



EXCERPT FROM THE MINUTES OF THE 23rd REGULAR SESSION OF THE HONORABLE SANGGUNIAN BAYAN, TIGBAUAN, ILOILO HELD AT THE S.B. SESSION HALL, TIGBAUAN MUNICIPAL BUILDING ON June 09, 2021, 2021 AT 9:15 IN THE MORNING

PRESENT:

HON. VIRGILIO T. TERUEL,	- Vice Mayor & Presiding Officer
HON. NERI T. CAMIÑA	- S.B. Member
HON. DENNIS T. VALENCIA	- S.B. Member
HON. MARLON R. TERUÑEZ	- S.B. Member
HON. SUZETTE MARIE HILADO-BANNO	- S.B. Member
HON. JULIUS T. LEDESMA	- S.B. Member
HON. REYNALDO E. TUMABOTABO	- S.B. Member
HON. MA. GERRYLIN SANTUYO-CAMPOSAGRADO	- S.B. Member
HON. NORBERTO T. TURALBA	- S.B. Member
HON. DYOSSA MARIE T. TERUÑEZ	- SKMF President
HON. JERRY T. TUARES	- Liga President

Resolution No. 2021-070

RESOLUTION DENYING THE MOTION FOR RECONSIDERATION FILED BY MR. ISIDRO M. MINERVA AGAINST PUNONG BARANGAY LEONARDO NULOD (Adm. Case No. 2021-001-Minerva vs. Nulod) AND BRGY. KAGAWAD CONRADO AQUINO (Adm. Case No. 2021-002-Minerva vs. Aquino), FOR ABUSE OF AUTHORITY.

WHEREAS, On January 18, 2021, the Office of the Sangguniang Bayan Tigbauan, Iloilo received copies of Administrative Complaints on ABUSE OF AUTHORITY against Punong Barangay Leonardo Nulod (**Adm. Case No. 2021-001 - *Minerva vs. Nulod***) and Brgy. Kagawad Conrado Aquino (**Adm. Case No. 2021-002 - *Minerva vs. Aquino***), all residents of Barangay Barroc, this municipality;

WHEREAS, an **Ad Hoc Committee** was formed on March 3, 2021, during the 9th Regular Session of the Sangguniang Bayan of Tigbauan to handle said Administrative Complaint;

WHEREAS, on April 7, 2021, the Sangguniang Bayan Tigbauan dismissed the complaint on findings that the evidences/documents attached to the complaint do not merit conviction for Abuse of Authority;

WHEREAS, on May 3, 2021, the Office of the Sangguniang Bayan received a MOTION FOR RECONSIDERATION for Administrative Case No. 2021-001 for ABUSE OF AUTHORITY against Punong Barangay Leonardo Nulod and Administrative Case No. 2021-002 also for ABUSE OF AUTHORITY against Barangay Kagawad, Conrado Aquino on the following grounds:

a. That there was an error and irregularities in interpretation which is prejudicial to the complainant; and

b. That there is a new evidence presented that will further establish the culpabilities of the respondents.

WHEREAS, Rule 12 of **Municipal Ordinance No. 2008-006, “An Ordinance Adopting and Promulgating the Rules of Administrative Cases Against Elected Barangay Officials”**, provides that only one Motion for Reconsideration shall be allowed which shall be decided within 15 days from date of submission. A Motion for Reconsideration shall not toll the running of the period to appeal. 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 SB 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;

WHEREAS, the newly discovered evidence mentioned in the Motion for Reconsideration is not actually new for all issues had been thoroughly discussed during the preliminary conference with the Complainants and the Respondents;

WHEREAS, the certificate of residency mentioned in the complaint was not actually requested by the Minerva Family thru the Office of the Punong Barangay, but one prepared by them handed over to the wife of Punong Barangay Nulod at the latter's residence for the latter to affix his signature, which is irregular, as one of the requirements for LGU acceptance during the COVID-19 pandemic;

WHEREAS, Respondents were directed by the **Ad Hoc Committee** to clear the subject Road Right of Way and allow the Tipos to develop the passageway and clear the property of miss Marie Iris Magdalene Minerva which they currently use as their path walk in going to and fro the Tipo property;

WHEREAS, although it is a prerogative on the part of the respondents to waive their right to answer the complaint filed against them, forcing the **Ad Hoc Committee** to act on the complaint on the basis of the evidences and supporting documents of the complainant and his witnesses, the Respondents are not excused for disregarding the requirements set forth in Municipal Ordinance No. 2008-006;

WHEREAS, the **Ad Hoc Committee** recommends for denial of the Motion for Reconsideration, also it recommends to reprimand the respondent Barangay Officials for their deliberate failure to file verified Answer, so as not to serve as a precedent to other Barangay Officials who may placed to the same situation in the future;

NOW THEREFORE, on motion of HON. MA. GERRYLIN SANTUYO-CAMPOSAGRADO, Chairperson, Ad Hoc Committee and duly seconded by Hon. Dennis T. Valencia, Hon. Neri T. Camiña, Hon. Marlon R. Teruñez, Hon. Suzette Marie Hilado-Banno, Hon. Reynaldo E. Tumabotabo, Hon. Julius T. Ledesma, Hon. Norberto T. Turalba, Hon. Jerry T. Tuares and Hon. Dyossa Marie T. Teruñez;


BE IT RESOLVED, as it is hereby **RESOLVED** to pass a resolution denying the Motion for Reconsideration filed by Mr. Isidro M. Minerva against Punong Barangay Leonardo Nulod (**Adm. Case No. 2021-001 - Minerva vs. Nulod**) and Brgy. Kagawad Conrado Aquino (**Adm. Case No. 2021-002 - Minerva vs. Aquino**) for ABUSE OF AUTHORITY;

RESOLVED FURTHER to **REPRIMAND** the Respondents Punong Barangay Leonardo Nulod and Brgy. Kagawad Conrado Aquino for violating Municipal Ordinance No. 2008-006 for not filing a Verified Answer on the Complaint filed against them.

RESOLVED FINALLY that copies of this resolution be sent to the Complainant, the Respondents, the Office of the Mayor and the DILG for their guidance and information.

APPROVED.

CERTIFIED CORRECT:


MARLENE TAYO-NAVA
S.B. Secretary

ATTESTED:


ATTY. VIRGILIO T. TERUEL
Vice Mayor & Presiding Officer

HON. VIRGILIO T. TERUEL, LAWYER
Municipal Vice Mayor

Sangguniang Bayan Members:

Hon. Dennis T. Valencia
Hon. Neri T. Camiña
Hon. Marlon R. Teruñez

Hon. Suzette Marie Hilado-Banno, *M.D.*
Hon. Reynaldo E. Tumabotabo
Hon. Julius T. Ledesma, *O.D.*

Hon. Ma. Gerrylin Santuyo-Camposagrado, *Lawyer, MPA*
Hon. Norberto T. Turalba
Hon. Jerry T. Tuares, (LnB-Pres.)- *Civil Engineer*
Hon. Dyossa Marie Teruñez (SKMF-Pres.)

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