



Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF ROXAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE JOURNAL OF THE 56TH REGULAR SESSION OF THE 11TH SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO HELD ON 14 AUGUST 2023, 1:00 P.M. AT THE SANGGUNIANG BAYAN SESSION HALL.

Present:

Municipal Vice Mayor Jerwin S. Dimapilis	- Presiding Officer
Councilor Robert S. Quiatchon	- Member
Councilor John John S. Yason	- Member
Councilor Lucille T. Bacay	- Member
Councilor Juan Rafael M. Talens	- Member
Councilor King Philip B. Dimapilis	- Member
Councilor Robert A. Baticos	- Member
Councilor Veil Charleo B. Cusi	- Member
Councilor Marietta R. Pajila	- Member
Councilor Elmer P. Salibio	- President, Liga ng Barangay
Councilor Elmira May V. Tarac	- Member, MSKF President

Absent: NONE

RESOLUTION NO. 352
Series of 2023

A RESOLUTION ADOPTING THE RECOMMENDATIONS OF THE COMMITTEE ON LAW, LEGAL MATTERS AND ORDINANCES, RULES AND PRIVILEGES IN ADMINISTRATIVE CASE NO. 2023-002, ENTILED AS "VIRGILIO P. MAGBATA VS HON. ERIC DE CASTRO OF BARANGAY PACLASAN".

WHEREAS, as a quasi-judicial body, the Sangguniang Bayan is tasked to hear and decide administrative cases filed against barangay elective officials within the jurisdiction of the Municipality of Roxas, Oriental Mindoro, pursuant to Section 60 to 88 of the Local Government Code of 1991 (R.A. No. 7160);

WHEREAS, on July 5, 2023, Mr. Virgilio P. Magabata, 53 years old and a resident of Barangay Paclasan, Roxas, Oriental Mindoro filed an Administrative complaint for Neglect of Duty at the Sangguniang Bayan of the Municipality of Roxas, against Hon. Eric B. De Castro, Barangay Chairman of Paclasan, Roxas, Oriental Mindoro, as the latter allegedly failed to take actions on the barangay complaint filed by the former regarding the continuous harassment and illegal encroachment of Mr. Rodolfo Dimatulac, Jr., Mrs. Carmelita Dimatulac, and Mr. Nickver Dimatulac on the complainant's property;

WHEREAS, the Sangguniang Bayan referred the matter to the Committee on Laws, Legal Matters, Ordinances, Rules and Privileges being the designated investigating authority in accordance to Municipal Ordinance No. 06-2023 of the Municipality of Roxas, Oriental Mindoro;

WHEREAS, to give due process to the complaint of Mr. Virgilio Magbata, the Committee conducted a committee hearing on 7 August 2023 which was attended by both parties;

JERWIN S. DIMAPILIS

FERDINAND V. TALENS, MPA

KING PHILIP B. DIMAPILIS

JUAN RAFAEL M. TALENS

LUCILLE T. BACAY

JOHN JOHN S. YASON

ROBERT S. QUIATCHON

ELMIRA MAY V. TARAC

ELMER P. SALIBIO

MARIETTA R. PAJILA

VEIL CHARLEO B. CUSI

ROBERT A. BATICOS

WHEREAS, after deliberation, the Committee on Laws, Legal Matters, Ordinances, Rules and Privileges arrived with the following recommendations:

1. That, Republic Act No. 7160 (RA 7160), or the Local Government Code of 1991, provides that barangay conciliation proceedings is a pre-condition to filing a complaint in court between persons actually residing in the same barangay to explore possible amicable settlement, hence, non-compliance with the said condition precedent could affect the sufficiency of the complainant's cause of action and make his complaint vulnerable to dismissal on ground of lack of cause of action or prematurity;
2. That, PB De Castro provided a venue to settle the dispute between Mr. Virgilio Magbata and Mrs. Carmelita V. Dimatulac, one of the three occupants of the house with the roof allegedly encroached in the complainants property, evidenced by the entries on the Blotter Book with the number 197-2022 dated on May 13, 2022 and number 235-2022 dated June 1, 2022;
3. That, consequently, PB De Castro conducted a hearing on June 1, 2022 wherein both parties had attended the hearing, but failed to reach an amicable settlement, thus, Mr. Magbata demanded PB De Castro to issue a certification of indigency and endorsement letter to file case to higher court;
4. That, PB De Castro disagreed to issue the said endorsement and suggested that the complainant shall comply to finish the barangay conciliation as a condition precedent before filing an action;
5. That, the complainant, Mr. Magbata strongly refused to proceed with the conciliation settlement;
6. That, since the case did not undergo the required barangay conciliation/proceedings before it was filed with the Sangguniang Bayan, the complaint should be dismissed accordingly for lack of cause of action;

WHEREAS, the Honorable Body unanimously agreed to adopt the recommendations of Committee on Laws, Legal Matters, Ordinances, Rules and Privileges of the Sangguniang Bayan;

WHEREFORE, premises considered and after thorough scrutiny, the Committee *motu proprio* dismissed the administrative complaint filed by Mr. Virgilio Magbata against Hon. Eric De Castro of Barangay Paclasan.

NOW THEREFORE, on motion of Councilor Juan Rafael M. Talens duly seconded by Councilor Robert A. Baticos -

BE IT RESOLVED to adopt as it hereby adopts the recommendations of the Committee on Laws, Legal Matters, Ordinances, Rules and Privileges of the Sangguniang Bayan to dismiss the administrative complaint filed by Mr. Virgilio Magbata against Hon. Eric De Castro of Barangay Paclasan.

RESOLVED FURTHER, to send copies of this resolution to the parties of Mr. Virgilio Magbata and Hon. Eric De Castro for their information and guidance.

JERWIN S. DIMAPILIS

FERDINAND V. TALENS, MPA

KING PHILIP B. DIMAPILIS

RAFAEL M. TALENS

LUCILLE F. BACAY

JOHN S. YASON

ROBERT A. BATICO

ELMIRA MAYA TARAC

ELMER P. SALIBIO

MARIETTA R. PAJILA

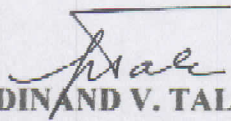
VEL CHA RALBO B. CUSI

ROBERT A. BATICO

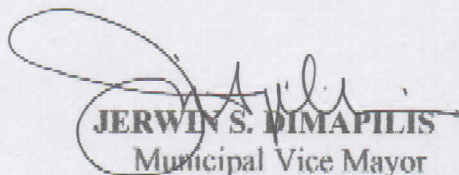
RESOLVED FINALLY, to send copies of this resolution to Department of the Interior and Local Government (DILG) thru Municipal Local Government Operations Officer and Hon. Leo G. Cusi, Sr., Municipal Mayor for their information and reference.

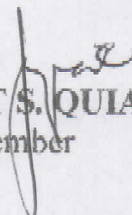
Adopted: 14 August 2023

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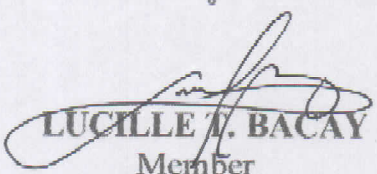

FERDINAND V. TALENS, MPA
Secretary to the Sangguniang Bayan

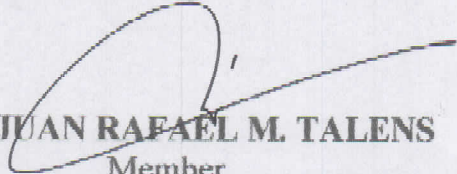
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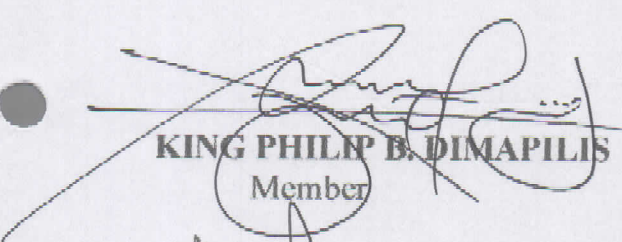

JERWIN S. DIMAPILIS
Municipal Vice Mayor

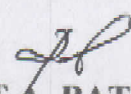

ROBERT S. QUILATCHON
Member


JOHN JOHN S. YASON
Member

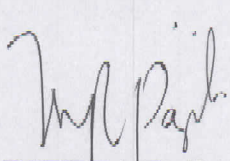

LUCILLE T. BACAY
Member

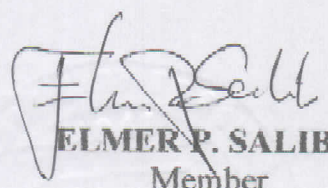

JUAN RAFAEL M. TALENS
Member

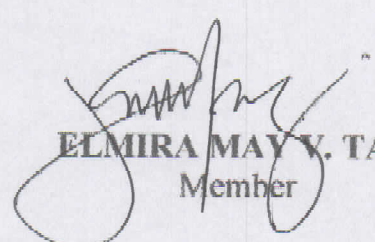

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Member


ROBERT A. BATICOS
Member


VEIL CHARMLEO B. CUSI
Member


MARIETTA R. PAJILA
Member


ELMER P. SALIBIO
Member


ELMIRA MAY V. TARAC
Member