

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

RULE 10 REPORT OF THE COMMITTEE

SECTION 1. Report to the Sanggunian.— The investigation done by the Committee shall be terminated within ninety (90) days from the start thereof. The Committee shall then 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 11 DECISION

SECTION 1. 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 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 of the Sanggunian who dissents 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 said decision shall immediately be furnished the respondent, the City Mayor, The CLGOO, and all interested parties after it has been signed as mentioned above.

If the investigation was done by the Sanggunian, the decision shall be rendered within thirty (30) days from the date of the termination of the investigation. The decision shall

be in writing stating clearly and distinctly the facts and reasons for such decision. The decision shall be reached in consultation with all the members of the Sanggunian. The case shall then be assigned to any Sanggunian member thereof as *ponente*, or writer of the opinion/decision.

SECTION 2. 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 the members who have been elected and qualified.

SECTION 3. Finality of decision/order. The decisions and final orders of the Sanggunian shall become final and executory after the lapse of thirty (30) days from receipt of a copy thereof by the complainant or the respondent as the case may be, if no appeal has been made within the said period.

RULE 12 MOTION FOR RECONSIDERATION

SECTION 1. Motion for reconsideration- A motion for reconsideration may be filed within the period to appeal and shall be entertained only on any of the following grounds;

- (a) New evidence has been discovered which materially affects the order, or decision; or
- (b) Errors of law or irregularities have been committed prejudicial to the interests 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 or Sanggunian. If evaluated by the Committee, it 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 13 PENALTIES

SECTION 1. Reprimand, censure or suspension. A respondent found guilty of any of the offenses 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 of penalties as provided under the Omnibus Rules Implementing Book V of Executive Order No. 292 and other pertinent Civil Service Laws.

SECTION 2. *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 qualifications required for the office.

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

RULE 14 EXECUTION OF DECISION

SECTION 1. *Execution of final decisions and orders*.- The City Vice Mayor shall execute all final and executory decisions or orders of the Sanggunian 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 City, to execute the said decisions or orders.

A copy of the order implementing the final decisions and orders of the Sanggunian shall be furnished the Office of the City Mayor, CLGOO and other interested parties for their information and appropriate action.

SECTION 2. *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 an exoneration, he shall be paid his salary and such other emoluments during the pendency of the appeal.

RULE 15 ADMINISTRATIVE APPEAL

SECTION 1. *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 executory. An appeal shall not stop the decision from becoming executory. Respondent shall be deemed to be under preventive suspension pending appeal.

SECTION 2. *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 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 the adverse party and the Sangguniang Panlalawigan.

SECTION 3. *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 record of the case

with each page consecutively numbered and initialed by the custodian of the 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 the parties.

RULE 16 MISCELLANEOUS PROVISIONS

SECTION 1. *Docket or logbook.* – The Sanggunian shall keep a logbook and/or docket of all administrative cases filed with it and shall assign a case number for each case in the order they are filed. 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 2. *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 3. *Transitory provision.* – This Rules shall apply to all pending administrative cases not yet decided upon the effectivity of this Rules.

SECTION 4. *Repealing clauses.* – All ordinances, resolutions and regulations inconsistent with or contrary to the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 5. *Effectivity.* – This Ordinance shall take effect 15 days upon its approval by the Sangguniang Panlalawigan and after due compliance with all the requirements as provided for under R.A. 7160, otherwise known as the Local Government Code of 1991.

Enacted: July 24, 2019
Baybay City, Leyte, Philippines.

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Deogracias E. Pernitez; City Legal Officer Atty. Avito C. Cahig, Jr., City Budget Officer Raul A. Mabini, City Accountant Evelinda A. Oppus, City Treasurer Evelyn P. Relente, CLGOO Estela I. Creer and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

CARRIED BY ALL OF THE MEMBERS PRESENT:

ROMULO B. ALCALA
SP Member

FULTON IKE C. ARRADAZA
SP Member

EDGARDO R. OMPOY
SP Member

RODULFO S. PALMA, JR.
SP Member