitated to perform his/her duties for physical or legal reasons such as, but not limited to, leave of absence, travel abroad, and suspension from office.

1. When a temporary vacancy exists in the office of the provincial vice governor or city or municipality vice mayor, the highest ranking sangguniang panlalawigan/panlungsod/bayan member, as the case may be, shall be designated by the President, through the SILG or the OIC-DILG immediately upon the report of the concerned DILG Regional Office of the said vacancy, as acting provincial vice governor or city or municipality vice mayor.

He/She shall exercise the powers and perform the duties and functions of the office except the power to appoint, suspend, or dismiss officials and employees in the sangguniang panlalawigan/panlungsod/bayan which can only be exercised if the temporary incapacity exceeds thirty (30) working days.

2. If the highest ranking sanggunian member mentioned in the immediately preceding Item 1 of the herein roman numeral is also incapacitated to perform as acting vice-governor or acting city or municipal vice-mayor, as the case may be, the SILG or the OIC-DILG shall designate the next highest ranking sanggunian member and so on.
3. The resultant temporary vacancy in the last ranking position in the sanggunian concerned resulting from the elevation of the highest ranking sanggunian member as acting vice-governor or acting city or municipality vice-mayor, as the case maybe, shall be filled-up through a designation as sanggunian member to be issued by the SILG or the OIC-DILG from the list of nominees from the same political party under which the highest ranking member was elected in the last election.

4. Ranking in the sanggunian shall be determined on the basis of proportion of votes obtained by each winning candidate to the total number of registered voters in each district in the immediately preceding local election.
5. In the designation herein mentioned, a nomination and a certificate of membership of the nominee from the highest official of the political party concerned are conditions sine qua non, and any designation without such nomination and certification shall be void ab initio.
6. If the highest ranking sanggunian member was elected as an independent candidate, the designee for the last rank sanggunian member shall be nominated in the same manner provided for in paragraph C below.
7. So as not to disrupt the delivery of basic services in the locality, the SILG and/or OIC-DILG shall designate the acting vice-governor or acting city or municipality vice-mayor immediately upon receipt of the report from the concerned Regional Director as to the existence of a temporary vacancy in the vice local chief executive office and submission of complete supporting documents of the nominees.

#### C. Temporary Vacancies in the Sanggunian

There is a temporary vacancy/ies in the sangguniang panlalawigan/panlungsod/bayan/barangay if any or all the members thereof are temporarily incapacitated to perform his/her or their duties for physical or legal reasons such as, but not limited to, leave of absence, travel abroad, and suspension from office.

1. Resultant vacancy/ies in the sangguniang panlalawigan/panlungsod/bayan/barangay shall be filled up through designation of sanggunian member/s by the President through the SILG or the OIC-DILG subject to following procedures:
  - 1.1 In case of temporary vacancy/ies in the sangguniang panlalawigan/panlungsod/bayan, only the nominee/s of the political party/ies under which the sanggunian member/s who caused the temporary vacancy had been elected in the sanggunian shall be designated.

- 1.2 The nominee should have all the qualifications provided for the position under section 39 of the Local Government Code of 1991 and none of the disqualifications under section 40 of the same Code.
  - 1.3 Such nomination of a temporary replacement by the political party under which the one caused the temporary vacancy has the objective of maintaining the political party representation as willed by the people in the last election. In electoral democracy, conscientious people may choose candidates not only because of their personal attributes and qualifications but also because of the ideologies of their political party affiliation.
2. In case the temporary vacancy is caused by a sanggunian member who does not belong to any political party, the SILG or the OIC-DILG, shall, upon the recommendation of the sanggunian concerned, if still constituting a quorum, designate a qualified person to fill the vacancy.
  3. In case the sanggunian concerned can no longer come up with the required recommendation due to lack of quorum, the temporary vacancy/ies shall be filled up in accordance with paragraph D below of this guideline.
  4. Temporary vacancies in the sangguniang barangay shall also be filled up in accordance with Item 3 above if sanggunian barangay is still constituting a quorum. Otherwise, the temporary vacancies shall be filled up in the manner provided for in paragraph D below of this guideline.
  5. In case of temporary vacancies in the representation of the Sangguniang Kabataan (SK) and the Liga Ng mga Barangay (LNB) in the sanggunian, said temporary vacancy shall be filled up by designation by the SILG or the OIC-DILG of the official next-in-rank of the organization concerned, as provided for in their Constitution and By-Laws.

#### D. Other Temporary Vacancies

This type of vacancies in the sangguniang panlalawigan/panlungsod/bayan/ barangay contemplates a situation where there is only one, two, or no member at all left due to physical or legal reasons such as, but not limited to, leave of absence, travel abroad, and suspension from office.

1. In case of sangguniang panlalawigan/panlungsod/bayan, only the nominee/s of the political parties under which the sanggunian member/s who caused the temporary vacancy had been elected shall be designated by the President, through the SILG or the OIC-DILG.
  - 1.1 In the designation herein mentioned, a nomination and a certificate of membership of the nominee from the highest official of the political party concerned are conditions sine qua non, and any designation without such nomination and certification shall be void ab initio.
  - 1.2 The necessary documents must be submitted to the Office of the Secretary, DILG for designation.
2. In case the temporary vacancies in the said sanggunians are caused by sanggunian members who do not belong to any political party, the President, through the SILG or OIC-DILG shall designate qualified persons to fill the vacancies.
3. The temporary vacancy/ies shall be filled up by the President through the SILG or the OIC-DILG in accordance with the following procedures:
  - 3.1 The person seeking to be designated must meet all of the following requirements:
    - 3.1.1 He/She possesses all the qualifications for the position of sanggunian member concerned enumerated under section 39 of the Local Government Code of 1991;
    - 3.1.2 He/She has none of the disqualifications for an elective local position enumerated under section 40 of the Local Government Code of 1991;
    - 3.1.3 He/She is not holding elective or appointive position in government at the time of his designation; and,
    - 3.1.4 He/She has accomplished and submitted his updated Personal Data Sheet;
  - 3.2 Immediately upon the existence of the temporary vacancy/ies, the concerned Regional Director shall post in the DILG website and in three

(3) conspicuous places in the local government unit concerned a notice which states the following:

3.2.1 The existence of such vacancy/ies;

3.2.2 Invitation for nomination of the replacements;

3.2.3 Eligibility requirements set forth by law;

3.2.4 Submission of required documents; and,

3.2.5 Deadline for the submission of nominations and supporting documents three (3) calendar days after posting.

3.3 Above-mentioned procedure shall also apply to temporary vacancies in the sangguniang barangay.

3.4 The nomination and required documents shall be submitted to the concerned Regional Director on or before the deadline set in Item D-3.2.5.

#### E. The Screening Committee

1. A Screening Committee is forthwith created by the SILG or OIC-DILG chaired by the following officials:

2.1 Undersecretary for Local Government (USLG) or OIC-USLG if the temporary vacancy occurred on elective positions in province, city, and municipality;

2.2 Undersecretary for Barangay Affairs (USBA) if the temporary vacancy/ies occurred on elective positions in the barangay.

2. The Screening Committee shall be composed of the following members:

2.1. The concerned DILG Regional Director or OIC-Regional Director;

2.2. Three (3) representatives from non-governmental organizations (NGOs) selected by DILG- Regional Office;

2.3. Representatives from the leagues:

3.3.1 Liga Ng mga Barangay Municipal Federation President if the temporary vacancy occurred in barangay located in a municipality;

3.3.2 Liga Ng mga Barangay City Federation President if the temporary vacancy occurred in barangay located in a city;

3.3.3 Philippine Councilor League Provincial President if the temporary vacancy occurred in the sangguniang bayan within the province;

3.3.4 Provincial Board Member League President if the temporary vacancy occurred in the sangguniang panlalawigan of the province.

Provided, however, that should the temporary vacancy/ies involve/s herein mentioned official/s, the Vice President of their respective league shall become the member.

3. Within five (5) days from its initial convening, the Screening Committee shall submit to the SILG or the OIC-DILG a shortlist of the qualified nominees.
4. The SILG or OIC-DILG, within five (5) days from the receipt of the shortlist shall issue the designation to complete the set of local officials;
5. The list of designated officials shall immediately be transmitted by the Office of the Secretary to the Bureau of Local Government Supervision (BLGS) and the National Barangay Operations Office (NBOO) as the case may be, for the latter's preparation of the required report mentioned in Items VIII.2 and IX.2 of this Guideline.
6. The designated official/s shall enter upon the discharge of their duties only after having been issued their corresponding designations and after having taken the requisite oaths of office before any of the officers who have the general authority to administer oaths pursuant to existing laws, rules and regulations.

## **V. POWERS OF THE DESIGNATED OFFICIAL/S**

1. The designated officials shall exercise the powers and perform the duties and functions of the local government position concerned as provided by law, except making or participating in any decision related to the following:



- 1.1 Appointment, suspension or dismissal of local government officials and employees, except as those allowed under the Local Government Code of 1991 and other laws;
  - 1.2 Creation and filling-up of positions whether regular, contractual or casual;
  - 1.3 Reorganization of local government offices;
  - 1.4 Solemnization of marriages;
  - 1.5 Revision of duly approved local development plans; and
  - 1.6 Approval of contracts other than those needed to keep the day-to-day operations going.
2. As a form of exemption to item V paragraph 1 sub-item 1.6, when public interest so requires and necessary to prevent disruption in the delivery of service, the person designated may be given the authority to approve contracts including engaging in or renewing contracts of service, subject to the following requirements:
    - 2.1 Designated official shall submit a written request to the SILG or the OIC-DILG together with supporting documents immediately upon the occurrence of an event or situation imbued with public interest or which prevents the disruption in the delivery of service in the LGU;
    - 2.2 Such authority to approve contracts, including engaging in or renewing contracts of service, is within the duties and functions of the requesting designated official/s as duly certified by the concerned Human Resource Officer.
  3. A designate shall act with highest degree of integrity, impartiality and fairness at all times.

## **VI. CARETAKER OF THE LGU**

1. Pending the completion of selection and designation processes referred to in the immediately preceding sections, the remaining local elective official/s shall

administer the day-to-day operations of the concerned local government unit to ensure continuous and effective delivery of public services therein;

2. Where there are no remaining local elective officials to administer the day-to-day operations of the LGU, the DILG or the OIC-DILG shall designate either the Regional Director, Assistant Regional Director, or Provincial Director, in a concurrent capacity, as caretaker of LGU until such time the SILG or the OIC-DILG shall have designated the officials.
3. As caretaker, the concerned DILG Field Officer cannot perform the regular duties, responsibilities, functions and powers of the Local Chief Executive, except to oversee and ensure the continued delivery of basic services and to approve disbursements involving regularly recurring administrative expenses, such as payrolls for employees, expenses for the light, water, telephone, telegraph, among other utility and telecommunication services and other rentals.

## **VII. ROLES AND RESPONSIBILITIES OF THE LLLS**

The LLLS shall perform the following responsibilities:

1. Review the nomination submitted by the Screening Committee and draft the necessary Designation to be signed by the SILG or the OIC-DILG designating the chosen nominee from the shortlist through the process provided in this Memorandum;
2. Provide assistance to the SILG or the OIC-DILG, concerned Undersecretary, and bureaus relative to any and all legal issues and queries relative to the designation process as provided for by this Memorandum.

## **VIII. ROLES AND RESPONSIBILITIES OF THE BLGS**

The BLGS shall perform the following responsibilities:

1. In case of temporary vacancies in the sangguniang panlalawigan/panlungsod/bayan, transmit the approved designation within three calendar (3) days from the said designation to the concerned official, copy furnished the DILG Regional Director;
2. Prepare a detailed report on all designations made by the SILG or the OIC-DILG, covering the process of nomination until actual designation, together with

all the documents pertinent thereto, and submit it to the Office of the Secretary for submission to the Office of the President.

#### **IX. ROLES AND RESPONSIBILITIES OF NBOO**

The NBOO shall perform the following responsibilities:

1. In case of temporary vacancies in the sangguniang barangay, transmit the approved designation within three (3) calendar days from the said designation to the concerned official, copy furnished the DILG Regional Director; and
2. Prepare a detailed report on all designations made by the SILG or the OIC-DILG, covering the process of nomination until actual designation, together with all the documents pertinent thereto, and submit it to the Office of the Secretary for submission to the Office of the President.

#### **X. ROLE AND RESPONSIBILITY OF THE REGIONAL OFFICES**

1. Serve as the Technical Secretariat for the Screening Committee in the conduct of its official business in the region.

#### **XI. ACCOUNTABILITIES AND SANCTIONS**

Non-compliance to the provisions of this Memorandum Circular shall be dealt with in accordance with pertinent laws, rules, and regulations.

#### **XII. EFFECTIVITY**

This Memorandum Circular shall take effect immediately and shall remain in force and effect unless otherwise superseded or modified by subsequent policies and other issuances. All DILG Regional Directors are hereby directed to cause the widest dissemination of this Circular.

  
**EDUARDO M. AÑO**  
Secretary

