

[OP ADMINISTRATIVE ORDER NO. 224, March 27, 2008]

AUTHORIZING THE SECRETARY OF INTERIOR AND LOCAL GOVERNMENT TO EXERCISE THE POWER OF APPOINTMENT TO FILL-UP EXISTING VACANCIES IN THE SANGGUNIAN KABATAAN AT THE BARANGAY LEVEL

WHEREAS, the President exercises general supervision over local governments pursuant to Article X, Section 4 of the 1987 Constitution; Section 18 of the Administrative Code of 1987; and Section 25 of the Local Government Code;

WHEREAS, the Local Government Code and its implementing rules and regulation is silent with regard to the mode of appointment to fill up existing vacancies in the Sanggunian Kabataan;

WHEREAS, the Supreme Court in the case of *Garvida vs. Sales* (271 SCRA 767) ruled that "*the vacancy shall be filled by the SK members chosen by the incumbent SK members by simple majority from among themselves-*"

WHEREAS, the Supreme Court in the case of *Montesclaros vs. Comelec* (384 SCRA 287) has declared that, "*on July 15, 2002, when the SK elections are held, the hold-over Period expires and all incumbent SK officials automatically cease to hold their SK offices and their ex-officio public offices.*"

WHEREAS, while it is true that under R. A. 9340, SK officials are given the power to hold-over until their successors shall have been elected and qualified, said hold-over capacity is now legally impossible to implement considering that all SK officials are now beyond the age group of the Katipunan ng Kabataan (KK) which is 15 to less than 18 years old, since the last election held was on July 15, 2002;

WHEREAS, with the expiration of term of the SK officials and the lack of a formal mechanism for the appointment of SK officials, the youth in some barangays have no representatives in the barangay councils;

WHEREAS, the President shall exercise such other powers and functions vested in the President which are provided for under the law and which are not specifically enumerated in the Administrative Code or which are not delegated by the President in accordance with law. (Section 20, Administrative Code of 1987);

WHEREAS, to strengthen the role of the youth in nation-building, it is imperative that the vacancies in the Sanggunian Kabataan be filled up in accordance with the procedure set in the *Garvida* case and confirmed by an appointment pursuant to Article VII, Section 16 of the Constitution;

WHEREAS, this power to appoint may be exercised directly by the President or