



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. 353
Series of 2023

A RESOLUTION ADOPTING THE RECOMMENDATIONS OF THE COMMITTEE ON LAW, LEGAL MATTERS, ORDINANCES, RULES AND PRIVILEGES IN ADMINISTRATIVE CASE NO. 2023-003, ENTITLED AS "LEONITO TUPAS VS. JAIME MANALO, FELMA MANALO AND NERISSA GUTIERREZ".

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 17, 2023, Mr. Leonito Tupas, President of Dangay Farmer's Association (DFA), filed complaints against Mr. Jaime Manalo, former President of Dangay Farmer's Association, Hon. Felma Manalo, Barangay Councilor of Barangay Dangay, and Mrs. Nerissa C. Gutierrez, Municipal Agriculturist;

Whereas, the complaint filed against Mr. Jaime Manalo, former President of Dangay Farmer's Association, is for allegedly failing to turn over the various documents such as the record of HYTA Program Fund to Mr. Leonito Tupas, newly elected President of DFA, despite demands;

WHEREAS, the complaint against Barangay Kagawad Felma Manalo, the Committee Chairman on Agriculture of Barangay Council of Dangay, is for allegedly conniving with her father, Mr. Jaime Manalo, in the dissolution of the DFA;

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, the complaint against Mrs. Nerissa Gutierrez, Municipal Agriculture Officer, is for allegedly receiving and accepting part of the HYTA Fund amounting to Php 14,000.00 from Mr. Manalo, knowing that the other members of DFA led by Mr. Tupas were demanding proper accounting, and for allegedly tolerating the acts of Mr. Manalo which is, according to the complainant, clearly an act unbecoming of a public official;

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 entitled "Municipal Ordinance No. 06-2023 entitled "An Ordinance Prescribing the Rules and Procedures on the Investigation of Administrative Disciplinary Cases Against Elective Local Officials Files Before the Sangguniang Bayan of Roxas, Oriental Mindoro, Subject to Existing Laws, Rules and Regulations";

WHEREAS, to give due process to the complaint of Mr. Leonito Tupas, the Committee conducted a committee meeting on 7 August 2023, which was attended by Atty. Joseph Ryan Apasan, Legal Adviser, and all of the Committee Members;

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

1. That, under Administrative Order No. 23, s. 1992, the following are the grounds for Administrative Disciplinary Action:
 - 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 offenses involving moral turpitude or an offense punishable by at least *prision 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 local chief executives and four (4) consecutive sessions in the case of members of the Sangguniang;
 - 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; Administrative Code of 1987 Revised Penal Code; and all other applicable general and special laws.
2. That, the complaint of Mr. Tupas does not contain any of the grounds provided by the Administrative Order, the Honorable Body *motu proprio* dismisses the complaint against Hon. Felma Manalo for lack of merit;
3. That, according to Atty. Joseph Ryan Apasan, Legal Adviser, the jurisdiction of the Sangguniang Bayan only covers administrative disciplinary action for elective officials, therefore, as Mr. Jaime Manalo and Mrs. Nerissa Gutierrez are neither elective officials, this Honorable Body, *motu proprio*, dismisses the complaint;
4. That, upon thorough deliberation, the Body unanimously agreed to dismiss the case without prejudice to file the complaint with the proper authority.

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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 complaints filed by Mr. Leonito Tupas against Mr. Jaime Manalo, Hon. Felma Manalo, and Mrs. Nerissa C. Gutierrez.

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

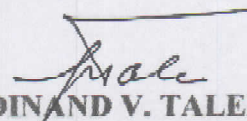
BE IT RESOLVED to adopt as it hereby adopts the recommendations of the Committee on Laws, Legal Matters, Ordinances, Rules and Privileges of the Sangguniang Bayan to dismiss the administrative complaints filed by Mr. Leonito Tupas against Mr. Jaime Manalo, Hon. Felma Manalo, and Mrs. Nerissa C. Gutierrez.

RESOLVED FURTHER, to send copies of this resolution to the parties of Mr. Leonito Tupas, Mr. Jaime Manalo, Hon. Felma Manalo, and Mrs. Nerissa C. Gutierrez for their information and guidance.

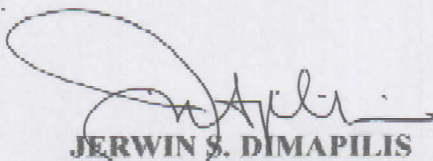
RESOLVED FINALLY, to send copies of this resolution to Department of the Interior and Local Government (DILG) thru Municipal Local Government Operations Officer and Hon. Leo G. Cusi, Sr., Municipal Mayor for their information and reference.

Adopted: 14 August 2023

CERTIFIED CORRECT:

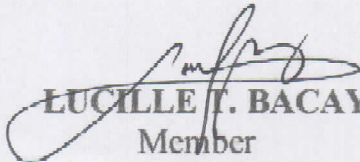

FERDINAND V. TALENS, MPA
Secretary to the Sangguniang Bayan

ATTESTED:


JERWIN S. DIMAPILIS
Municipal Vice Mayor


ROBERT S. QUILATCHON
Member

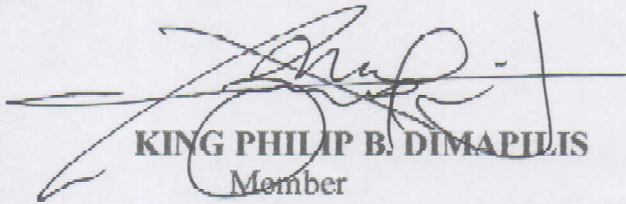

JOHN JOHN S. YASON
Member



LUCILLE T. BACAY
Member



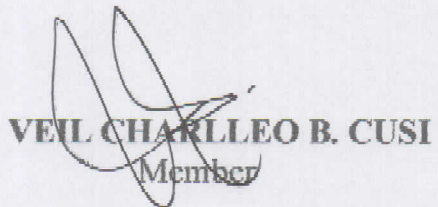
JUAN RAFAEL M. TALENS
Member



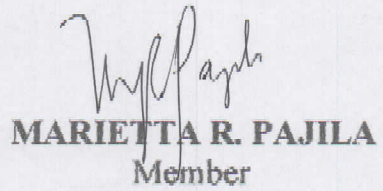
KING PHILIP B. DIMAPILIS
Member



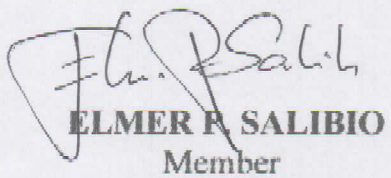
ROBERT A. BATICOS
Member



VEIL CHARLEO B. CUSI
Member



MARIETTA R. PAJILA
Member



ELMER F. SALIBIO
Member



ELMIRA MAY V. TARAC
Member

