



Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF ROXAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE JOURNAL OF THE 29TH REGULAR SESSION OF THE 11TH SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO HELD ON 30 JANUARY 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 Lucille T. Bacay	- Member
Councilor Juan Rafael M. Talens	- Member
Councilor Robert A. Baticos	- Member
Councilor Veil Charleo B. Cusi	- Member
Councilor Marietta R. Pajila	- Member
Councilor Elmira May V. Tarac	- Member, MSKF President

Official Business:

Councilor Elmer P. Salibio	- President, Liga ng Barangay
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Absent:

Councilor John John S. Yason	- Member
Councilor King Philip B. Dimapilis	- Member

MUNICIPAL ORDINANCE NO. 06

Series of 2023

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.

AUTHOR:

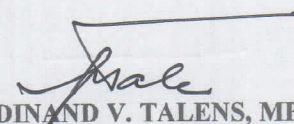
Hon. JUAN RAFAEL M. TALENS

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, Administrative Order No. 23, dated 17 December 1992, was issued prescribing the rules and procedures on the investigation of administrative disciplinary cases against elective local officials of provinces, highly urbanized cities, independent cities, component cities and cities and municipalities in Metropolitan Manila; Administrative Order No. 23 was amended by Administrative Order No. 159 on 25 November 1994; and on 04 May 1999, Administrative Order No. 66 further amended Administrative Order No. 23;


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WHEREAS, the Sangguniang Bayan of Roxas, Oriental Mindoro is yet to adopt and institutionalize its rules and procedures relative to the investigation of administrative disciplinary cases against elective barangay officials filed before it;

WHEREAS, the rules and procedures governing the conduct of investigation of administrative cases is so essential, so much so a requirement, to ensure prompt and just resolution of a case;

WHEREAS, the Sangguniang Bayan believes in the maxim that "justice delayed is justice denied"; thus, Members of the Municipal Board must be equipped with the necessary and operative tool that can be used to promote justice;

NOW THEREFORE, BE IT ENACTED, as it is hereby enacted, by the Sangguniang Bayan of the Municipality of Roxas, Oriental Mindoro in session assembled, that:

Rule I

PRELIMINARY PROVISIONS

Section 1. Coverage. These rules and procedures shall apply to administrative disciplinary cases filed against Barangays Officials of the Municipality of Roxas, Province of Oriental Mindoro.

Section 2. Disciplining Authority. All duly verified administrative complaints, against elective barangay officials shall be acted upon by the Sangguniang Bayan, herein referred to as Disciplining Authority.

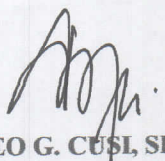
Section 3. Investigating Authority. The Committee on Laws, Legal Matters and Ordinances, Rules and Privileges of the Sangguniang Bayan is hereby designated as the Investigating Authority for the purpose. As such, the Committee is authorized to investigate complaints filed against barangay officials covered herein and act appropriately thereon as hereinafter provided.

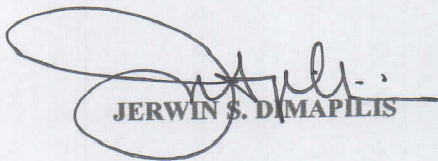
Rule II

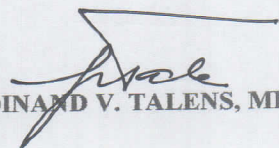
GROUND FOR ADMINISTRATIVE DISCIPLINARY ACTION

Section 4. Grounds. Elective barangay officials may be disciplined, suspended, or removed from office on any of the following grounds:

- a) Disloyalty to the Republic of the Philippines;
- b) Culpable violation of the Constitution;
- c) Dishonesty, oppression, misconduct office, gross negligence. or dereliction of duty;
- d) Commission of any offenses involving moral turpitude or an offenses punishable by at least prison mayor, which is from six (6) years and one (1) day to twelve (12) years imprisonment;
- e) Abuse of authority;
- f) Unauthorized absence for four (4) consecutive sessions;
- g) Application for, or acquisition of, foreign citizenship or residence of the status or an immigrant of another country; and
- h) Such other grounds as may be provided by the Local Government Code of 1999, Republic Act No. 6713; Republic Act No. 3019; Administrative Code of 1987; Revised Penal Code; and all other applicable general and special laws.


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Rule III COMPLAINT

Section 5. How initiated. An administrative case may be initiated by any private individual or any government officer or employee by filing a sworn written and verified complaint against any elective barangay official. It may also be initiated motu proprio by the Sangguniang Bayan or any government agency duly authorized by law to ensure that the local government units (LGUs) act within their prescribed powers and functions-

Section 6. Form of complaint. The complaint accompanied by affidavits of witness or evidences in support of the charge, shall be addressed to the Sangguniang Bayan of Roxas, Oriental Mindoro. It shall be drawn in clear, simple, and concise language and in methodical manner as to apprise the respondent of the nature of the charge against him and to enable him to prepare his defense. The party filing the complaint shall be called the complainant while the official against whom the complaint is filed shall be called the respondent.

Section 7. Where filed. The complaint shall be filed with the Office of the Secretary to the Sangguniang Bayan, at the Sangguniang Bayan (3rd Floor of the Legislative Building), Administration Street, Roxas, 5212 Oriental Mindoro.

A copy of the complaint shall be furnished by the complainant to each of the following:

- a) the Office of the Mayor;
- b) the respondent or respondents; and
- c) the MLGOO of the Municipality of Roxas, Oriental Mindoro.

Rule IV ANSWER

Section 8. Notice. Within seven (7) days after the complaint is filed and included in the Order and Calendar of Business of the Sangguniang Bayan, the Disciplining Authority shall issue an order requiring the respondent to submit his verified answer within fifteen (15) days from his receipt thereof.

Section 9. Form of answer. The verified answer, accompanied by affidavits of witnesses or evidences in support of the defense, shall be addressed to the Sangguniang Bayan and shall be drawn in clear. Simple and concise language.

Section 10. Where filed. The verified answer shall be filed with the Office of the Secretary to the Sangguniang Bayan, at the Sangguniang Bayan (3rd Floor of the Legislative Building), Administration Street, Roxas, 5212 Oriental Mindoro.

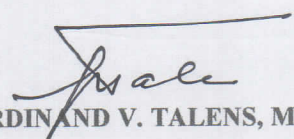
A copy of the complaint shall be furnished by the complainant to each of the following:

- a.) the Office of the Mayor;
- b.) the respondent or respondents; and
- c.) the MLGOO of the Municipality of Roxas, Oriental Mindoro.

Section 11. 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 right to present evidence in his behalf.


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Rule V
PRELIMINARY INVESTIGATION

Section 12. Commencement. Immediately from receipt of the answer, the Disciplining Authority shall refer the complaint and answer, together with their attachments and other relevant papers, to the Investigating Authority who shall commence the investigation of the case within fifteen (15) days from receipt of the same.

Section 13. Failure to commence preliminary investigation. Unreasonable failure to commence the preliminary investigation within the prescribed period by the person or persons assigned to investigate shall be a ground for administrative disciplinary action.

Section 14. Evaluation. Within twenty (20) days from receipt of the complaint and answer, the Investigating Authority shall determine whether there is a prima facie case to warrant the institution of formal administrative proceedings.

Section 15. Dismissal motu proprio. IF the investigating Authority determines that there is no prima facie case to warrant the institution of formal administrative proceedings, it shall, within the same period prescribed under the preceding Section, submit its recommendation to the Disciplining Authority for the motu proprio dismissal of the case, together with the recommended decision, resolution and order.

Section 16. Preliminary conference. If the Investigating Authority determines that there is prima facie case to warrant the institution of formal administrative proceedings, it shall, within the same period prescribed under the preceding section, summon the parties to a preliminary conference to consider the following:

- a) Whether the parties desire a formal investigation or are willing to submit the case for resolution on the basis of the evidence on record; and
- b) 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, specifically affidavits and depositions, to avoid unnecessary proof, the limitation of number of witnesses, and such other matters as may aid the prompt disposition of the case.

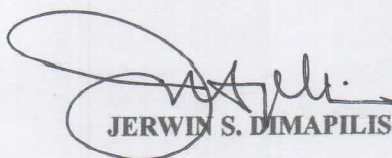
The Investigating Authority shall encourage the parties and their counsels to enter, at any stage of the proceedings, into amicable settlement, compromise and arbitration, the terms and conditions of which shall be subject to the approval of the Disciplining Authority.

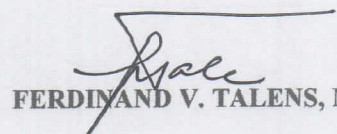
After the preliminary conferences the Investigating Authority shall issue and Order reciting the matters taken up thereon, including the facts stipulated and the evidences marked, if any. Such order shall limit the issues for hearing to those not disposed of by agreement or admission of the parties, and shall schedule the formal investigation within ten (10) days from its issuance, unless a later date is mutually agreed in writing by the parties concerned.

Section 17. Venue of hearing. The venue of the preliminary investigation shall be at the Sangguniang Bayan of Roxas, Oriental Mindoro.

Section 18. Ninety-day (90) ban. No preliminary investigation shall be conducted within ninety (90) days immediately prior to any local election.


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Rule VI
PREVENTIVE SUSPENSION

Section 19. Power to suspend. (a) Preventive suspension may be imposed by the Disciplining Authority, to be executed by the Municipal Mayor.

(b) The Municipal Mayor shall, upon the recommendation of the Disciplining Authority, preventively suspend an elective barangay official who is under formal administrative investigation by the Investigating Authority.

Section 20. Ninety-day (90) ban. No preventive suspension shall be imposed within (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 aforesaid period.

Section 21. Grounds. Preventive suspension may be imposed at any time after the issues are joined, when the evidence of guilt is strong, and given the gravity of the offense, there is a 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.

Section 22. Duration. Any single preventive suspension of an elective barangay officials shall not extend beyond sixty (60) days; provided that in the event that several administrative cases are filed against an elective official 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.

Section 23. Automatic reinstatement. Upon expiration of the preventive suspension, the suspended elective 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 not be counted in computing the time of termination of the case.

Section 24. Honorarium of respondent pending suspension. The respondent, who is preventively suspended from office, shall receive no honorarium during such suspension; but, upon subsequent exoneration and reinstatement, he shall be paid his full honorarium, including such emoluments accruing during such suspension.

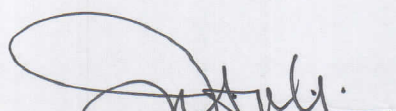
Rule VII
FORMAL INVESTIGATION

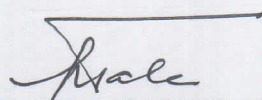
Section 25. Procedural due process. The respondent shall be accorded full opportunity to appear and defend himself in person or by counsel to confront and cross-examine the witnesses against him, and to require the attendance of witnesses and the production of documents through the compulsory process of subpoena or subpoena duces tecum.

Section 26. Who conducts the hearing. The formal administrative investigation shall be conducted by the Investigating Authority.

Section 27. Failure to commence formal investigation. Unreasonable failure to commence the formal investigation within the prescribed period in the preliminary conference order by the person or persons assigned to investigate shall be a ground for administrative disciplinary action.


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