



Republic of the Philippines  
Province of Sorsogon  
**CITY OF SORSOGON**



*Office of the Sangguniang Panlungsod*

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE EIGHTH CITY COUNCIL HELD AT THE SANGGUNIANG PANLUNGSOD SESSION HALL, CABID AN, EAST DISTRICT, SORSOGON CITY ON JULY 5, 2022.

**PRESENT:**

**HON. MARK ERIC C. DIONEDA**  
City Vice Mayor/ Presiding Officer

**WEST DISTRICT**

Hon. Peter Joseph J. Ravanilla  
Hon. Nestor J. Baldon  
Hon. Bryan J. Pingul  
Hon. Ma. Teresa D. Perdigon

**EAST DISTRICT**

Hon. Ma. Theresa H. Gonzalez  
Hon. Lester R. Lubiano  
Hon. Mark Jayson D. Jamisola  
Hon. Angelu Magda P. Ravanilla

**BACON DISTRICT**

Hon. Jo Abegail C. Dioneda  
Hon. Reynaldo C. Taladtad  
Hon. Glenn P. Olbes  
Hon. Danilo A. Deladia

**EX-OFFICIO MEMBERS**

Hon. Bessie C. Diaz  
Hon. Renalene Mae J. Duka

**ABSENT:**

NONE

*Resolution No. 017, Series of 2022*

(Author: Hon. Glenn P. Olbes)

**RESOLUTION ADOPTING THE RULES ON THE CONDUCT OF ADMINISTRATIVE INVESTIGATION BY THE 8<sup>TH</sup> CITY COUNCIL OF THE CITY OF SORSOGON**

**WHEREAS**, the Sangguniang Panlungsod is vested with the power to hear and decide complaints against erring barangay officials pursuant to Section 61 (c) of the Local Government Code of 1991;

**WHEREAS**, in order to achieve a just, expeditious, simplified and inexpensive determination of cases, it is necessary to adopt rules on the conduct of administrative investigation by the Sangguniang Panlungsod;

**WHEREAS**, on motion of **Hon. Glenn P. Olbes**, duly seconded by the body;

**NOW, THEREFORE**, be it as it is;

**RESOLVE, AS IT IS HEREBY RESOLVED,** to adopt the following rules on the conduct of administrative investigation by the Sangguniang Panlungsod of Sorsogon City;

## **RULES ON THE CONDUCT OF ADMINISTRATIVE INVESTIGATION BY THE 8<sup>TH</sup> CITY COUNCIL OF THE CITY OF SORSOGON**

### **SECTION 1                    APPLICABILITY**

These Rules shall apply to all newly-filed administrative complaint against any erring elective barangay official within the City of Sorsogon.

### **SECTION 2                    GROUNDS FOR DISCIPLINARY ACTIONS**

An elective barangay official may be disciplined or suspended from office in any of the following grounds:

- a. Disloyalty to the Republic of the Philippines;
- b. Culpable violation of the Constitution;
- c. Dishonesty, oppression, misconduct in office, gross negligence, or dereliction of duty;
- d. Commission of any offense involving moral turpitude or an offense punishable by at least prision mayor;
- e. Abuse of authority;
- f. Unauthorized absence of four (4) consecutive regular sessions;
- g. Application for, or acquisition of, foreign citizenship or residence of the status of an immigrant of another country; and
- h. Such other grounds as may be provided by Local Government Code; RA 6713 (An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees); Administrative Code of 1987 (EO No. 292, Series of 1987) and other general or special laws.

### **SECTION 3                    FORM OF ADMINISTRATIVE COMPLAINTS**

Complaint against any erring elective barangay official shall be verified and shall be filed with the Office of the Secretary to the Sangguniang Panlungsod in sixteen (16) copies.

The complaint should be written in clear, simple and concise language and in a systematic manner as to apprise to the respondent/s concerned of the nature and cause of the accusation against him and to enable him to intelligently prepare his defense or answer.

The verified complaint shall contain the following:

- a. Full name and address of the complainant;
- b. Full name and address of the official/s complained of as well as his or their position or office in the barangay;
- c. A narration of the relevant and material facts which show the acts or omissions allegedly committed by the respondent/s;
- d. The names of the affiants whose judicial affidavits will be presented to prove complainant's claims. The judicial affidavits shall be attached to the complaint. Judicial affidavits not attached to the complaint shall not be considered;
- e. The summary of the statements in the judicial affidavits;

- f. Certified true copies of the documentary evidence, and object evidence, if any.
- g. Certification or statement of non-forum shopping.

#### **SECTION 4                      FILING FEE**

For every administrative complaint filed before the Sangguniang Panglungsod, a filing fee shall be paid to the Office of the City Treasurer in the amount of One Hundred Fifty Pesos (Php. 150.00). The Secretary shall require the presentation of the official receipt before receiving the verified complaint.

#### **SECTION 5                      CALENDAR OF BUSINESS**

Upon receipt of the complaint, the Secretary shall include the same in the Calendar of Business of the regular session of the Sangguniang Panlungsod. The Sangguniang Panlungsod shall determine whether the complaint is sufficient in form and in substance and thereafter may refer the same to the Committee on Barangay Affairs for possible amicable settlement.

However, if from the examination of the allegations in the complaint and such evidence as may be attached thereto, a ground for the outright dismissal of the case is apparent, the Sangguniang Panlungsod may dismiss the case on its own initiative. These grounds include lack of subject matter jurisdiction, improper venue, lack of legal capacity to sue, *litis pendencia*, *res judicata*, failure to state cause of action, non-submission of certification against forum shopping, among others.

#### **SECTION 6                      COMMITTEE ON BARANGAY AFFAIRS**

The Committee on Barangay Affairs shall conduct a committee hearing and shall render its report in the plenary. Should amicable settlement has been concluded during the committee hearing, the same should appear in the report with the recommendation for its dismissal. However, if no amicable settlement has been arrived at, the report shall explicitly declare such fact with the recommendation that the same be referred to the Committee on Administrative investigation.

#### **SECTION 7                      COMMITTEE ON ADMINISTRATIVE INVESTIGATION**

The Committee on Administrative Investigation shall be organized for the purpose of conducting an investigation on the complaint, receive evidence, and submit findings and recommendations to the Sangguniang Panlungsod.

It shall be composed of a Chairman and four (4) members to be elected by the members of the Sangguniang Panlungsod, or as may be determined by the council as a whole. The Chairman of the Committee shall preside during the investigation, sign orders and other legal processes, and rule and decide procedural and incidental matters. The Chairman and the members of the Committee shall be selected from the legislative districts where the complainant/s and the respondent/s are not residents thereof.

## **SECTION 8                      SUMMONS/ANSWER**

Upon referral to the Committee on Administrative Investigation, the Secretary to the Sangguniang Panlungsod shall issue summons requiring the respondent to submit his verified answer within fifteen (15) days from the receipt thereof.

The summons shall be accompanied with a copy of the complaint and all its attachments, as well as a copy of this Rule.

The verified answer shall state the following:

1. The names of the affiants whose judicial affidavits will be presented to prove respondent's allegations. The judicial affidavits shall be attached to the answer. Judicial affidavits not attached to the answer shall not be considered;
2. The summary of the statements in the judicial affidavits;
3. Certified true copies of the documentary evidence, and object evidence, if any.

The answer with the accompanying affidavits and other evidence shall be filed in sixteen (16) copies with the Office of the Secretary to the Sangguniang Panlungsod and with proof that a copy of the same was served upon the complainant.

## **SECTION 9                      EFFECT OF FAILURE TO ANSWER**

Unreasonable failure of the respondent to file his verified answer within the prescribed period shall be considered a waiver of his right to present evidence in his behalf and the committee may thereafter, submits its findings and recommendations to the Sanggunian Panlungsod, based on the evidence presented.

## **SECTION 10                    PREVENTIVE SUSPENSION**

Preventive suspension may be imposed by the City Mayor at any time after the issues are joined, when the evidence of guilt is strong, and given the gravity of the offense, there is a great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.

Any single preventive suspension of an elective official shall not extend beyond sixty (60) calendar days. In the event that several administrative cases filed against an elective local official, he cannot be placed under preventive suspension for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension.

Upon expiration of the preventive suspension, the suspended elective official shall be deemed reinstated in office without prejudice to the continuation of the proceedings against him, which shall be terminated within one hundred twenty (120) days from the time he was formally notified of the case against him. If the delay in the proceedings of the case is due to his fault, neglect, or request, other than appeal duly filed, the duration of such delay shall be counted in computing the time of termination of the case.

**SECTION 11****PROHIBITED PLEADINGS AND MOTIONS**

The following pleadings and motions shall not be allowed:

1. Motion to dismiss except on the ground of lack of jurisdiction over the subject matter;
2. Motion to hear and/or resolve affirmative defenses;
3. Motion for bill of particulars;
4. Motion for reconsideration or new trial;
5. Petition for relief for judgment;
6. Motion for extension of time to file pleadings, motions, or other papers;
7. Memoranda;
8. Petition for certiorari, mandamus, or prohibition, against an interlocutory order;
9. Motion to declare the respondent in default;
10. Motion for postponement except on the ground of acts of God, force majeure, or physical inability to personally appear, as supported by affidavit and/or medical proof;
11. Reply;
12. Rejoinder;
13. Third-party complaints;
14. Motion for and complaints-in-intervention;
15. Motion to admit late position paper, affidavits, or other evidence, except on the ground of acts of god and force majeure.

**SECTION 12****VIDEOCONFERENCE**

As far as practicable, and if the Committee finds that the conduct of videoconference is warranted, the Committee, on its own initiative, or upon motion, may set the case for videoconference at any stage of the proceedings.

**SECTION 13****PRELIMINARY CONFERENCE**

After the answer has been served and filed, the Secretary shall issue Notice of Preliminary Conference which shall be within thirty (30) calendar days from the date of filing of the answer.

During the preliminary conference, the committee shall consider:

- a. The possibility of an amicable settlement
- b. The stipulation or admission of facts and of documents to avoid unnecessary proof;
- c. The simplification of issues;
- d. The limitation of the number and identification of witnesses;
- e. The propriety of rendering decision based on pleadings, affidavits and position papers;  
and
- f. Such other matters as may aid in the prompt disposition of action.

The failure of the complainant to appear in the preliminary conference shall be a cause for the dismissal of his complaint. If a sole respondent fails to appear in the preliminary conference, the complainant shall be entitled to judgment in accordance with section 9 of this Rule.

**SECTION 14****PRELIMINARY CONFERENCE BRIEF**

The parties shall file with the committee and serve on the adverse party, in such manner as shall ensure their receipt thereof at least three (3) calendar days before the date of the preliminary conference, their respective briefs which shall contain, among others:

- a. A concise statement of the case and the reliefs prayed for;
- b. A summary of admitted facts and proposed stipulation of facts;
- c. The main factual and legal issues to be tried or resolved;
- d. The documents or other object evidence to be marked, stating the purpose thereof;
- e. The names of the witnesses, and the summary of their respective testimonies; and
- f. A brief statement of points of law and citation of authorities.

Failure to file the pre-trial brief shall have the same effect as failure to appear at the preliminary conference.

**SECTION 15****PRELIMINARY CONFERENCE ORDER**

Upon termination of the preliminary conference, the committee shall issue an order within ten (10) calendar days which shall recite in detail the matters taken up. The order shall include:

- a. An enumeration of the admitted facts;
- b. The legal and factual issue/s to be tried;
- c. The applicable law, rules, and jurisprudence;
- d. The evidence marked;

The committee, may, in the Preliminary Conference Order, declare the case submitted for judgment if, on the basis of the pleadings and their attachments, as well as the stipulations and admissions made by the parties, judgment may be rendered without the need of submission of position papers. In this event, the committee shall submit its report within thirty (30) calendar days from issuance of the order.

If the committee, however, deems the submission of position papers is still necessary, it shall require the parties, in the Preliminary Conference Order, to submit their respective position papers within ten (10) calendar days from receipt of such order. If there are certain material matters that need to be clarified, the committee may include these matters in the Preliminary Conference Order so the parties may be able to submit additional judicial affidavits or evidence on the said matters together with the position papers. In this event, the committee shall submit its report within fifteen (15) calendar days from receipt of the position papers or the lapse of the period for filing the same.

**SECTION 16 SUBMISSION OF REPORT, DECISION OF THE SANGGUNIANG PANLUNGSOD**

Within the above stated periods, the Committee shall submit a report to the Sangguniang Panlungsod stating its findings and recommendations.

The report shall consist of whether based from the evidence presented and considered, there is substantial evidence showing that the respondent is guilty of an administrative offense.

In this event, the report shall contain the appropriate penalty imposable upon the respondent. Otherwise, the report shall recommend the dismissal of the case as against the respondent.

The Sangguniang Panlungsod shall consider the report and a decision shall be rendered on the basis of such report stating clearly and distinctly the facts and the reasons for such decision. Copies of said decision shall immediately be furnished the respondent to the DILG, Office of the City Mayor and all interested parties. Said decision shall be final and executory.

#### **SECTION 17 SUPPLEMENTARY PROVISIONS**

Pertinent provisions in the Local Government Code (RA 7160), its implementing rules and regulations, and the Rules of Court shall be supplementary to these rules.

#### **SECTION 18 EFFECTIVITY**

These rules shall take effect immediately upon the adoption by the Sangguniang Panlungsod.

**FINALLY RESOLVED**, to transmit this resolution to all concerned for their information and appropriate action.

**RESOLVED FURTHER**, that copies of this resolution be furnished to all concerned for their information and guidance.

**DATE APPROVED:** July 5, 2022

I hereby certify to the correctness of the foregoing resolution.

  
**ROVAN E. DOMASIAN**  
Secretary to the Sangguniang Panlungsod

**ATTESTED:**

  
**MARK ERIC C. DIONEDA**  
City Vice Mayor/Presiding Officer