



Republic of the Philippines
Province of Ilocos Sur
Municipality of Narvacan



OFFICE OF THE SANGGUNIANG BAYAN 2019-2022

Nice Mayor/Presiding Officer:

HON. PABLITO V. SANIDAD, SR.

Sangguniang Bayan Members:

HON. EDNA C. SANIDAD

HON. JOSEPH A. TEJADA

HON. JOVENNIANO B. AMPO, JR.

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HON. BERNADETTE C. LIM

HON. LORETO C. CABALLES

HON. EMILIANO C. CLARIN

HON. REINA ALEXA V. ANTOLIN

ABC President:

HON. ROMULO C. REA

SK Federated President:

HON. JOEMAR GREY A. CABICO

Attested:

LUISA M. REGUA
AO II/Acting SB Secretary

Approved:

HON. LUIS "CHAVIT" C. SINGSON
Municipal Mayor

EXCERPTS FROM THE MINUTES OF THE 7TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF NARVACAN, ILOCOS SUR HELD ON MARCH 2, 2020 AT THE MUNICIPAL SESSION HALL

ORDINANCE NO. 13
Series of 2020

ORDINANCE REPEALING ORD. NO. 3, SERIES OF 2014, AND HEREBY PROVIDING FOR THE RULES OF PROCEDURE BEFORE THE SANGGUNIANG BAYAN OF NARVACAN, ILOCOS SUR, IN THE CONDUCT OF INVESTIGATIONS, HEARINGS AND ADJUDICATION OF ADMINISTRATIVE COMPLAINTS FILED AGAINST ELECTIVE BARANGAY OFFICIALS

WHEREAS, Chapter IV, Secs. 60 to 68 of R.A. 7160, of the Local Government Code provides for the Disciplinary Actions that may be taken against elective government officials, including elective officials of barangays, and the same is implemented by Art. 125 to 133 of the Implementing Rules and Regulations of R.A. 7160;

WHEREAS, the Sangguniang Bayan has concurrent jurisdiction with the Office of the Ombudsman over administrative cases filed against elective barangay officials. (Laxina vs. Office of the Ombudsman, 471 SCRA 542);

WHEREAS, there is a need to update and enact an Ordinance providing for and establishing the Rules of Procedure for the conduct of Investigations, Hearings and Adjudication of Administrative Complaints filed against elective Barangay Officials;

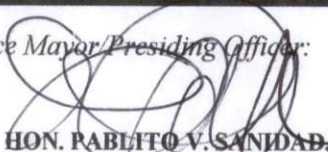
NOW THEREFORE, on motion duly seconded and upon unanimous affirmative vote of the Sanggunign Bayan of Narvacan, Ilocos Sur, **RESOLVED** as it is hereby **RESOLVED**, to adopt and promulgate the following Ordinance:

1. **TITLE** – This Ordinance shall be known as the **"NARVACAN RULES OF PROCEDURES FOR ADMINISTRATIVE CASES AGAINST ELECTIVE BARANGAY OFFICIALS"**
2. **GROUND**S – An elective barangay official may be the subject of disciplinary action before the Sangguniang Bayan of Narvacan on the following grounds:
 - a) Disloyalty to the Republic of the Philippines,



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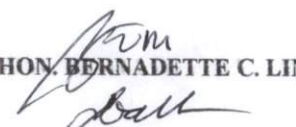
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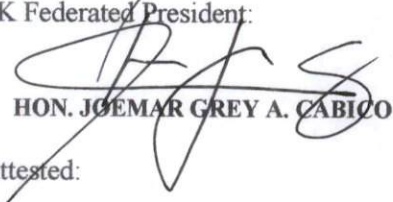

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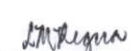
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-page 2 -

Ordinance No. 13, Series of 2020...

- b) Culpable violation of the Constitution,
- c) Dishonesty, Oppression, Misconduct in Office, Gross Negligence, or Dereliction of Duty,
- d) Commission of any offense involving moral turpitude or an offense 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) Application for, or acquisition of, foreign citizenship or residence of the status of an immigrant of another country, and
- g) Such other grounds as may be applicable and provided for by the Local Government Code (R.A. 7160), R.A. 6713, R.A. 3019, Administrative Code of 1987, the Revised Penal Code, Rule 10, Section 50 of the 2017 Rules on Administrative Cases in the Civil Service and all other applicable general and special laws.

3. FORM, FILING AND VENUE OF ADMINISTRATIVE COMPLAINT – A VERIFIED COMPLAINT against any elective barangay official of Narvacan shall be filed by any complainant before the Sangguniang Bayan of Narvacan, Ilocos Sur.

4. NOTICE AND PRELIMINARY INVESTIGATION

- a. Within ten (10) days after the administrative complaint is filed, the Sangguniang Bayan, by its Secretary of the Sangguniang, shall require the respondent/s to submit his/her/their VERIFIED ANSWER within fifteen (15) days from receipt thereof, and commence the preliminary investigation of the case within ten (10) days after receipt of the answer of respondent/s. Respondent/s shall have the right to counsel, in the preparation of the answer, and thereafter during the entire proceedings of the administrative case.

- b. Failure to file an answer within the required period shall be considered a waiver thereof and the Sangguniang Bayan can proceed with the investigation and proceedings of the case. The Municipal Mayor can also impose preventive suspension, as herein after provided, when warranted.



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-page 3 -
Ordinance No. 13, Series of 2020...

c. No investigation shall be held within ninety (90) days immediately prior to any local election, and no preventive suspension shall be imposed within the said period; **provided that**, barangay elections, if held separately, or independently, of the elections for other local government officials, shall be considered a local election.

d. PRELIMINARY INVESTIGATION shall consist of the summary initial examination by the Sangguniang Bayan's Committee of Local Government and Barangay Affairs, of the complaint and the answer/s filed by the parties to determine whether a *prima facie* case exists to warrant the issuance of a formal charge/ notice of charge or hearing.

In order to facilitate the summary proceedings, unless there is a necessity to formulate a new formal charge with due consideration to notice and due process, should the Committee make a finding of the existence of a *prima facie* case, the complaint filed against the respondent/s shall be considered the formal charge. The respondent/s at their discretion, upon motion and with notice to the Committee and the complainant/s, can amend or supplement their answer/s within a non-extendible period of five (5) days after notice of first hearing, but said amended or supplemental answer must be filed before the said hearing, with copy furnished the complainant/s at least two (2) days prior to the said hearing.

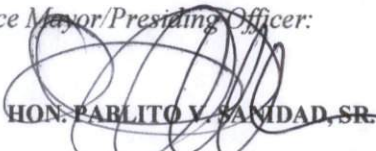
The Office of the Municipal Mayor shall be furnished a copy of the finding of a *prima facie* case to guide it in the issuance of a preventive suspension order, if he finds it warranted.

A finding of an absence of a *prima facie* case shall result in a written notice of dismissal of the charges, including the reasons therefore, with notice to the respondents/s and the complainant/s who at their discretion may file a new case that can meet the requirements of a *prima facie* case, if they are so inclined.



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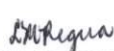
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-page 4 -

Ordinance No. 13, Series of 2020...

5. PROHIBITED PLEADINGS – The Sangguniang Bayan shall not, after the finding of the existence of a *prima facie* case, entertain requests for clarification, bills of particulars, motion to dismiss, motions to quash, motions for reconsideration and motion for extension of time to file answer, except as hereinabove allowed. The same shall be noted without action and attached to the records of the case. (*Rule 5, Section 25, 2017 Rules on Administrative Cases in the Civil Service*)

6. PREVENTIVE SUSPENSION

a. The Municipal Mayor shall the power to impose preventive suspension on elective barangay officials who are the subject of an administrative complaint. (*Book 1, Title 2, Section 63 (3), R.A. 7160, The Local Government Code*)

b. Preventive suspension may be imposed at any time after the issues are joined, after the answer/s of the respondents are submitted, unless no answer is filed, in which case the filing thereof shall be considered waived and preventive suspension may be imposed, upon notice from the Sangguniang Bayan of the finding of a *prima facie* case, if evidence of guilt is strong and given the gravity of the offense, there is great probability that the continuance in office of the respondent/s could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence; *provided that*, any single preventive suspension shall not extend beyond sixty (60) days; *provided, further*, that in the event that several administrative cases are filed against an elective official of the barangay, he/she 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.

c. Upon expiration of the preventive suspension, the suspended elective barangay official shall be deemed reinstated in office without prejudice to the continuation of the proceedings against him/her.

7. RIGHTS OF RESPONDENT/S – During the proceedings before the Sangguniang Bayan, the respondent/s shall be accorded full opportunity to appear and defend himself/herself in person or by counsel, and during the hearing to confront and cross-examine the



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-page 5 -
Ordinance No. 13, Series of 2020...

witnesses against him/her, and to require the attendance of witnesses and the production of documentary evidence in his favor through the compulsory process of *subpoena* and *subpoena duces tecum*. His/her/their failure or refusal to file an Answer or to attend hearings despite prior notice, shall be considered a waiver thereof.

Parties, jointly or separately, at their choice or preference may opt to forego with a formal hearing and consider the case submitted on the basis of the pleadings and other documents, evidences already on record and filed with the Sangguniang Bayan.

8. SALARY OF RESPONDENT PENDING PREVENTIVE SUSPENSION – The respondent/s official/s preventively suspended from office shall receive no salary, compensation or other forms of emoluments, allowances and the like, during such suspension; but upon subsequent exoneration and reinstatement, shall be paid full salary or compensation including emoluments accruing during such suspension.

9. PROCEEDINGS

a. The investigation, hearing and proceedings of the case after the issues are joined shall be conducted by the Sangguniang Bayan. The proceedings shall be open to the public unless the Sangguniang Bayan, upon motion of either of the parties, should find a request to exclude the public, reasonable and well founded.

b. All procedural matters and issues that may arise during the proceedings before the Sangguniang Bayan shall be decided by the Presiding or Acting Presiding Officer.

c. The proceedings shall be conducted without strict recourse to technical rules of procedure and evidence applicable to judicial proceedings. Transcripts of stenographic notes need not be taken during the proceedings, but the Secretary of the Sangguniang Bayan, or his/her duly designated representative, shall take and keep summary notes and minutes of the proceedings.



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-page 6 -
Ordinance No. 13, Series of 2020...

d. The investigation of the case shall be terminated within ninety (90) days from the start thereof which shall be the first day the case is set for hearing with notice to the parties. Within thirty (30) days after the end of the investigation, the Sangguniang Bayan by a majority vote shall render a decision in writing stating clearly and distinctly the facts and the reasons for such decision.

e. The Decision of the Sangguniang Bayan shall immediately be **FINAL AND EXECUTORY.** (Chapter 4, Section 61, R.A. 7160, Local Government Code)

10. COMPLAINT IN SEXUAL HARRASSMENT CASES

In sex offense or sexual harassment cases, the Sangguniang Bayan after the Preliminary Investigation and a finding of a *prima facie* case, shall refer the case to the Provincial Prosecutor's Office, the Civil Service Commission, under the provisions of Rule 3, Sec. 14 of the 2017 Rules on Administrative Cases in the Civil Service, or to the Office of the Ombudsman.

Copy of the finding of a *prima facie* case shall be forwarded to the Office of the Municipal Mayor for the consideration and guidance of said office.

11. PENALTIES

a) Depending on the gravity of the offense committed, the Sangguniang Bayan can impose upon the erring Barangay elective official, the penalty of REPRIMAND OR SUSPENSION and in case of the latter for a maximum period of six (6) months, or less, for every administrative case, but in no case can a suspension exceed the unexpired term of the respondent/s. The penalties of reprimand or suspension shall not bar the candidacy of the respondent/s to their candidacy as long as they meet the qualifications required for the office for which they file their certificates of candidacy.

b) The Sangguniang Bayan cannot impose the penalty of DISMISSAL OR REMOVAL from office of the respondent/s. A penalty of removal can only be imposed by the PROPER COURT (Chapter 4, Sec. 60, last par. Of the Local Government Code)



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-page 7 -
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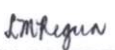
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or by the OMBUDSMAN (*Ombudsman vs. Rodriguez, 625 SCRA 299*)

c) In the event that the Sangguniang Bayan should, upon the filing of the complaint, and after initial preliminary investigation, determine that the REMOVAL of the erring barangay official from the service is probably warranted by the accusations and the evidence, then instead of proceeding with the hearing and proceedings before it, should pass a Resolution mandating that the proper charge be filed in court (*Sangguniang Bayan vs. Punong Barangay, G.R. No. 170626, March 3, 2008*), or refer the case to the Office of the Ombudsman (*Ombudsman vs. Rodriguez, 625 SCRA 299*).

12. **CONSTRUCTION** – These rules shall be liberally constructed in order to promote its objective in obtaining just, speedy, uncomplicated and inexpensive disposition of administrative cases against elective barangay officials.

13. **REPEALING CLAUSE** – That, any and all, previous ordinances, resolutions or issuances enacted by the Sangguniang Bayan of Narvacan and approved by the Municipal Mayor, or by any other municipal official/s, are hereby repealed, or amended accordingly, as far as they may be inconsistent with the provisions hereof.

14. **SEPARABILITY** – In the event that any provision/s or part/s of these Rules is/are declared null and void by any Court or competent authority, such judgment shall not affect or impair the effectivity of the remaining portions hereof.

15. **EFFECTIVITY** – This Ordinance shall take effect upon its approval by the Sangguniang Bayan and after due publication/posting thereof.