



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
CENTRAL OFFICE
Bonifacio Drive, Port Area, Manila

097.7 DPWH
01-04-2019

January 3, 2019

DEPARTMENT MEMORANDUM)

CIRCULAR NO.)
Series of 2019)

01


01.04.19

FOR / TO : Undersecretaries
Assistant Secretaries
Service Directors
Bureau Directors
Regional Directors
Heads of UPMOs
District Engineers
This Department

For information and guidance, attached is a certified copy of Administrative Order No. 15 dated December 13, 2018 re: **"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"**.

A copy of said Administrative Order may also be downloaded from the **DPWH website: <http://dpwhweb>**. If an office cannot access the DPWH website, a hard copy may be obtained from the Records Management Division, HRAS, upon request.

For dissemination to all concerned.


B. ELIZABETH E. YAP, Ph.D., CESO II
Assistant Secretary for Support Services

Encl: Administrative Order No. 15 dated December 13, 2018

cc: Office of the Secretary

10.1.4 MKBA/RPE/RMB



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 15

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

WHEREAS, Section 46 of Republic Act No. 7160 (RA 7160), otherwise known as the Local Government Code of 1991, as amended, provides for the rules of succession when there is a temporary vacancy in the Office of the Local Chief Executive;

WHEREAS, there being a lack of provision in RA 7160 relative to the filling of temporary vacancies in local elective positions outside those in Section 46 of RA 7160, jurisprudence has recognized that the rules of succession on permanent vacancies under Sections 44 and 45 of RA 7160 may apply to temporary vacancies;

WHEREAS, there are instances when, despite the application of the modes of succession under RA 7160 or for reasons that the same cannot be applied, there remain vacant positions of elective local officials, which vacancies may disrupt the delivery of basic services and may paralyze local government operations in such areas;

WHEREAS, to prevent hiatus in and paralyzation of local government operations, there is an urgent need to provide rules for the foregoing exigencies, in conformity with the Constitution, the Administrative Code of 1987, RA 7160, jurisprudence, and other pertinent issuances on the matter;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby promulgate the following:

SECTION 1. Temporary Vacancy in the Office of the Local Chief Executive. When the governor, city or municipal mayor, or punong barangay 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, the vice-governor, city or municipal vice-mayor, or the highest ranking sangguniang barangay member, or, in case of inability of such officials, the highest ranking sanggunian member or, in the case of a barangay, the second highest ranking sangguniang barangay member, shall automatically exercise the powers and perform the duties and functions of the local chief executive concerned, 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.

THE PRESIDENT OF THE PHILIPPINES

For purposes of succession, ranking in the sanggunian shall be determined on the basis of the proportion of votes obtained by each winning candidate to the total number of registered voters in each district in the immediately preceding local election.

SECTION 2. Temporary Vacancies in the Offices of the Vice-Governor or Vice-Mayor. When the vice-governor or vice-mayor 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, the highest ranking sanggunian member or, in case of his inability, the second highest ranking sanggunian member, shall be designated by the President, through the Secretary of the DILG (SILG) or the OIC-DILG.

SECTION 3. Temporary Vacancies in the Sanggunian. (A) Temporary vacancies in the sangguniang panlalawigan, sangguniang panlungsod, sangguniang bayan, and sangguniang barangay shall be filled by designation by the President, through the SILG or the OIC-DILG.

(B) Except for the sangguniang barangay, only the nominee of the political party under which the sanggunian member concerned had been elected and whose elevation to the position next higher in rank created the last vacancy in the sanggunian shall be designated in the manner hereinabove provided. The person so designated shall come from the same political party as that of the sanggunian member who caused the temporary vacancy and shall serve for the duration of the temporarily vacant office.

(C) In case the temporary vacancy is caused by a sanggunian member who does not belong to any political party, the President, through the SILG or the OIC-DILG, shall, upon recommendation of the sanggunian concerned, if still constituting a quorum, designate a qualified person to fill the vacancy.

(D) In case of temporary vacancies in the representation of the youth and the barangays in the sanggunian, said vacancy shall be filled by designation by the President, through the SILG or the OIC-DILG, of the official next in rank of the organization concerned.

(E) In case of temporary vacancies in the sangguniang barangay, the President, through the SILG or the OIC-DILG, shall, upon recommendation of the sangguniang barangay, if still constituting a quorum, designate a qualified person to fill the vacancy.

SECTION 4. Other Temporary Vacancies. In local government units (LGU) where, despite the application of the modes of succession as provided in the above sections or for reasons which render the said modes of succession inapplicable, there remain vacancies in certain local elective positions which may effectively hamper the operations of the LGU concerned, the President, through the SILG or the OIC-DILG, shall appoint or designate a qualified person.

SECTION 5. Qualifications and Powers of the Person Designated. Such person so designated pursuant to Sections 2, 3, and 4 of this Administrative Order 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) Appointment, suspension or dismissal of local government officials and employees;
- (2) Creation and filling-up of positions whether regular, contractual or casual;
- (3) Reorganization of local government offices;
- (4) Solemnization of marriages;
- (5) Revision of duly approved local development plans; and
- (6) Approval of contracts other than those needed to keep the day-to-day operations going.

Provided, that the person designated shall act with the highest degree of integrity, impartiality and fairness at all times; Provided further, that the person duly designated must possess all the qualifications and none of the disqualifications prescribed for the corresponding elective office.

Notwithstanding the abovementioned limitations on the duties and functions of the person so designated, the SILG or OIC-DILG may grant said person, when public interest so requires and when necessary to prevent disruption in the delivery of service, the authority to approve contracts, including engaging in or renewing contracts of service, provided that such authority is within the duties and functions of the local government position concerned.

SECTION 6. Simultaneous Appointment or Designation. In case of multiple vacancies under the circumstances provided in Sections 1, 2, 3, and 4, the SILG or the OIC-DILG may make simultaneous appointments or designations, provided that the rules in the previous sections shall be strictly observed.

SECTION 7. Caretaker of the LGU. Pending the completion of selection and appointment or designation processes referred to in the previous sections, the remaining local elective official/s shall administer the day-to-day operations of the LGU to ensure the continuous and effective delivery of public services therein.

Where there are no remaining local elective officials to administer the day-to-day operations of the LGU, the SILG or the OIC-DILG is hereby authorized to designate a caretaker therein.

SECTION 8. Authority to Issue Rules. The SILG or the OIC-DILG shall issue the necessary rules, orders, and circulars as may be necessary for the implementation of this Administrative Order.

SECTION 9. Reportorial Requirements. The SILG or the OIC-DILG shall submit to the President, through the Executive Secretary, a quarterly report on the implementation of this Order. However, the report on all appointments or designations made pursuant to this Order should be made within fifteen (15) days from such appointment or designation.

SECTION 10. Inter-agency Cooperation. All government agencies in the Executive Branch are directed to cooperate and extend to the DILG all appropriate assistance to carry out the objective of this Order.

SECTION 11. Separability Clause. If any section or part of this Order is declared to be unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

SECTION 12. Repealing Clause. All orders, rules and regulations, issuances, or any part thereof inconsistent with the provisions of this Order are hereby repealed, amended or modified accordingly.

SECTION 13. Effectivity. This Order shall take effect immediately after its publication in a newspaper of general circulation.

DONE, in the City of Manila, this **13th** day of **December** in the year of Our Lord, Two Thousand and Eighteen.



By the President:



SALVADOR C. MEDIALDEA
Executive Secretary

