



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
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Office of the Sangguniang Panlungsod

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ORDINANCE NO. 01, S. 2019

(Authored by: HON. JOSE ROMMEL A. PENARANDA)

“AN ORDINANCE ESTABLISHING THE NEW RULES OF PROCEDURE GOVERNING ADMINISTRATIVE CASES CONCERNING ELECTED BARANGAY OFFICIALS FILED OR ENDORSED AT THE SANGGUNIAN PANLUNGSOD OF THE CITY OF BAYBAY, PROVINCE OF LEYTE”

WHEREAS, the power to hear and decide administrative complaint for local barangay elective officials in a City belongs to the Sangguniang Panlungsod (Local Government Code of 1991, Chapter IV);

WHEREAS, in order to effect the constitutional mandate to avoid undue harassment and hardship to the local barangay elective officials concerned and to the detriment of the voting public, there is a need to expedite the proceeding in hearing administrative cases against the said barangay elective officials;

WHEREAS, speedy disposition of administrative case must be had so that public services to be discharge by the barangay officials would not be hampered simply by reason of facing or attending the complaint while on the other hand, the Sangguniang Panlungsod would not be burdened with the conduct of a long and numerous hearings lessening legislative outputs;

WHEREFORE, on motion of Honorable Atty. Jose Rommel A. Peñaranda, and duly seconded by Honorable Dominador K. Murillo and Honorable Mark Michael Unlu-cay;

BE IT RESOLVED, as it is hereby RESOLVED by the Sangguniang Panlungsod of the City of Baybay, that this Rules should be applied, to wit:

**RULES OF PROCEDURE GOVERNING ADMINISTRATIVE CASES
CONCERNING ELECTED BARANGAY OFFICIALS**

**RULE I
PRELIMINARY PROVISIONS**

SECTION 1. Title. – This Rules shall be known as the “Rules of Procedure in the Conduct of Administrative Investigation by the Sangguniang Panlungsod of Baybay City, Leyte.”

SECTION 2. Coverage. – These Rules of Procedures shall apply to administrative cases filed or referred to against elective barangay officials within the territorial jurisdiction of the City of Baybay, Province of Leyte;

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

RULE 2 GROUNDS FOR ADMINISTRATIVE DISCIPLINARY ACTION

SECTION 1. Grounds. 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;
- 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 immigrant 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.

However, an elective barangay official may only be removed from office on the grounds enumerated above by order of the proper court.

RULE 3 COMPLAINT

SECTION 1. 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 any 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 2. 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 filed shall be called the **respondent**.

The complaint shall also contain the following:

- (a) Full name and address of the complainant;
- (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.

SECTION 3. *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 Panlungsod Secretary, which shall be forwarded to the Vice Mayor for appropriate action. A fee of Five Hundred Pesos (Php 500.00) shall be assessed for every complaint filed payable to the City Treasurer's Office.

SECTION 4. *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 immediately two (2) preceding sections.

SECTION 5. *Anonymous complaint.* – No action shall be taken on an anonymous complaint for non-compliance of the requirements.

SECTION 6. *90-day ban.* – No complaint shall be accepted within ninety (90) days immediately prior to any local election.

RULE 4 ANSWER

SECTION 1. *Notice.* – Within seven (7) days after the complaint is filed or referred, the Sanggunian, through the Committee on Laws, Rules and Privileges, 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 2. *Form of Answer.* – The answer must be verified, accompanied by affidavits of witnesses or evidences in support of the defense, and shall be addressed to the Sanggunian and drawn in clear, simple and concise language.

SECTION 3. *Where filed.* – Two (2) copies of the answer shall be submitted to the Sangguniang Panlungsod Secretary and a copy of the same shall be furnished to the complainant. No answer shall be accepted unless the foregoing requirements are complied with.

SECTION 4. *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.

RULE 5 EVALUATION

SECTION 1. *Evaluation.* Upon receipt of the Answer, the Sanggunian shall, in its regular session, determine whether there is prima facie evidence to warrant a formal investigation. If there exist no prima facie evidence against respondent, the Sanggunian *may motu proprio* dismiss the case. Otherwise, within ten (10) days after finding that there exists prima facie case, the case shall be referred to the Committee on Laws, Rules and Privileges for the conduct of the investigation. However, the Sanggunian may create an ad hoc committee to conduct the investigation or hear the case as a Committee of the Whole.

RULE 6 PREVENTIVE SUSPENSION

SECTION 1. *Determination.* – After the issues 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 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 or grounds existing and known at the time of the first suspension.

SECTION 2. *Imposition.* – Upon receipt of the Resolution of the Sanggunian directing the preventive suspension to respondent, the City Mayor shall issue the order imposing the preventive suspension to the respondent without delay.