

[**MEMORANDUM CIRCULAR NO. 126, December 06, 2006**]

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.