

Section 28. Power to take testimony or receive evidence. (a) The Investigating Authority 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 subpoena duces tecum,

(b) Anyone who, without lawful excuse, fails to appear upon summons issued under authority of the preceding paragraph or who, appearing before the Investigating Authority 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 Disciplining Authority, shall be dealt with by the judge of the proper regional trial court.

Section 29. Notice of hearing. The parties and their witnesses shall be notified by subpoena of the scheduled hearing at least five (5) days before the date thereof, stating the date, time and place of the hearing.

Section 30. Venue of hearing. The venue of hearing shall be at the Sangguniang Bayan of Roxas, Oriental Mindoro.

Section 31. Request for subpoena. If a party desires the attendance of a witness or the production of documents, he should make formally request for the issuance of the necessary subpoena or subpoena duces tecum at least three (3) days before the scheduled hearing.

Section 32. Postponement. Postponement of investigation shall be discouraged and shall be allowed only in meritorious cases, like illness of the parties or counsels and other similar case. No postponement for a period longer than seven (7) days shall be allowed, and in no case shall the total number of postponements for one party be more than twenty (20) days.

Section 33. Record of proceedings. The testimony of each witness and the manifestation of the parties and counsels during an investigation shall be recorded as transcript of the proceedings made by the Secretariat of the Sangguniang Bayan and duly certified by the Secretary to the Sangguniang Bayan.

Section 34. Order of hearing. Unless otherwise directed by the Investigating Authority, the order of a hearing shall be as follows:

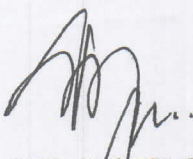
- a) The complainant shall produce the evidence on his part;
- b) The respondent shall then offer evidence in support of his defense; and
- c) The parties may then respectively offer rebutting evidence, unless Investigating Authority for good reasons and in the furtherance of justice, permits them to offer evidence upon their original case.

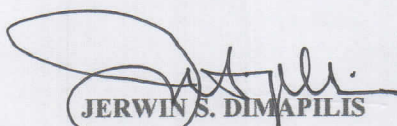
Section 35. Order of Examination. The order in which a witness may be examined shall be as follows:

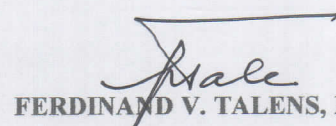
- a) Direct examination by the proponent;
- b) Cross examination by the opponent;
- c) Re-direct examination by the proponent; and
- d) Re-cross examination by the opponent.

Section 36. Termination of formal investigation. (a) The formal investigation of the case shall be terminated by the investigating Authority within ninety (90) days from the start thereof.

(b) Unreasonable failure to complete the formal investigation after the said period by the person or persons assigned to investigate shall be a ground for disciplinary action.


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Section 37. Memoranda. The Investigating Authority may allow the parties to submit their respective memoranda within fifteen (15) days after the termination of the formal investigation.

Section 38. Ninety-day (90) ban. No formal investigation shall be conducted within ninety (90) days immediately prior to any local election.

Rule VIII EVIDENCE

Section 39. Rules of evidence. In administrative disciplinary proceedings –

- a) The Investigating Authority may admit and give probative value to evidence commonly accepted by reasonably prudent persons in the conduct of their affairs;
- 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; and
- c) The Investigating Authority 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.

Section 40. Marking. All documentary evidence or exhibits shall be properly marked by letter (A, B, C, etc.), if presented by the complainants, and by numbers (1, 2, 3, etc.), if presented by the respondent. They shall be attached to the records or, if voluminous, kept in a separate folder marked "Folder of Exhibits", which shall also be attached to the records.

Rule IX

REPORT OF INVESTIGATING AUTHORITY AND TRANSMISSION OF RECORDS

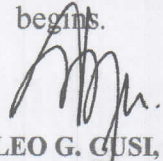
Section 41. Transmission of Records to Disciplining Authority. (a) The Investigating Authority shall forward to the Disciplining Authority its findings and recommendations, together with the following:

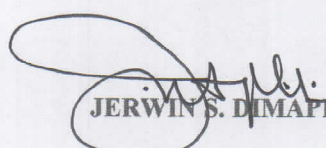
- a) the draft decision, resolution and order;
- b) the complete records with each page consecutively numbered and initialed by the custodian of the records;
- c) a summary of proceedings thereon from the filing of the complaint to the transmittal of the records in chronological order indicating the action taken on the incidents involved; and
- d) a list of all pleadings, motions, manifestations annexes, exhibits, and other papers or documents filed by the contending parties, as well as the corresponding orders or resolutions.

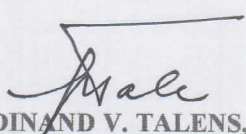
Such documents shall be forwarded to the Disciplining Authority within twenty (20) days –

- a) from 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 the termination of the formal investigation; or
- c) after the parties have submitted their respective Memoranda, if so allowed.

The transcript of the proceedings shall be paged consecutively and in chronological order, and properly indexed, showing the page on which the testimony of each witness begins.


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Section 42. Records classification. Records in administrative disciplinary cases are classified as confidential in nature and any information as to the charges, accusation, or facts adduced may not be released, and such records may not be available, except to the proper authorities and, upon request, to the parties-in-interest or their authorized representatives on the "need-to-know" basis.

Rule X DECISION

Section 43. Rendition of decision. Within thirty (30) days after receipt of the report of the Investigating Authority and the transmittal of records, the Disciplining Authority shall render a decision, in a form of a resolution, stating clearly and distinctly the facts and reasons for such decision. Copies of said decision shall immediately be furnished the respondent and interested parties.

Section 44. Finality of the decision. The decision of the Disciplining Authority shall become final and executory after the lapse of thirty (30) days from receipt of a copy thereof by the complainant or the respondent, as the case may be.

Section 45. Motion for Reconsideration. A motion for reconsideration shall not stay the execution of a decision. In the event that a decision is reconsidered as to result in an exoneration, the respondent shall be paid his honorarium and such other emoluments accruing during the period of his suspension.

Section 46. 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 an appeal. In the event the appeal results in an exoneration, the respondent shall be paid his honorarium and such other emoluments accruing during the pendency of the appeal.

Rule XI PENALTIES

Section 47. Suspension or removal. A respondent found guilty of any of the offenses enumerated in Rule II hereof may be meted the penalty of suspension or removal depending on the evidence presented and the aggravating or mitigating circumstances that may be considered by the Disciplining Authority.

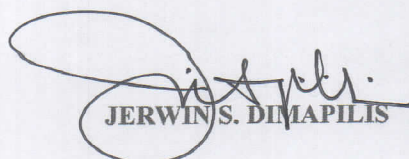
Section 48. Suspension. The penalty of suspension shall not exceed the unexpired term of the respondent, or a period of six (6) months for every administrative offense, nor shall said penalty be a bar to the candidacy of the respondent so suspended as long as he meets the qualifications required for the office.

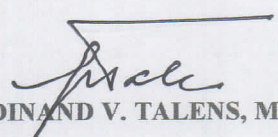
When the respondent has been meted two (2) or more penalties of suspension for two (2) or more administrative offenses, such penalties shall be served successively.

Section 49. Removal. (a) An elective barangay official may be removed from office on the grounds enumerated in Rule II hereof by order of the proper court.

(b) The penalty or removal from office as a result of an administrative investigation shall be considered a bar to the candidacy of the respondent for any elective position.


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**Rule XII
APPEAL**

Section 50. Appeal on the decision of the Sangguniang Bayan. Decision in administrative cases of the Sangguniang Bayan may, within thirty (30) days from the receipt thereof, be appealed to the Office of the Sangguniang Panlalawigan, of which the decision shall be final and executory

**Rule XIII
MISCELLANEOUS PROVISIONS**

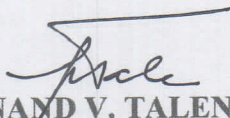
Section 51. On matters not covered by these Rules, the Rules of Court shall be suppletorily applied.

Section 52. Effectivity. This Ordinance, upon approval shall take effect within fifteen (15) days after publication in a newspaper of general circulation within the Municipality of Roxas, Oriental Mindoro.

On motion of Councilor Juan Rafael M. Talens duly seconded by all this Ordinance is hereby ENACTED.

Adopted: 30 January 2023

CERTIFIED CORRECT:


FERDINAND V. TALENS, MPA
Secretary to the Sangguniang Bayan

ATTESTED:


JERWIN S. DIMAPILIS
Presiding Officer

APPROVED:


LEO G. CUSI, SR.
Municipal Mayor
Date: _____

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Received by
Theresa P. Liang

Sangguniang
2-9-23