

**DISMISSING VIRGILIO S. LACSON, COUNCILOR, MALABON, METRO MANILA, FROM THE SERVICE.**

This refers to the administrative complaint filed by Consuelo Torres-Pili and seven (7) other councilors of Malabon, Metro Manila, against Councilor Virgilio S. Lacson of the same municipality charging the latter for "*unjustified prolonged absence*" and praying in effect that he be dismissed from the service.

**Records yield the following facts:**

Sometime in June 1999, Lacson went to the United States purportedly to accompany his mother who was diagnosed to be suffering from cancer. In relation with this trip, Lacson applied and was later able to secure approval for a 15-day leave of absence, starting June 28, 1999. Subsequently, Lacson, through Jose Carpio Jr., his legislative staff officer, addressed a letter to Mayor Amado S. Vicencio of Malabon dated July 29, 1999, seeking an extension of his leave of absence, without, however, specifying the number of days he will be on leave. Similar letters-requests were sent to Malabon Vice Mayor Jay G. Yambao and then Secretary Ronald V. Puno of the Department of Interior and Local Government (DILG). Vice Mayor Yambao approved the desired extension, but only for a period allowed by law and regulation which, as stated in Municipal Resolution No. 35-2000, *infra*, is for thirty (30) days.

After the lapse of the thirty-day extended leave of absence aforementioned, nothing was heard of from Lacson or his staff.

On March 30, 2000, the Sangguniang Bayan of Malabon, noting that Lacson "*has been absent without official leave for more than six (6) months*", passed Resolution No. 35-2000 thereby resolving to forward to this Office, through the DILG, the matter of absence without official leave of Lacson. This was followed by Resolution No. 60-2000, requesting this Office, through the DILG Secretary, to declare vacant the position of Councilor Lacson "*due to his prolonged absence without official leave (more than eight (8) months)*."

In a letter of June 8, 2000, Vice Mayor Yambao forwarded to DILG Secretary Alfredo S. Lim a copy of Resolution No. 60-2000, with a request that the same be dispositively acted upon.

On July 3, 2000, Councilor Torres-Pili, *et al.*, issued a certification attesting to the passing of Resolution No. 60-2000, *supra*, and affirming its contents.

In the light of the above certification which it regarded as a complaint against Lacson, the DILG directed Lacson to file his answer thereto, which he did via a counter-affidavit dated August 22, 2000.



From the above narration, it is clear that Lacson went on leave for at least eight (8) months without informing the authorities concerned, let alone filing an application for leave. In net effect, he abandoned his duties as councilor of Malabon to the prejudice of his constituents who elected him and whom he swore to serve with utmost responsibility, integrity and efficiency (Belvis vs. Fernandez, 256 SCRA 455).

A few days absence, or a few weeks for that matter, without leave may perhaps be tolerated. Not so when one absents himself without an approved leave or justification for about eight (8) months straight, as here.

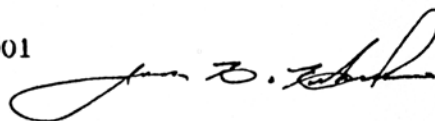
Lacson's invocation in his counter-affidavit of Section 47 of the Local Government Code of 1991 (RA No. 7160), providing -- "*whenever the application for leave of absence [of local elective officials] . . . is not acted upon within five (5) days after receipt there, the application . . . shall be deemed approved*" -- is clearly misplaced. The reason is simple. Both applications for leave filed by Lacson owing to his stay in the United States were acted upon favorably. And lest it be overlooked, Lacson never filed an application to cover his absence -- an eight-month stretch, to stress -- after enjoying his extended leave.

In all, this Office finds Lacson guilty of prolonged unauthorized absence, an infraction which may be considered as or amounts to grave misconduct, taking into account the length of time involved in his absence. For this offense, no less than dismissal from the service is warranted, a penalty that the Civil Service Omnibus Rules Implementing Book V of Executive Order No. 292 prescribes.

WHEREFORE, Virgilio S. Lacson is hereby ordered **DISMISSED** from the service as City Councilor of Malabon, Metro Manila. The Department of Interior and Local Government shall implement this Decision immediately.

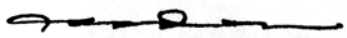
SO ORDERED.

Manila, Philippines, January 5, 2001



By the President:



  
**RAMON B. CARDENAS**  
Acting Executive Secretary

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