

i.e.

- espionage
- treason
- conspiracy and proposal to commit treason
- inciting to war or giving motives to reprisals
- correspondence with hostile country
- piracy and mutiny on the high seas
- qualified piracy

b) Culpable Violation of the Constitution;

i.e.

- arbitrary detention or expulsion
- delay in the delivery of detained person
- violation of domicile
- searching domicile without witnesses
- interruption of religious worship
- offending the religious feelings
- prohibition, interruption and dissolution of peaceful meetings

c) Dishonesty, Oppression, Misconduct in Office, Gross Negligence or Dereliction of Duty;

i.e.

- bribery
- malversation
- conniving with or consenting to evasion
- removal, concealment, or destruction of documents
- open disobedience
- refusal of assistance
- usurpation of powers
- abuses against chastity
- simulation of birth and usurpation of civil status
- frauds

d) Commission of any offense involving moral turpitude or any offense punishable by at least prision *mayor*, which is from six (6) years and one (1)

day to twelve (12) years imprisonment;

i.e.

- rape
- adultery or concubinage
- act of lasciviousness
- seduction, corruption of minors and white slavery

e) Abuse of Authority;

f) Unauthorized absence for fifteen (15) consecutive working days for Punong Barangays and four

(4) consecutive session for Sangguniang Barangay Members;

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 maybe 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 III
COMPLAINT

ARTICLE 5. *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 barangay official enumerated under Section 2, Rule 1 hereof. It may also be initiated motupropio by any local government official or agency duly authorized by law to ensure that local government units (LGUs) act within their prescribe powers and functions.

ARTICLE 6. *Form of Complaint* – No complaint against any elective barangay 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 charge against him and to enable him to prepare his defense. The party filing the complaint shall be called the ***complainant***, while the elective barangay official against whom the complaint is filled 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 or affidavits of witnesses, is 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.

ARTICLE 7. *Where filed* –Two (2) copies of the complaint plus additional copies corresponding to the number of respondent/s shall be filed with the Office of the Sangguniang Bayan thru the S.B. Secretary, which shall be included in the Calendar of Business of the Sangguniang Bayan on its next regular session immediately following the day of the receipt of the complaint.

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) of the DILG 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 Municipal Mayor and the MLGOO;

ARTICLE 8. *Complaint filed with other agency* - If a complaint is filed with other government agency, the same maybe referred and accepted by the Sanggunian, provided, it complies with all the requirements as provided in the immediate two (2) preceding sections.

ARTICLE 9. *Anonymous complaint* - No action shall be taken on an anonymous complaint for non-compliance of the requirements.

ARTICLE 10. *90-day ban* - No complaint shall be accepted within ninety (90) days immediately prior to any local election.

RULE IV

ANSWER

ARTICLE 11. Notice– Within seven (7) days after the complaint is filed, the Sanggunian, in its Regular session, shall determine if the complaint complies with all the requirements under Sections 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 the receipt hereof.

The seven (7) day period shall commence from the moment the Sanggunian Secretary had formally received the complaint;

ARTICLE 12. 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.

ARTICLE 13. Where filed- Two (2) copies of the answer shall be submitted to the Office of the Sanggunian Secretary and copy of the same shall be furnished to each of the following:

- a. The complaint/s through counsel if presented by counsel;
- b. The Office of the Municipal Mayor; and
- c. The MLGOO.

No answer shall be accepted unless the foregoing requirements are complied, with proof of service that copies were furnished to the foregoing parties/ persons/entities.

ARTICLE 14. 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 V

EVALUATION

ARTICLE 15. Evaluation- Upon receipt of the answer, the Sanggunian shall, in its regular session, determine the existence of a 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 maybe determined by the Sanggunian through a majority vote of all the members;
- c) Technical Working Group that will assist in the paper works during the conduct of the actual hearing.....

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

RULE VI

PREVENTIVE SUSPENSION

ARTICLE 16. 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.

Suspended elective barangay official shall be deemed reinstated within 120 days from the formal notice of the case against him (excluding any delay at his instance). This is without prejudice to continuation of the case.

ARTICLE 17. *Imposition* –Upon receipt of the Resolution of the Sanggunian of preventive suspension to respondent, the Municipal Mayor shall issue the order imposing the preventive suspension to the respondent without delay.

A copy of the order duly served shall be furnished the Sanggunian, and other departments of the municipality for their information and appropriate action.

ARTICLE 18. *90-day ban*- No preventive suspension shall be imposed within nine (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 lifted upon the start of the aforesaid period.

ARTICLE 19. *Automatic reinstatement* – Upon expiration of the preventive suspension, the suspended elective 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 be counted in computing the time of termination of the case.

ARTICLE 20. *Salary of 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 VII

PRELIMINARY CONFERENCE

ARTICLE 21. *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 (which will include markings of evidences), 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.

ARTICLE 22. *Preliminary conference brief*. - The parties may submit their respective preliminary conference brief containing the matters found in the forgoing 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 other party.

ARTICLE 23. *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.

ARTICLE 24. *Preliminary conference order*.- After the preliminary conference, the committee shall issue an order reciting the matters taken up thereon, including the facts stipulated and the 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 from its issuance unless a later date is mutually agreed upon by the parties concerned.

ARTICLE 25. *Submission for the 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.

ARTICLE 26. *Presence of the Parties and counsel.* - The parties and their respective counsels, if represented are required to attend the preliminary conference.

In case of the absence of the complainant and his counsel, if represented, without any justifiable reason, the case shall be dismissed.

In case of the absence of the respondent and his counsel, if represented, without any justifiable reason, it shall be deemed as waiver of his right to present evidence in his favor and the investigation/hearing may proceed ex-parte.

RULE VIII

FORMAL INVESTIGATION

ARTICLE 27. *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 the witnesses and the production of documents through the compulsory process of ***subpoena ad testificandum*** and ***subpoena ducestecum***.

ARTICLE 28. *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.

ARTICLE 29. *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 subpoena and ***subpoena ducestecum*** pursuant to Book I, Chapter 9, Section 37 of 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 the judge of the proper regional trial court in the manner provided for under Book II, Chapter 3, Section 13, in relation to Chapter 1, Section 2 (1), of the Administrative Code of 1987.

The Committee is also authorized to issue interlocutory orders.

ARTICLE 30. *Notice of hearing* –The parties and their witnesses shall be notified of the scheduled hearing at least five (5) days before the date thereof, stating the date, time and place of the hearing.

ARTICLE 31. *Venue of hearing-* The formal investigation as contemplated in this rule shall be conducted in the session hall of the Sanggunian.

ARTICLE 32. *Request for subpoena* - If a party desires the attendance of a witness or the production of documents, he should formally request for the issuance of the necessary subpoena or subpoena ***ducestecum*** at least three (3) days before the scheduled hearing.

ARTICLE 33. *Postponement* - No postponement shall be allowed unless for meritorious grounds, which in no case be more than once during the entire proceeding.

ARTICLE 34. *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 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 transcript of the proceedings shall be filed in a separate folder.

The parties may request copies of the transcripts upon payment of the required fees.

ARTICLE 35. 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 then 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.

ARTICLE 36. Order of the 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;
- 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.

The parties are required to furnished 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.

ARTICLE 37. Termination of the 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.

ARTICLE 38. 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.

ARTICLE 39. 90-day ban. - No formal investigation shall be conducted within ninety (90) days immediately preceding any local election.

RULE IX

EVIDENCE

ARTICLE 40. 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 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. If 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 of generally technical or scientific facts within its specialized knowledge. The parties shall be notified and afforded an opportunity to contest the facts so noticed.

ARTICLE 41. 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 attached to the records or, if voluminous, kept in a separate folder marked "Folder of Exhibits" which shall be attached to the records.

ARTICLE 42. 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 offered 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.

ARTICLE 43. 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 a 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 X

REPORT OF THE COMMITTEE

ARTICLE 44. Report to the Sanggunian. - The investigation shall be terminated within ninety (90) days from the start thereof and the Committee shall make written report and/or submit a draft decision to the Sanggunian with its findings and recommendations, signed by at least a majority of the members thereof, within twenty (20) days-

- a.) from the 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 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.

RULE XI

DECISION

ARTICLE 45. 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 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 *ponente* and members who concur. Any member 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 decision of the majority.

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

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

ARTICLE 46. *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 duly elected and qualified.

ARTICLE 47. *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 the receipt of a copy thereof by the complainant of the respondent as the case maybe, if no appeal has been made within the said period.

RULE XII

MOTION FOR RECONSIDERATION

ARTICLE 48. *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 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 for 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 (10) days from submission for the resolution.

If the motion for reconsideration has not been resolved with 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 on his motion for reconsideration and to perfect his appeal, in case the said motion has not been resolved within the period to appeal.

RULE XIII

PENALTIES

ARTICLE 49. *Reprimand, censure or suspension.* - A respondent found guilty of any of the offenses enumerated in Rule 2 thereof 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 maybe determined by the Sanggunian, taking into consideration the scale of penalties as provided under the Omnibus Rules Implementing Book V of Executive Order No. 292 and other Pertinent Civil Service Laws.

ARTICLE 50. *Suspension.*-The penalty of suspension shall not exceed the unexpired term of the respondent, of 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 penalties shall be served successively.

RULE XIV

EXECUTION OF DECISION

ARTICLE 51. *Execution of final decisions and orders.*- The Municipal Mayor shall execute all final and executory decisions or orders of the Sanggunian by issuing the corresponding order implementing the same. He may also deputize or call upon any personnel of the Philippine National Police (PNP) stationed within the municipality, 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 Municipal Mayor, MLGOO, and other interested parties for their information and appropriate action.

ARTICLE 52. *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 XV
ADMINISTRATIVE APPEAL

ARTICLE 53. *Appeal where made.* - Decisions of the Sanggunian may, within thirty (30) days from receipt thereof, be appealed to the Sangguniang Panlalawigan whose shall be final and executory.

ARTICLE 54. *How to appeal.* - The appeal is under taken by filing a notice of appeal with the Sanggunian that rendered the decision or final order appealed from. The notice of appeal shall indicate the parties to the appeal, the decision or final order appealed from, and state the material dates showing the timeliness of the appeal.

A copy of the notice of appeal shall be served the adverse party and the sangguniangpanlalawigan.

ARTICLE 55. *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 sangguniangpanlalawigan 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 sangguniangpanlalawigan shall be furnished the parties.

RULE XVI
MISCELLANEOUS PROVISIONS

ARTICLE 56. *Docket or logbook.*-The Sanggunian shall keep a logbook and /or docket of all administrative cases filed before it and shall assign a case number for each case in the order that it is filed, prefixed with the last two (2) digits of the year of filing, e.g., in the first cased filed for the year 2001, it should be numbered as ADM. CASE NO. SB-01-_____, etc.

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 becomes final, and other relevant data shall be entered in the said logbook or docket.

ARTICLE 57. *Custodian of the records.*-The Sanggunian Secretary shall be the custodian of all records pertaining to all administrative cases and shall receive all pleadings and other papers in connection thereto.

ARTICLE 58. *Transitory provision.*-All pending administrative cases not yet decided upon the effectivity of this Ordinance shall be heard by the Committee.

ARTICLE 59. *Repealing Clause.* - All rules and regulations and other issuances in conflict hereof, are hereby repealed.

ARTICLE 60. 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 board of the Sanggunian.

ENACTED, December 27, 2023

CERTIFIED CORRECT:

MAR LENE TAYO-NAVA
SB Secretary

ATTESTED: 
JERRY T. TUARES
SB Member & Temporary Presiding Officer

APPROVED:


ATTY. VIRGILIO T. TERUEL
Municipal Mayor

(Date signed)

HON. LUGEN T. ORTILANO
Municipal Vice Mayor

Sangguniang Bayan Members:

HON. ADRIAN S. CAMPOSAGRADO
HON. NERI T. CAMIÑA
HON. REYNALDO E. TUMABOTABO

HON. JULIUS T. LEDESMA, O.D.
HON. NORBETO T. TURALBA
HON. JERRY T. TUARES, C.E.
HON. JOEL L. SAYSON

HON. ANA ROWENA ARIAS-PERERA, R.N. M.A.N.
HON. GAYLORD T. TRASPORTO, LdB President
HON. FLORENCE JOY V. CABALONGA, PPSK President

"Public office is a public Trust. Public Officials must at all times be accountable to the people."

