



Republic of the Philippines  
Province of Ilocos Sur  
**MUNICIPALITY OF NARVACAN**

**OFFICE OF THE SANGGUNIANG BAYAN 2013-2016**

15<sup>th</sup> Regular Session  
Held at the SB Session Hall  
On April 28, 2014

**ORDINANCE NO. 03**  
**Series of 2014**

**AN ORDINANCE ADOPTING THE LEGAL PROCEDURES IN THE CONDUCT OF ADMINISTRATIVE INVESTIGATION BY THE SANGGUNIANG BAYAN FILED BY THE SAME OFFICE**

Sponsored by:

(Chairman Committee on Rules and Privileges and Ordinances, and Good Government)

**WHEREAS**, pursuant to Chapter IV, Sections 60 to 68 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, which specifically mandates the Local Government Unit Officials to adhere and act out accordingly based on the *guidelines in conducting of investigations against elected officials*;

**WHEREAS**, as embodied also in Chapter IV, Section 61 (c ) of Republic Act No. 7160, it mandates that complaints against any elective barangay official shall be filed before the Sangguniang Bayan concerned whose decision shall be final and executory;

**WHEREAS**, such mandate gives the power and authority to the Sangguniang Bayan the so called "quasi-judicial functions" to conduct investigations on complaints against any elected Barangay Official;

**WHEREAS**, to perform that quasi-judicial function of the SB for a speedy and impartial trial, this collegial body hereby shall organize its special committee to implement these succeeding guidelines how to conduct administrative investigations for the immediate services of justice thereof;

**WHEREAS**, for purposes of this Ordinance, the following terms are hereby defined to facilitate better understanding and comprehension on how the embodied guidelines in conducting administrative investigations against erring barangay officials is effectively carried out, to wit:

1. Prima facie - means legally sufficient to establish a fact or case unless disapproved.
2. Complaint – is a formal allegation against a party.
3. Affidavit – is a sworn statement in writing made especially under oath or an affirmation before an authorized magistrate or officer.
4. Complainant – is the party who makes the complainant in a legal action or proceeding.

5. Defendant – is a person required to make answer in a legal action or suit.
6. Amicable – implies a state of peace and desire on the part of parties not to quarrel (maintained amicable relations).
7. Rebut – means to contradict or oppose by formal legal argument, plea or countervailing proof.
8. Rebuttal – means an act of rebutting especially in a legal suit; also: argument or proof that rebuts.
9. Rebutter – means the answer of a defendant in matter of fact to a plaintiff surrejoinder.
10. Surrebutter – is the reply in common law pleading of a plaintiff to a defendant's rebutter.
11. Counter – means to oppose, offset, nullify or to meet attacks or arguments with defensive or retaliatory steps.
12. Counsel – refers to a lawyer appointed to advise and represent in legal matters on individual client or a corporate and especially a public body; consultant.
13. Evidence – means something that furnishes proof: TESTIMONY; specifically: something legally submitted to a tribunal to ascertain the truth of the matter.
14. Respondent – is one who responds: as one who answers in various legal proceedings (as in equity cases).
15. Subpoena duces tecum – is a writ commanding a person to produce in court certain designated documents or evidence.
16. Waiver – is the act intentionally relinquishing or abandoning a known right, claim or privilege; also: the legal instrument evidencing such an act.
17. Testimony – is a solemn declaration usually made orally by a witness under oath in response to interrogation by a lawyer or authorized public official.
18. Confront – means to face especially in challenge: Oppose.
19. Cross-examination – means the examination of a witness who has already testified in order to check or discredit the witness's testimony, knowledge, or credibility.

**WHEREFORE, BE IT ORDAINED** by the Sangguniang Bayan of the Municipality of Narvacan, Ilocos Sur in session duly assembled, that –

#### **RULE 1 – SPECIAL COMMITTEE**

**Section 1. Composition** – The Special Committee above mentioned shall be chaired by the Presiding Officer and its members thereof shall be composed by all members of the Sangguniang Bayan as a whole:

#### **RULE II – FILING OF COMPLAINT**

**Section 2. Verified Complaint** – a verified complaint with the corresponding affidavit or affidavits to support complaints and documents, if any, shall be filed with the Sangguniang Bayan, through the Secretary to the SB. The Secretary shall see to it that there are sufficient numbers of copies of the complaint. A copy of the complaint shall be furnished to each respondent, Municipal Mayor, Municipal Local Government Operation Officer, the Presiding Officer of the Sangguniang Bayan, the members of the Sangguniang Bayan and the Secretary of the Sangguniang Bayan.



### **RULE III – ENDORSEMENT/CALENDAR OF BUSINESS**

**Section 3. Endorsement of Complaint** – The Secretary shall endorse the complaint to the Presiding Officer and calendar the same for business in Regular Session. Thereafter, the complaint shall be referred to the Sangguniang Bayan en banc.

### **RULE IV – ORDER FOR RESPONDENT TO ANSWER**

**Section 4. Period to Submit Verified Answer** – within seven (7) days after the complaint is filed, the Sangguniang Bayan through the Presiding Officer shall require the respondent to submit his verified answer within fifteen (15) days from receipt thereof with the corresponding counter-affidavits and documents, if any, and commence the investigation of the case within ten (10) days after receipt of such answer of the respondent.

### **RULE V – DETERMINATION OF PRIMA FACIE/PRELIMINARY CONFERENCE**

**Section 5. Determination of Prima Facie Case** – The Sangguniang Bayan, as Committee of the Whole, shall determine whether or not there is a prima facie case to warrant the commencement of the investigation with or without the respondent filing his answer. If no prima facie case exists, the Sangguniang Bayan shall, motu proprio, dismiss the case. If a prima facie case exists, the Sangguniang Bayan shall calendar the case for a preliminary conference.

**Section 6. Preliminary Conference** – The preliminary conference shall consider the following:

- a. Simplification of issues;
- b. Stipulation or administration of facts and documents
- c. Limitation of number of witnesses
- d. Possibility of an amicable settlement or compromise
- e. Schedule of formal investigation; and
- f. Such other matters that may aid in the prompt disposition of the case.

### **RULE VI – FORMAL INVESTIGATION**

**Section 7. Affidavits and Counter Affidavits will serve as Testimonies** – The affidavits submitted by the complainant shall serve as the testimony on direct examination subject to the cross-examination by the respondent and clarificatory questions by the Sangguniang Bayan.

The counter-affidavits submitted by the respondent shall serve as his testimony on direct examination subject to the cross examination by the complainant and clarificatory question by the members of the Sangguniang Bayan.

**Section 8. Failure to Submit Affidavits and counter Affidavits** – The failure to parties to submit affidavits shall be considered a waiver to present evidence in their behalf.

**Section 9. Presentation of Rebuttal or Surrebutter Evidence.** In the case of presentation of rebuttal or surrebutter evidence, the parties may be allowed to present oral testimonies of witness, subject to cross-examination and clarificatory questions.

**Section 10. Ruling on Motion or Objection** – The Presiding Officer may be authorized by the Sangguniang Bayan to rule on any motion or objection.

**Section 11. Opportunity to Confront and Cross Examine Witnesses** – The parties shall be accorded the opportunity to confront and cross-examine witness against them in person or by counsel, and to require the attendance of witness and the production of documentary evidence in their favour through the compulsory process of subpoena duces tecum.

**Section 12. Rules of Court as Suppletory** – The Rules of Court of the Philippines shall have suppletory effect.

#### **RULE VII – TERMINATION OF INVESTIGATION AND DECISION**

**Section 13. Termination of Investigation and Decision** – The investigation of the case shall be terminated within ninety (90) days from the start thereof. Within thirty (30) days after the end of the investigation or after the lapse of the period of submission of memoranda or position papers by the parties, the Sangguniang Bayan concerned in a regular session, shall render a decision in writing stating clearly and distinctly the facts and reasons for such decision shall immediately be furnished to the respondent and all interested parties.

**Section 14. Policies On Investigation Calls** – In case the complainant does not appear in the first call of hearing, he or she shall be made to explain in writing for his failure of attendance. If the Committee is satisfied with the justification given, the investigation shall go on. However if the second call of investigation is made and again the complainant does not make it, the Chairman of the Special Committee outrightly shall declare the case dismissed. Furthermore, if the Special Committee is not satisfied with the reason given by the complainant for his failure to appear on the first hearing call, the Chairman shall outrightly declare the "CASE DISMISSED".

**Section 15. Separability Clause** – If, for any reason, any provision, section or part of this Ordinance is declared invalid or unconstitutional by a Court of competent jurisdiction/authority, or suspended or revoked by the authorities concerned, such judgment shall not affect or impair the remaining provisions, sections or parts which shall constitute to be in full force and effect.

**Section 16. Applicability.** All other related matters not specifically provided in this Ordinance shall be governed by the pertinent provisions of existing applicable laws, such as the Rules of Court.


**Section 17. Effectivity.** This ordinance shall take effect upon its approval by the Sangguniang Panlalawigan and publication.



Certified Correct:

**MARIBEL C. CORRALES**  
Sangguniang Bayan Secretary


For the SB Secretary:

  
**ATTY. JUMAR A. VILORIA**  
Attorney II/Acting SB Secretary

Attest:

  
**FAYINNA PILAR S. ZARAGOZA**  
Vice Mayor/Presiding Officer

CONFORME:

  
**EDNA C. SANIDAD**  
SBM

  
**TERESITO C. VALERA, SR.**  
SBM

  
**CARLITO T. CORRALES**  
SBM

  
**TEOFILO M. CABREROS**  
SBM

  
**AVEL VERNEY C. ZARAGOZA**  
SBM

**MARIA PAZ V. CACHOLA**  
SBM

  
**ROSALINDA C. CABANILLA**  
SBM

  
**BENEDIX "BX" L. DELA CUADRA**  
SBM

**ROMULO C. REA**  
ABC President

Approved:

  
**ZURIEL S. ZARAGOZA**  
Municipal Mayor