



Republic of the Philippines
Province of Bohol
MUNICIPALITY OF LOON

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 155th REGULAR SESSION OF THE 9TH SANGGUNIANG BAYAN OF LOON, PROVINCE OF BOHOL HELD ON THE 18th DAY OF JUNE 2007 AT THE SANGGUNIANG BAYAN SESSION HALL-

PRESENT:

Hon. Edwin R. Ladeza,	Vice Mayor
Hon. Josephat B. Palma,	SB Member, Acting Presiding Officer
Hon. Priscila C. Branzuela,	SB Member
Hon. Titus Clark U. Miranda,	SB Member
Hon. Zenon R. Perez,	SB Member
Hon. Timoteo L. Legitimas,	SB Member
Hon. Julius M. Simbajon,	SB Member
Hon. Ignacio M. Castil, Jr.	SB Member
Hon. Artemio M. Sangarios,	LnB President, Ex-Officio Member
Hon. Allan Rey M. Palban,	SKMF President, Ex-Officio Member

ABSENT:

Hon. Thomas Raul L. Cartagenas, SB Member

MUNICIPAL ORDINANCE NO. 07- 004
Series of 2007

AN ORDINANCE ADOPTING THE INTERNAL RULES IN THE DISPOSITION OF ADMINISTRATIVE CASES AND BOUNDARY DISPUTES, OTHERWISE KNOWN AS THE QUASI-JUDICIAL RULES OF THE SANGGUNIANG BAYAN OF LOON, BOHOL-

Chapter I- GENERAL PROVISIONS

Be it enacted by the 9th Sangguniang Bayan of Loon, Bohol in session duly assembled:

Section 1. TITLE. This ordinance shall be known as the “Quasi-Judicial Rules of the Sangguniang Bayan of Loon, Bohol”.

Section 2. JURISDICTION. The Sangguniang Bayan in the exercise of its Quasi-Judicial Power shall have jurisdiction in hearing the following cases:

- a. Administrative case – a complaint filed against any elective barangay official, pursuant to Section 61 paragraph “c”, of RA 7160., or a referral from the Office of the Ombudsman Visayas for administrative adjudication against a municipal appointive official or employee pursuant to Section 23 (2) of RA No. 6770, otherwise known as the Ombudsman Act of 1989.
- b. Boundary dispute case- a complaint filed by the barangay against a neighboring barangay, or a boundary dispute which involves 2 or more barangays of this municipality, pursuant to Section 118, paragraph “a” of RA 7160.

Section 3. RULES APPLIED.

- a. The provisions of this ordinance shall be the primary source of rules in the disposition of administrative case and boundary disputes.
- b. The applicable Rules of Court shall also be applied insofar as the said rule can facilitate in the administration of justice, but not in a strict sense, considering that quasi-judicial bodies are not bound by the Rules of Courts. Technicalities should be avoided.

Section 4. CONSTRUCTION. The rules of procedure shall be liberally construed. (*Realty Exchange Venture Corp. v. Sendino*, 233 SCRA 665). Substantial compliance of the rules shall suffice so long as its main purpose is achieved. (*In the Matter of the Greater Manila Conference of the Philippine Pentecostal Holiness Church, Inc. v. Dantes*, Oct. 28, 1996).

Chapter II – RULES IN RESOLVING ADMINISTRATIVE CASES

Section 5. GROUNDS FOR DISCIPLINARY ACTIONS – 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 an offense punishable by at least prison mayor (6-12 years imprisonment);
- (e) Abuse of authority;
- (f) Unauthorized absence for fifteen (15) consecutive working days or for failure to attend 4 consecutive sessions in the case of members of the sangguniang barangay;
- (g) Application for, or acquisition of, foreign citizenship or residence or the status of an immigrant of another country; and
- (h) Such other grounds as may be provided in this Code and other laws.

Section 6. COMMENCEMENT OF ACTION.

The following actions shall be commenced as follows:

- a. administrative case – shall be commenced in two ways:
 - (a) direct filing at the office of the Sangguniang Bayan Secretary. The counting of the date of receipt shall be based on the actual date of referral and receipt by the Chairman or in his absence, Vice – Chairman of the Committee on Good Government during the First Reading
 - (b) per referral from the Office of the Ombudsman Visayas for administrative complaint against the barangay elective official or municipal appointive official or employee pursuant to Section 23 (2) of RA No. 6770, otherwise known as the Ombudsman Act of 1989. The counting of the date of receipt shall be based on the actual date of

referral and receipt by the Chairman, or in his absence, the Vice-chairman of the Committee on Good Government.

Section 7. FORM AND FILING OF ADMINISTRATIVE COMPLAINTS – Administrative complaint against any erring barangay elective official must be verified and shall be filed before the Sangguniang Bayan whose decision shall be final and executory (Section 61 RA 7160). Verification contains the following clauses: name of affiant as plaintiff, that he has caused the complaint to be prepared, has read and knows the contents, and the same are true to his knowledge. (*legal forms*). however, the same need not be verified if it is initiated by the disciplining authority (Sec. 47e, chapter 7, 1987 Administrative Code, e.d. 292) if the complaint is other than the disciplining authority, a defective or lack of verification may be disregarded (*Quinapo V. De La Victoria, 46 scra 139*) since it is a mere formal requirement and not jurisdictional (*Buena Ventura V. Uy, 149 scra 22*), provided, there is substantial compliance (*Enforcer Security Protective Agency V. Agloro, Nov. 10, 2000*) based on the doctrine of substantial justice. (*G and P Manpower V. Ncrc 208 scra 166*). Hence, the quasi-judicial body may simply order the verification or act on the unverified pleading and waive strict compliance of the rules. (*Jimenez V. Court of Appeals Nov. 14, 1996*)

Section 8. PARTY RESPONDENT/S

The following may be the respondent/s upon which the Sangguniang Bayan exercises its jurisdiction on administrative complaints :

- a. elective barangay official
- b. appointive barangay official who is charged with the elective barangay official
- c. municipal appointive official or employee but whose finding shall be forwarded to the Office of the Ombudsman Visayas for promulgation of judgment.

Section 9. NOTICE TO PARTY RESPONDENT – Within seven (7) days from receipt of the complaint complying with the substantial and formal requirements, the Sangguniang Bayan concerned shall forward a written notice to the respondent, attaching therein a copy of the complaint and other documentary evidences (Sec. 62[a], LGC).

Section 10. ANSWER OF THE PARTY RESPONDENT – Within fifteen (15) days from receipt of the notice, the respondent shall file his verified or personally prepared and subscribed answer to the Sanggunian attaching therein all his documentary evidences and affidavits of his witnesses. (Sec. 62[a], LGC).

In case the respondent fails to file within the prescribed period, he is considered to have waived his right and the investigation shall proceed ex- party.

Section 11. COMMENCEMENT OF INVESTIGATION

The Sanggunian shall commence the investigation of the case within ten (10) days after the receipt of the answer of the respondent.

Section 12. PLEADINGS ALLOWED. Only the complaint and the answer are the pleadings allowed by law – Motions are generally prohibited, unless for meritorious grounds.

Section 13. COMMITTEE REFERRAL FOR INVESTIGATION – Upon receipt of the answer, the sanggunian shall refer the case to the appropriate committee, preferably the Committee on Good Government, for the conduct of the investigation.

Section 14. VENUE OF THE INVESTIGATION – The venue for the conduct of the investigation shall be at the session hall of the Sangguniang Bayan (Sec. 60 [b], LGC)

Section 15. DETERMINATION FOR THE ISSUANCE OF A PREVENTIVE SUSPENSION – The committee shall evaluate the complaint and the answer as well as the attached documents, whether there is a necessity for putting respondent under preventive suspension.

Section 16. TIME FOR PREVENTIVE SUSPENSION. The following are the indispensable requirements for the issuance of a preventive suspension:

- (a) The issues are joined;
- (b) The evidence of guilt is strong;
- (c) 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 (Sec. 63[b], LGC)

After determination of the requirements above, the Committee shall recommend for the issuance of the Order of Preventive Suspension to the Sanggunian; and after finding the recommendation to be in order, the Sanggunian shall pass a resolution preventively suspending the respondent.

Section 17. IMPOSITION OF PREVENTIVE SUSPENSION – The resolution preventively suspending the respondent shall be forwarded to the Municipal Mayor for his implementation (Sec. 63 [a](3), LGC).

- Preventive suspension is an incident to jurisdiction and/or a tool for the disciplining authority to make use of in the course of its administrative investigation. The disciplining authority (sanggunian) has the sole power and discretion to determine whether or not preventive suspension so warrant. Hence, the power to impose preventive suspension by the local chief executive is purely ministerial (DILG Opinion No. 56, s. 1997).

Section 18. PERIOD OF PREVENTIVE SUSPENSION – Any single preventive suspension of barangay elective official shall not extend beyond sixty (60) days. In the event that several administrative cases are filed against said elective barangay official, 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 19. EFFECT OF PREVENTIVE SUSPENSION – The respondent official preventively suspended from office shall receive no salary of compensation during such suspension; but upon subsequent exoneration and reinstatement, he shall be paid full salary or compensation including such emoluments accruing during such suspension.

Section 20. PRE – HEARING CONFERENCE – The committee may call the parties and their counsels to a pre-hearing conference to consider the following:

- 1.) Whether there is a possibility for the parties to arrive at an amicable settlement;
- 2.) Whether the parties desire for a formal investigation or are willing to submit the case for resolution upon submission of their respective position papers together with the documentary evidences;
- 3.) Whether the parties desire for a formal investigation to consider the possibility of obtaining stipulation or admission of facts and of documents, limitation of the number of witnesses, dates of hearing, and such other matters for a prompt disposition of the case.

Section 21. TECHNICAL RULES. The Quasi-judicial Body or the Committee which hears the case shall not be bound by the Technical Rules of Evidence

Section 22. FORMAL INVESTIGATION – 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* (Sec. 65, LGC).

Section 23. QUASI-JUDICIAL BODY. For purposes of exercising quasi-judicial powers in the conduct of the hearing and/or rendition of decision, the Sangguniang Bayan shall be converted into a Quasi-Judicial Body by a 2/3 vote among the members present.

Section 24. ORDER OF HEARING – The order of hearing shall be as follows:

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

Section 25. ORDER OF EXAMINATION – The order in which a witness may be examined shall be as follows:

- a) Direct examination by the complainant;
- b) Cross-examination by the respondent;
- c) Re-direct examination by the complainant; and
- d) Re-cross examination by the respondent;

Section 26. TERMINATION OF INVESTIGATION – The formal investigation shall be terminated by the Committee within ninety (90) days from the start thereof and shall make a written report and/or submit a draft decision to the Sanggunian with its finding and recommendations.

Section 27. RENDITION OF 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 its receipt. The decision shall be rendered within thirty (30) days from the date of submission for resolution.

Section 28. EXECUTION OF DECISION - The Municipal Vice-Mayor shall execute all final and executory decisions of the sanggunian by issuing the corresponding order implementing the same.

- It is the power of the Vice Mayor to execute the decision of the Sangguniang Bayan as enunciated by the Supreme Court in the case of Reyes vs. Comelec, 254 SCRA 514 cited in DILG Opinion No. 55, s. 1997.

Section 29. EXECUTION PENDING APPEAL – An appeal shall not prevent a decision from becoming final or executory. 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 exoneration, he shall be paid his salary and such other emoluments during the pendency of the appeal.

Chapter III – RULES IN SETTLING BOUNDARY DISPUTES

Section 30. DEFINITION AND POLICY. – There is a barangay boundary dispute when a portion or the whole of the territory is claimed by two or more neighboring barangays. Boundary disputes between or among affected barangays shall, as much as possible, be settled amicably.

Section 31. JURISDICTIONAL RESPONSIBILITY.- Boundary dispute shall be referred for settlement to the Sangguniang Bayan for disputes involving two (2) or more barangays in the same municipality.

Section 32. FILING OF PETITION. – The Sangguniang Barangay concerned may initiate action by filing a petition, in the form of a resolution, for appropriate action of the Sangguniang Bayan.

Section 33. CONTENTS OF PETITION.- The petition shall state the grounds, reasons or justification therefor.

Section 34. DOCUMENTS ATTACHED TO PETITION.- The petition shall be accompanied by:

- a) Barangay map, duly certified by the Land Management Bureau (LMB).
- b) Technical description of the boundaries of the barangays concerned;
- c) Written certification of the municipal assessor, as to territorial jurisdiction over the disputed area according to records in custody;
- d) Written declarations or sworn statements of people residing in the disputed area; and
- e) Such other documents or information as may be required by the Sanggunian hearing the dispute.

Section 35. REFFERAL TO APPROPRIATE COMMITTEE. For purposes of scrutinizing compliance for a valid petition and deeper study, the case shall be referred to the Committee on Barangay Affairs.

Section 36. ANSWER OF ADVERSE PARTY.- Upon receipt by the Sangguniang Bayan of the petition together with the required documents, on motion of the Committee, the responding barangays complained against shall be furnished copies thereof and shall be given fifteen (15) days within which to file their answer/s.

Section 37. AMICABLE SETTLEMENT. The Committee on Barangay Affairs in coordination with the Committee on Rules shall exert their whole-hearted efforts within the 60-day period for purposes of amicable settlement of both parties.

Section 38. FAILURE TO SETTLE. In the event the Sangguniang Bayan through said Committees fail to amicably settle the dispute within sixty (60) days from the date such dispute was referred thereto, it shall issue a **certification** to that effect and copies thereof shall be furnished the parties concerned.

Section 39. HEARING.- Within sixty (60) days from the date the **certification** was issued, the dispute shall be formally tried and allow the parties concerned to present their respective evidences.

Section 40. PRESENCE OF COUNSELS. Both parties may be afforded due process of their respective legal counsels, provided technical rules shall be set aside.

Section 41. JOINT HEARING.- When two or more Sanggunian Bayans jointly hear a case, they may sit *en banc* or designate their respective representatives. Where representatives are designated, there shall be an equal number of representatives from each sanggunian. They shall elect from among themselves a presiding officer and a secretary. In case of disagreement, selection shall be by drawing lot.

Section 42. PROPOSED DECISION. The proposed decision shall be prepared by the Committee on Barangay Affairs in coordination with the Committee on Rules for deliberation of the Quasi-Judicial Body *en banc*.

Section 43. DECISION.- The decision shall be in commission type. Copies of the decision shall, within fifteen (15) working days from the promulgation thereof, be furnished the parties concerned, DILG, Municipal Assessor, Comelec, National Statistic Office (NSO), and other National Government Agencies (NGAs) concerned.

Section 44. APPEAL.- Within fifteen (15) days from date of receipt of the decision, any party may elevate the decision of the Sangguniang Bayan concerned to the proper Regional Trial Court having jurisdiction over the dispute by filing therewith the appropriate pleading, stating among others, the nature of the dispute, the decision of the sanggunian concerned and the reasons for appealing therefrom. The Regional Trial Court shall decide the case within one (1) year from the filing thereof.

Section 45. MAINTENANCE OF STATUS QUO.- Pending final resolution of the dispute, the status of the affected area prior to the dispute shall be maintained and continued for all purposes.

Section 46. EFFECTIVITY.- This ordinance shall take effect immediately upon its approval.

UNANIMOUSLY APPROVED

I hereby certify to the correctness of the above-quoted resolution.

JOSEPHAT B. PALMA
SB Member
Acting Presiding Officer

ATTESTED:

FIDELINO P. CORITICO, LIB
Secretary to the Sanggunian

NOTED:

EDWIN R. LADEZA
Vice- Mayor

APPROVED:

CESAR TOMAS M. LOPEZ, M.D.
Municipal Mayor

Date: _____