



Republic of the Philippines  
Caraga Region XIII  
Province of Surigao del Norte  
Municipality of Alegria

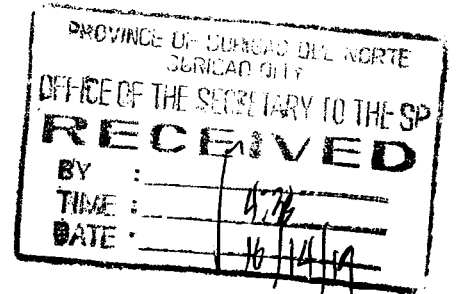


**SANGGUNIANG BAYAN OF ALEGRIA**

**EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF ALEGRIA, SURIGAO DEL NORTE, HELD IN OUTDOOR SESSION AT BIG TIME BEACH RESORT, LIANGA, SURIGAO DEL SUR ON SEPTEMBER 30, 2019.**

PRESENT:

Hon. Reuel O. Jalasan	- SB Member
Hon. Nimfa N. Sagaral	- SB Member
Hon. Erlinda B. Silvosa	- SB Member
Hon. Emalyn S. Micompal	- SB Member
Hon. Arnold L. Dagcuta	- SB Member, Temporary Presiding Officer
Hon. Ryan T. Abarico	- SB Member
Hon. Reynaldo B. Ranay	- SB Member
Hon. Eldy S. Gabeligno	- SB Member
Hon. Almasur G. Opalia	- LNMB President
Hon. Reil John A. Esma	- SK Fed. President



ABSENT: Hon. Dominador G. Esma, Jr. – MVM (on V/L)

**MUNICIPAL ORDINANCE NO. 12  
SERIES OF 2019**

**ENACTING THE RULES ON ADMINISTRATIVE INVESTIGATION BY THE SANGGUNIANG BAYAN OF ALEGRIA, SURIGAO DEL NORTE AND IMPOSING FEES THEREOF**

Sponsored By: Hon. Arnold L. Dagcuta

**BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF ALEGRIA, SURIGAO DEL NORTE, IN SESSION ASSEMBLED, THAT:**

**RULE I**

**PRELIMINARY INVESTIGATIONS**

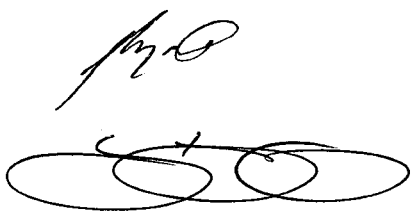
**SECTION 1. Title.** – This Rules shall be known as the “*Rules of Procedures in the Conduct of Administrative Investigation*” by the Sangguniang Bayan of Alegria, Surigao del Norte.

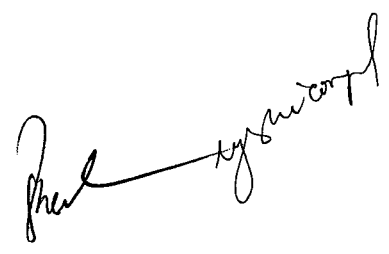
**SECTION 2. Coverage.** - These rules of procedures shall apply to administrative cases filed against elective barangay officials within the territorial jurisdiction of the Municipality of Alegria, Surigao del Norte;

**SECTION 3. Rules and Interpretation.**- In the interpretation of these Rules of Procedures, the Sanggunian shall not be strictly bound by the technical rules of evidence as found under the Rules of Court, as amended.

**SECTION 4. Definition of Terms.** For purpose of this Ordinance, the following terms are hereby defined:

- a) **QUASI-JUDICIAL POWER** – refers to incidental power of the Sangguniang Panlungsod to hear and determine controversies outside of its legislative duty or power, as the power to hear and determine or ascertain facts and decide cases by the application of the rules of the law in the enforcement and administration of justice. It is different from the investigation in aid of legislation. It is exercised by the Sangguniang Bayan thru its Committee on Rules, Justice and Human Rights whose findings and decisions shall be concurred by the Sangguniang Bayan en banc.
- b) **COMMITTEE** – refers to the Committee on Rules, Justice and Human Rights, Ordinances, Good Governance, Civil Service, Laws and Legal Matters of the Sangguniang Bayan.
- c) **VERIFIED COMPLAINT** - refers to a verified written statement under oath by a person who has personal knowledge of the facts complained of therein, alleging the complainants' cause of action against any elective barangay official and shall include the names and addresses of the parties to the case.
- d) **SUBPOENA** – is an order of the Committee on Rules, Justice and Human Rights requiring a certain individual to appear and testify before it, in which case it is known as *subpoena ad testificandum*. It may also require a certain individual to appear before the said committee to produce relevant material documents, in which case it is known as *subpoena duces tecum*.
- e) **DUE PROCESS** – is that which hears before it condemns, which proceeds upon inquiry and renders judgment only after trial. It requires notice and opportunity to be heard.
- f) **SUBSTANTIAL EVIDENCE** – refers to such evidence as a reasonable mind might accept as adequate to support as conclusion.
- g) **DISCIPLINARY ACTION** – is a mode of correction or punishment for certain unlawful conduct, behavior or actuations of elective barangay officials in connection with the performance of their powers, functions and duties, as prescribed by law, or in relation to their public office, based on grounds specified therein
- h) **ABUSE OF AUTHORITY** – exercise use of power or authority unbecoming of a public official; acts committed in excess of one's power or authority as conferred on him/her by law or outside of one's duties and functions. It includes the use of such discretion in such a way as to deprive a person of his/her right or of the remedy to protect or enforce such right.
- i) **CULPABLE VIOLATION OF THE CONSTITUTION** – a deliberate or willful or intentional violation of the Constitution of the Republic of the Philippines.
- j) **DISHONESTY** – concealment of truth in a matter of fact relevant to one's office or connected with the performance of his/her duties.
- k) **OPPRESSION** – means an act of cruelty, severity, unlawful exaction, domination or excessive use of authority.





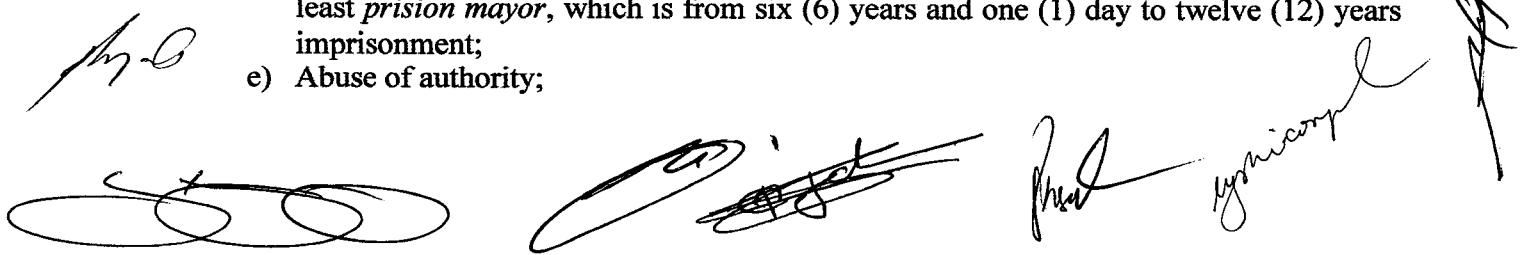

- l) **MISCONDUCT IN OFFICE** – means maladministration or willful, intentional neglect and failure to discharge the duties of the office. It is a transgression of some established and definite rule of conduct, more particularly unlawful behavior or gross negligence by the public officer. Misconduct, whether involving dishonesty, oppression or any form of misdeeds must comprehend a wrongful intention and not a mere error of judgment. It must be a misconduct that effects the performance of duties as a public officer and not as a private individual.
- m) **GROSS NEGLIGENCE OF DUTY**- there is gross neglect of duty when the omission or refusal, without sufficient excuse, to perform an act or duty, when it was the officer's legal obligation to perform, is flagrant and palpable.
- n) **DERELICTION OF DUTY** – means deliberate, conscious or willful neglect of duty.
- o) **DISLOYALTY TO THE REPUBLIC OF THE PHILIPPINES** – an act seeking to remove allegiance from the Republic of the Philippines such as for instance, rebellion or insurrection.
- p) **ACTS INVOLVING MORAL TURPITUDE** – these are acts considered immoral in themselves as contra distinguished from acts which are considered wrong because they are prohibited by law.
- q) **PUBLIC OFFICIAL** – is any person who, by direct provision of law, popular election or appointment by competent authority, takes part in the performance of public functions in the government as an employee, agent or subordinate official, or any rank or class.
- r) **PREVENTIVE SUSPENSION** – is a penalty recommended by the Committee on Rules, Justice and Human Rights, concurred by the Sangguniang Bayan en banc and enforced by the Municipal Mayor. It is a temporary withdrawal or separation from office of the elective barangay official, who is the subject of an administrative complaint, after the investigation of his/her case.
- s) **CENSURE**- means severe disapproval, criticism or condemnation of an official action of an elective barangay official.
- t) **REPRIMAND** – is almost synonymous with censure. It is a formal and public censure, or severe reproof, administered to a respondent elective barangay official by the Sangguniang Bayan en banc.

## RULE 2

### GROUND FOR ADMINISTRATIVE DISCIPLINARY ACTION

#### SECTION 5. Grounds.

- (1) An elective barangay official may be disciplined, suspended, or removed from office on 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 any offense punishable by at least *prison mayor*, which is from six (6) years and one (1) day to twelve (12) years imprisonment;
  - e) Abuse of authority;

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- f) Unauthorized absence for fifteen (15) consecutive working days in case of barangay chief executives and four (4) consecutive sessions in the case of members of the sanggunian;
  - g) Application for, or acquisition of, foreign citizenship or residence of the status of an immigration of another country; and
  - h) Such other grounds as may be provided by the Local Government Code of 1991, Republic Act No. 6713, Republic Act. No. 3019, Civil Service Law, Revised Penal Code and all other applicable general and special laws.
- (2) An elective barangay official may only be removed from office on the grounds enumerated above by order of the proper court.

### RULE 3

#### FILING FEES & OTHER FEES

**SECTION 6. Imposition of Fees** – The following fees are hereby imposed as a filing fee for administrative complaint filed before the Sangguniang Bayan of Alegria. The Municipal Treasury Office is authorized to collect such filing fee; to wit: (Ordinance No. 01-2015)

- (a) If the complainant is a Barangay Official – Filing Fee – Php1,000.00
- (b) If the complainant is not a Barangay Official – Filing Fee – Php500.00

Section 7. The Official Receipt or its photocopy shall be attached to the Original Copy of the Verified Complaint.

Section 8. **Fees for the Transcript.** The parties requesting for a copy of the transcript of proceedings shall upon payment of Php5.00 for each page at the Municipal Treasury Office present the Original Receipt to the SB Secretary or records custodian for the said transcript of proceedings.

### RULE 4

#### COMPLAINT

**SECTION 9. How Initiated.**- An administrative case may be initiated by any private individual or any government officer or employee by filing a verified or sworn written complaint against elective local official enumerated under Section 2, Rule 1 hereof. It may also be initiated *motu proprio* by any local government official or agency duly authorized by law to ensure that local government units, (LGUs) act within their prescribed powers and functions.

**SECTION 10. Form of Complaint.**- No complaint against any local elective official shall be given due course unless the same is in writing and verified or under oath. The complaint, accompanied by the affidavits of witnesses or evidences in support of the charge, shall be addressed to the sanggunian. It shall be drawn in clear, simple, and concise language and in methodical manner as to apprise the respondent of the nature of the charge against him and to enable him to prepare his defense. The party filing the complaint shall be called the **complainant** while the official against whom the complaint is file shall be called the **respondent**.

The complaint shall also contain the following:

- (a) Full name and address of the complaint;
- (b) Full name and address of the respondent as well as his position and office;
- (c) A narration of the relevant and material facts which shows the acts or omissions allegedly committed by the respondent. Documentary evidence and sworn statements and affidavits of witnesses, if any, should be attached as annexes;
- (d) A certification by the complainant that no other administrative action or complaint against the same party involving the same acts or omissions and issues, has been filed before any agency or administrative body performing quasi-judicial functions

Non-compliance with the foregoing requirements shall cause the dismissal of the complaint, at the discretion of the sanggunian bayan.

**SECTION 11. Where filed.-** Two (2) copies of the complaint plus additional copies corresponding to the number of the respondent/s shall be filed with the Office of the Sangguniang Bayan Secretary, which shall be forwarded to the Vice Mayor for appropriate action.

A copy of the complaint shall be furnished by the complainant to each of the following:

- a) The Office of the Municipal Mayor;
- b) The Municipal Local Government Operations Officer (MLGOO) assigned at the municipality;

No complaint shall be accepted unless the foregoing requirements are complied, with proof of service that copies were furnished to the municipality mayor and the MLGOO;

**SECTION 12. Complaint filed with another agency.-** If a complaint is filed with another government agency, the same may be referred to and accepted by the Sanggunian, provided, it complies with all the requirements as provided in the immediate two (2) preceding sections.

**SECTION 13. Anonymous complaint.-** No action shall be taken on an anonymous complaint for non-compliance of the requirements.

**SECTION 14. 90-day ban.-** No complaint shall be accepted within ninety (90) days immediately prior to any local election.

## RULE 5 ANSWER

**SECTION 15. Notice.-** Within seven (7) days after the complaint is filed, the sanggunian Investigating Authority created by the sanggunian for this purpose, shall determine if the complaint complies with the requirements under Section 2 and 3 of the preceding Rule and shall issue an order requiring the respondent to submit his verified answer within a non-extendible period of fifteen (15) days from receipt thereof.

The seven (7) day period shall commence from the moment the sanggunian secretary has formally received the complaint.

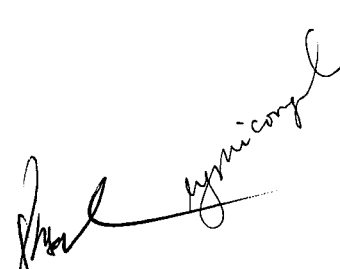
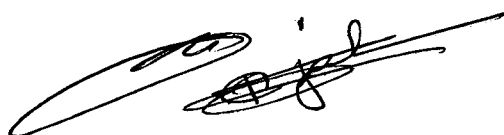
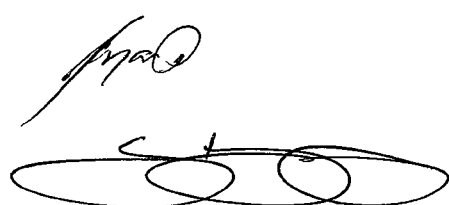
**Section 16. Form of Answer.-** The answer must be verified, accompanied by affidavits of witnesses or evidences in support of the defense, shall be addressed to the Sanggunian and shall be drawn in clear, simple and concise language.

**SECTION 17. Where filed.-** Three (3) copies of the answer shall be submitted to the Office of the Sangguniang Bayan Secretary. The complaint/s through counsel if represented by a counsel;

No answer shall be accepted unless the foregoing requirements are complied, with proof of service.

**SECTION 18. Failure to answer.-** Unreasonable failure of respondent to file his verified answer within fifteen (15) days from receipt of the complaint against him shall be considered as waiver of his right to present evidence in his behalf.

No motion shall be allowed in lieu of the answer.



## RULE 6

### EVALUATION

**Section 19. Evaluation.** Upon the receipt of the answer, the Sanggunian shall, in its regular session, determine the existence of probable cause, and within ten (10) days commence the investigation through the creation of an ad hoc committee which shall be composed of the following:

- (a) The Chairman of the Committee on Good Government of the Sanggunian, as Chairman; and
- (b) Two regular members of the Sanggunian, as may be determined by the Sanggunian through a majority vote of all the members;

In any other case, the Sanggunian may create an ad hoc committee to conduct the investigation or hear the case as a Committee of the whole.

If there exist no prima facie evidence against respondent, the Sanggunian may *motu proprio* dismiss the case.

## RULE 7

### PREVENTIVE SUSPENSION

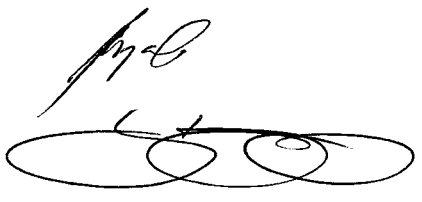
**Section 20. Determination** – After the issue are joined, when the evidence of guilt is strong, and given the gravity of the offense, there is great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence, the committee may recommend to the Sanggunian that respondent to be placed under preventive suspension which shall not extend beyond sixty (60) days; Provided, that in the event that several administrative cases are filed against the respondent, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground existing and known at the time of the first suspension.

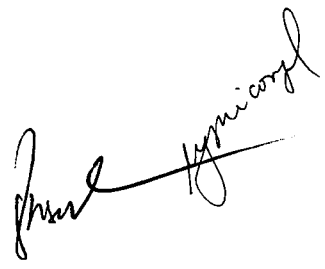
**Section 21. Imposition.** – Upon the receipt of the resolution of the Sanggunian directing the preventive suspension to respondent, the Municipal Mayor shall issue the order imposing he preventive suspension to the respondent without delay.

**Section 22. 90-day-ban.** – No preventive suspension shall be imposed within ninety (90) days immediately prior to any local election. If the preventive suspension has been imposed prior to the 90-day period immediately preceding a local election, it shall be deemed automatically filed upon the start of the aforesaid period.

**Section 23. Automatic Reinstatement.** – Upon expiration of the preventive suspension, the suspended Barangay 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. However, if the delay in the proceeding of the case is due to his fault, or request, other than the appeal duly filed, the duration of such delay shall not be counted in computing the time of termination of the case.

**Section 24. Salary of the respondent pending suspension.** The respondent who is preventively suspended from office shall receive no salary or compensation during such suspension; but upon subsequent exoneration and reinstatement, he shall be paid his full salary or compensation, including such emoluments accruing during such suspension.






**RULE 8**

**PRELIMINARY CONFERENCE**

**SECTION 25. Preliminary Conference.-** The Committee shall, within ten (10) days from its constitution, summon the parties to a preliminary conference to consider the following:

- a) Whether the parties could agree on an amicable settlement;
- b) Whether the parties desire a formal investigation or are willing to submit the case for resolution upon submission of their respective position papers together with their documentary evidences;
- c) If the parties desire a formal investigation, to consider the simplification of issues, the possibility of obtaining stipulation or admission of facts and of documents, specifically affidavits and depositions, the limitation of the number of witnesses, dates of hearing, and such other matters as may aid the prompt disposition of the case.

**SECTION 26. Preliminary conference brief.-** The parties may submit their respective preliminary conference brief containing the matters found in the foregoing section and such other matters that will aid the Committee in the expeditious resolution of the case, at least three(3) days before the date of the scheduled preliminary conference, and a copy furnished to the party.

**SECTION 27. Amicable settlement, compromise and arbitration.-** The Committee shall encourage the parties and their counsels to enter, at any stage of the proceedings, into amicable settlement, compromise or arbitration, the terms and conditions of which shall be subject to the approval of the Sanggunian.

**SECTION 28. Preliminary conference order.-** After the preliminary conference, the committee shall issue an order reciting the matters taken up thereon, including the facts stipulated and evidences marked, if any. Such order shall limit the issues for hearing to those not disposed of by agreement or admission of the parties, and shall schedule the formal investigation within ten (10) days form its issuance, unless later date is mutually agreed by the parties concerned.

**SECTION 5. Submission for resolution/decision.-** The parties may agree to submit the case for resolution/decision based on the result of the preliminary conference without any need for further hearings.

**SECTION 29. Presence of the parties and counsel.-** The parties and their respective counsels, if presented, are required to attend the preliminary conference. In case of the absence of the complainant and his counsel, if presented, without any justifiable reason, the case shall be dismissed. In case of the absence of the respondent and his counsel, if presented, without any justifiable reason, it shall be deemed as waiver of his righto present evidence in his favor and the investigation/hearing may proceed ex-parte.

**RULE 9**

**FORMAL INVESTIGATION**

**SECTION 30. Procedural due process.-** The respondent shall be accorded full opportunity to appear and defend himself in person or by counsel, to confront and cross-examine the witnesses against him, and to require the attendance of witnesses and the production of documents through the compulsory process of *subpoena ad testificandum* and *subpoena duces tecum*.

**SECTION 31. Who conducts the hearing.-** The formal administrative investigation shall be conducted by the Committee; Provided, that the Sanggunian is not precluded from assuming the conduct of the investigation at any stage of the proceeding, if it may deem necessary.

**SECTION 32. Power to take testimony or receive evidence and issue interlocutory orders.-** The Committee is hereby authorized to take testimony or receive evidence relevant to the administrative proceedings, which authority shall include the power to administer oaths, summon witnesses, and require the production of documents by issuing a subpoena *duces tecum* pursuant to Book 1, Chapter 9, Section 37 of Presidential Executive Order No. 292 or the Administrative Code of 1987.

Anyone who, without lawful excuse, fails to appear upon summons issued under authority of the preceding paragraph or who, appearing before the Committee exercising the power therein defined, refuses to make oath, give testimony or produce documents for inspection, when lawfully required, shall be subject to discipline as in case of contempt of court and, upon application by the Committee, shall be dealt with by the judge of the proper regional trial court in the manner provided for under Book II, Chapter I, Section 2 (1), of the Administrative Code of 1987.

The Committee is also authorized to issue interlocutory orders.

**SECTION 33. Notice of hearing.-** The parties and their witnesses shall be notified of the schedule hearing at least five (5) days before the date thereof, stating the date, time and place of the hearing.

**SECTION 34. Venue of hearing.-** The formal investigation as contemplated in this rule shall be conducted in the session hall of the Sanggunian.

**SECTION 35. Request for subpoena.-** If a party desires the attendance of a witness or the production of documents, he should formally request for the issue of the necessary subpoena or subpoena *duces tecum* at least three (3) days before the scheduled hearing.

**SECTION 36. Postponement.-** No postponement shall be allowed unless for meritorious grounds, which is no case be more than once during the entire proceeding.

**SECTION 37. Stenographic record of proceeding.-** The testimony of each witness and the manifestation of the parties and counsels during an investigation shall be taken in shorthand or stenotype, tape-recorded or any other mode of recording. A transcript of the proceedings made by the official stenographer or stenotypist, and duly certified by him shall be prima facie a correct statement of such proceedings. The stenographer, stenotypist or any personnel assigned to record the proceedings shall immediately transcribe the same and prepare the transcript thereof without any delay. The transcript of the proceedings shall be paged consecutively and in chronological order, sewed on the left hand side, and properly indexed, showing the page on which the testimony of each witness begins. All transcripts of the proceedings shall be filed in separate folder. The parties may request copies of the transcripts upon payment of the required fees as provided in Rule 3, Section 3.

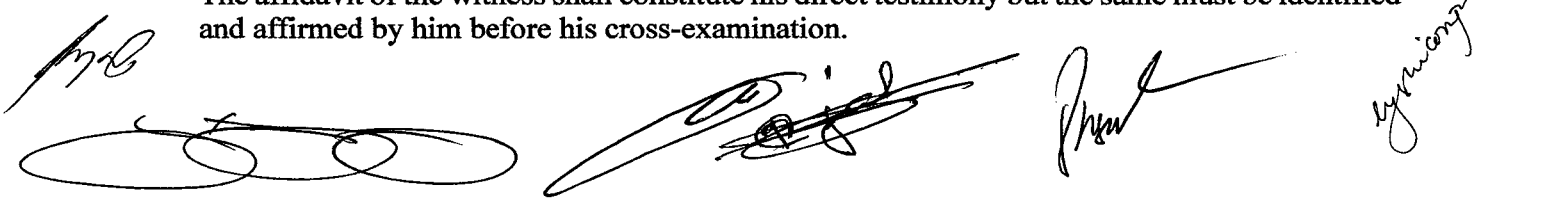
**SECTION 38. Order of hearing.-** The order of the hearing shall be as follows:

- a) The complainant shall produce the evidence on his part;
- b) The respondent shall offer evidence in support of his defense; and
- c) The parties may be respectively offer rebutting evidence unless the Committee for good reasons and in the furtherance of justice, permits them to offer evidence upon their original case.

**SECTION 39. Order of Examination.-** the order in which a witness may be examined shall be as follows:

- a) Direct examination by the proponent;
- b) Cross-examination by the opponent; and
- c) Re-direct examination by the proponent; and
- d) Re-cross examination by the opponent.

The affidavit of the witness shall constitute his direct testimony but the same must be identified and affirmed by him before his cross-examination.

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The parties are required to furnish each other copies of the affidavits of their respective witnesses at least five (5) days before the scheduled hearing, unless said affidavits are attached to the complaint and the answer.

**SECTION 40. Termination of formal investigation.-** the formal investigation of the case shall be terminated by the Committee within ninety (90) days from the start thereof, unless there are justifiable grounds for extension.

**SECTION 41. Memorandum.-** Within fifteen (15) days after the termination of the formal investigation, the parties shall submit their respective memoranda, stating clearly and distinctly the facts and the law upon which they are based, serving each other a copy thereof. These requirements shall likewise apply to motions or applications other than the final decisions.

**SECTION 42. 90-Day ban.-** No formal investigation shall be conducted within ninety (90) days immediately preceding any local election.

## RULE 10 EVIDENCE

**SECTION 43. Rules of Evidence.-** In administrative disciplinary proceedings.

- a) The committee may admit and give probative value to evidence commonly accepted by reasonably prudent men in the conduct of their affairs. A fact may be deemed established if it is supported by substantial evidence, or that amount of relevant evidence which is a reasonable mind might accept as adequate to justify a conclusion;
- b) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, the parties shall be given opportunity to compare the copy with the original is in the official custody of a public officer, a certified copy thereof may be accepted;
- c) The committee may take notice of judicially cognizable facts and generally technical or scientific facts within its specialized knowledge. The parties shall notified and afforded and opportunity to contest the facts so noticed.

**SECTION 44. Marking.-** All documentary evidence or exhibits shall be properly marked by letters (A,B, C, etc.), if presented by the complainant, and by numbers (1,2,3, etc.), if presented by the respondent. They shall be attached to the records or, if voluminous, kept in a separate folder marked "Folder of Exhibits", which shall be attached to the records.

**SECTION 45 Offer of evidence/exhibits.-** Testimony of a witness must be offered at the time the witness is called to testify. Documentary and object evidence shall after the presentation of a party's testimonial evidence. Such offer shall be done orally unless allowed by the committee to be done in writing. The purpose for which the evidence is offered must be specified.

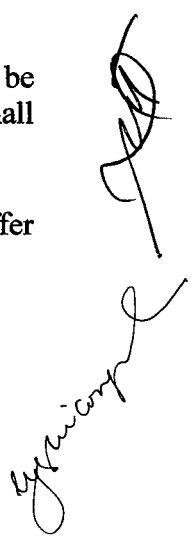
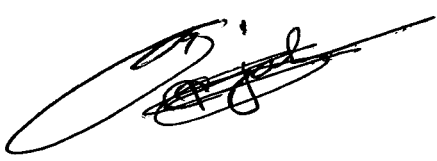
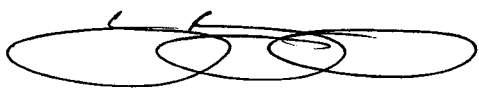
**SECTION 46. Objection.-** Objection to evidence offered orally must be made immediately after the offer is made.

Objection to a question propounded in the course of the oral examination of the witness shall be made as soon as the grounds therefore shall become reasonably apparent, otherwise, the same shall be considered admitted.

An offer of evidence in writing shall be objected to within three (3) days after notice of the offer unless a different period is allowed by the Committee.

In any case, the grounds for the objections must be specified.

All objections raised during the hearing shall be resolved by the Committee.



The Committee shall accept all evidence deemed material and relevant to the case. In case of doubt, the Committee shall allow the admission of evidence or allow the witness to answer, subject to the objection interposed against its admission.

## RULE 11 REPORT OF THE COMMITTEE

**SECTION 47. Report of the Sanggunian.-** The investigation shall be terminated within ninety (90) days from the start thereof and the Committee shall make a written report and/or submit a draft decision to the Sanggunian with its findings and recommendation, signed by at least a majority of the members thereof, within twenty (20) days-

- a) From receipt of the last pleading and evidence, if any, in case the respondent does not elect a formal investigation;
- b) After the expiration of the period within which to submit the same; or after the termination of the formal investigation; or
- c) After the parties have submitted their respective memoranda or after the expiration of the period for their submission. Any member who does not agree to the findings and recommendations of the Committee may submit a separate minority report for consideration by the Sanggunian.

## RULE 12 DECISION

**SECTION 48. Rendition of the decision.-** Immediately upon receipt of the report or draft decision of the committee, the sanggunian shall calendar the same for deliberation on the next regular session immediately after the receipt. The conclusion in the decision shall be reached in consultation, after which the case shall be assigned to a member thereof as *ponente* or writer of the opinion/decision.

The decision shall be rendered within thirty (30) days from the date of submission for resolution. The decision shall be in writing stating clearly and distinctly the facts and reasons for such decision.

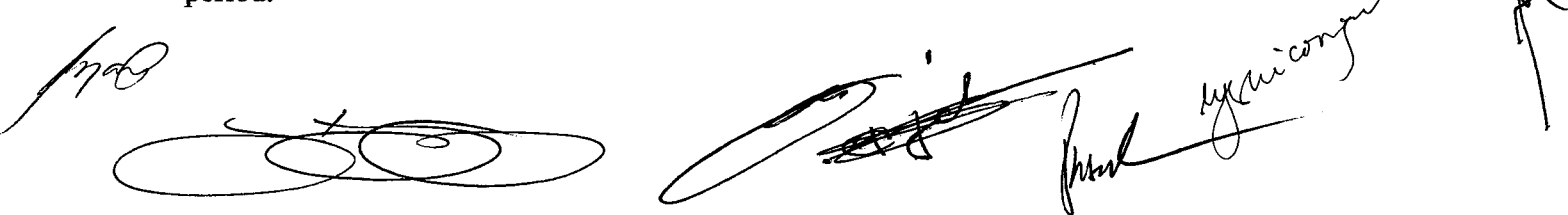
The decision shall state the concurring, dissenting, abstaining and absent members, and shall bear the signatures of the majority of all the members who have been elected and qualified. Any member/s who dissent may write a separate dissenting opinion which shall be submitted within the said 30-day period, which shall be appended to the majority decision.

The Sanggunian may, at its discretion, adopt in *toto* (or wholly) the recommendation and/or decision submitted by the Committee thru the passage of a resolution.

Copies of the said decision shall be immediately be furnished the respondent, the Municipal Mayor, the MLGOO, and all interested parties after it has been signed as mentioned above.

**Section 49. Required number of votes for the decision.** All decisions of the sanggunian, be it with sanction or dismissal, shall be approved by at least a majority of all members who have been elected and qualified.

**Section 50. Finality of decision/order.** The decisions and final order of the sanggunian shall become final and executory after the lapse of thirty (30) days from the receipt of a copy thereof by the complainant of the respondent as the case may be, if no appeal has been made within the said period.

The bottom of the page features several handwritten signatures in black ink. On the left, there is a signature that appears to be 'M. B.'. In the center, there is a large, stylized signature. To the right, there is a signature that reads 'Juan M. ...' followed by another signature. On the far right, there is a signature that appears to be 'D. ...'.

## RULE 13

### MOTION FOR RECONSIDERATION

**Section 51. Motion for reconsideration.** A motion for reconsideration may be filed within the period of appeal and shall be entertained only on any of the following grounds:

- (a) New evidence has been discovered which materially affects the order, or decisions, or
- (b) Errors of law or irregularities have been committed prejudicial to the interest of the movant.

Only one motion for reconsideration shall be allowed which shall be decided within fifteen (15) days from the date of submission or resolution. No other pleading shall be allowed other than the motion for reconsideration and opposition thereto.

A motion for reconsideration shall not toll the running of the period to appeal and the movant has to perfect his appeal within the period to appeal.

The motion for reconsideration shall be heard and evaluated by the Committee and shall submit its recommendation with the draft resolution/order to the Sanggunian within ten (10) days from submission for resolution.

If the motion for reconsideration has not been resolved within the period to appeal, the same is deemed denied.

It is incumbent upon the movant to check with the Committee or the Sanggunian the status of his motion for reconsideration and to perfect his appeal, in case the said motion has not been resolved within the period to appeal.

## RULE 14

### PENALTIES

**Section 52. Reprimand, Censure or suspension.** A respondent found guilty of any of the offense enumerated in Rule 2 hereof may be meted the penalty of reprimand, censure or suspension depending on the evidence presented, the gravity of the offense and the attendant circumstances that may be determined by the sanggunian taking into consideration to scale penalties as provided under the Omnibus Rules Implementing Book V of Executive Order No. 292 and other pertinent Civil Service Laws.

**Section 53. Suspension.** The penalty of suspension shall not exceed the unexpired term of the respondent, or a period of six (6) months for every administrative offense, nor shall said penalty be a bar to the candidacy of the respondent so suspended as long as he meets the qualification required for the office.



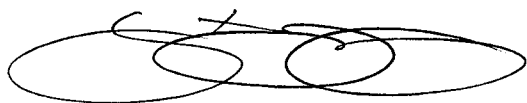
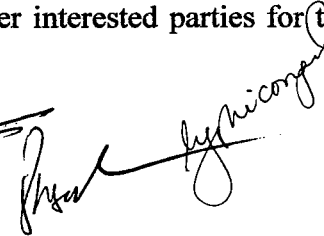
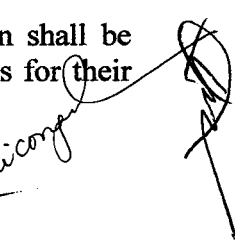
When the respondent has meted two (2) or more penalties of suspension for two (2) or more administrative offense such penalty shall be served successively.

## RULE 15

### EXECUTION OF DECISION

**Section 54. Execution of Final decisions and orders** – The Municipal Vice Mayor shall execute all final and executory decisions or orders of the Sangguniang Bayan by issuing the corresponding order implementing the same. He may also deputized or call upon any personnel of the Philippine National police (PNP) stationed within the Municipality, to execute the said decision or order.

A copy of the order implementing the final decisions and orders of the sanggunian shall be furnished to the office of the Municipal Mayor, MLGOO and other interested parties for their information and appropriate action.

**Section 55. Execution pending appeal.** An appeal shall not prevent a decision from becoming final or executor. The respondent shall be considered as having been placed under preventive suspension during the pendency of the appeal, which should not be more than the penalty imposed. In the event the appeal results in an exoneration, he shall be paid his salary and such other emoluments during the pendency of the appeal.

## RULE 16

### ADMINISTRATIVE APPEAL

**Section 56. Appeal, where made.** – decisions of the sanggunian, may within thirty (30) days from receipt thereof, be appealed to the Sangguniang Panlalawigan whose decision shall be final and executor.

An appeal shall not stop the decision from becoming executor. Respondent shall be deemed to be under preventive suspension pending appeal.

**Section 57. How to appeal.** The appeal is taken by filing a *notice of appeal* with the sanggunian that rendered the decision or final ordered appealed from. The notice of appeal shall indicate the parties to the appeal, the decision or the final order appealed from, and state the materials dates showing the timeliness of the appeal.

A copy of the notice of appeal shall be served to the adverse party and the sangguniang panlalawigan

**SECTION 58. Transmittal of original record.** Within fifteen (15) days from receipt of the notice of appeal, the sanggunian whose decision or final order has been appealed shall transmit to the sangguniang panlalawigan the complete original records of the case which each page consecutively numbered and initialed by the custodian or records, together with the exhibits and transcripts, which shall be certified by such custodian as complete. A copy of the letter of transmittal of the records to the sangguniang panlalawigan shall be furnished to the parties.

## RULE 17

### MISCELLANEOUS PROVISIONS

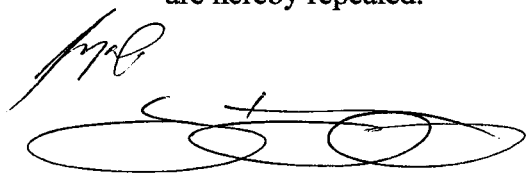
**SECTION 59. Docket or logbook.** The Sanggunian shall keep a logbook and/or docket of all administrative cases filed within it and shall assign a case number for each case in the order they are filed, prefixed with the last two (2) digits of the year of filing, e.g. in the first case filed for the year 2011, it should be numbered as ADM.CASE NO. SB YY-NN (YY-the last 2 digits of the case, NN – chronological order of the case in the year it was files.

Important data such as date of filing, date of hearing, status of the case, e.g. when submitted for resolution, date of promulgation of decision, date when the decision becomes final, and other relevant data shall be entered in the said logbook or docket.

**SECTION 60. Custodian of the records.** – The Sanggunian Secretary shall be the custodian of all records pertaining to all administrative cases and shall receive all pleading and other papers in connection thereto.

**SECTION 61. Transitory Provision.** All pending administrative cases not yet decided upon the effectivity of these Rules shall be heard by the Committee.

**SECTION 62. Repealing Clauses.** All rules and regulations and other issuances in conflict hereof, are hereby repealed.




**SECTION 63. Effectivity.** This Rules shall take effect after ten (10) days following the posting of copies hereof at the entrance of the Municipal Hall and at the bulletin board of the Sanggunian.

APPROVED. 30<sup>th</sup> day of September, 2019.

MOVANT : Hon. Ryan T. Abarico  
Seconded by : Hon. Nimfa N. Sagaral, RSW.

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I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING MUNICIPAL ORDINANCE.

  
**ARNOLD L. DAGCUTA**  
SB Member/Presiding Officer

Attested by: **MARIA ELENA J. BUCONG**  
SB Secretary

APPROVED:  
  
**RENE G. ESMA**  
Municipal Mayor

