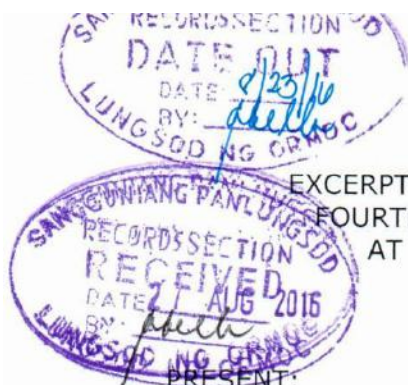
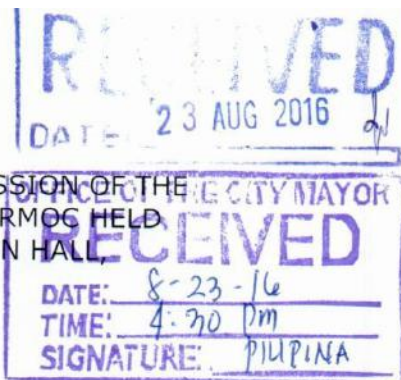


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL  
ORMOC CITY HALL BUILDING  
ON AUGUST 18, 2016

**PRESENT:**

Leo Carmelo L. Locsin, Jr.  
Rolando M. Villasencio,  
Vincent L. Rama,  
Mario M. Rodriguez  
Tomas R. Serafica,  
Benjamin S. Pongos, Jr.,  
Gregorio G. Yrastorza III  
Nolito, M. Quilang  
John Eulalio Nepomuceno O. Aparis II,

Vice Mayor & Presiding Officer  
SP Member, Majority Floor Leader  
SP Member, Asst. Majority Floor Leader  
SP Member, Presiding Officer "Pro-Tempore"  
SP Member  
SP Member  
SP Member  
SP Member  
SP Member  
Minority Floor Leader  
SP Member, Asst. Minority Floor Leader  
Ex-Officio SP Member  
Chapter President, Liga ng mga Barangay ng Ormoc

Lea Doris C. Villar  
Mariano Y. Corro,

**ON LEAVE:**

Eusebio Gerardo S. Penserga,

SP Member

**PREFATORY STATEMENT**

WHEREAS, the Sangguniang Panlungsod has original jurisdiction over administrative disciplinary cases against barangay officials within the City of Ormoc pursuant to Section 60 to 68 of RA 7160, otherwise known as the Local Government Code of 1991, in relation to Articles 124 to 132 of the Rules and Regulations Implementing the Local Government Code of 1991;

WHEREAS, the aforementioned provisions of the Local Government Code of 1991 and its Implementing Rules and Regulations on Disciplinary Actions are too general and do not provide for specific provisions on the conduct of the administrative investigation;

WHEREAS, pursuant to Section 50 of RA 7160, the Sangguniang Panlungsod (Sanggunian) has the authority to adopt its Internal Rules of Procedure and such other rules as it may deem necessary;

WHEREAS, the Sangguniang Panlungsod of Ormoc City having the disciplinary power over elective barangay officials within its territorial jurisdiction is authorized to adopt rules and regulations in the exercise thereof under Book VII of the Executive Order No. 292, otherwise known as the Administrative Code of 1987;

NOW THEREFORE, FOREGOING PREMISES CONSIDERED, on motion of SP Member Nolito M. Quilang, Chairman, Committee on Good Government, severally seconded by SP Members Tomas R. Serafica, Vincent L. Rama, Benjamin S. Pongos, Jr., Lea Doris C. Villar and Mariano Y. Corro; be it

RESOLVED, to enact:

*J*



**ORDINANCE NO. 001**

**AN ORDINANCE ESTABLISHING THE RULES OF  
PROCEDURE IN THE CONDUCT OF ADMINISTRATIVE  
INVESTIGATIONS AGAINST ELECTIVE BARANGAY  
OFFICIALS IN THE CITY OF ORMOC.**

Be it ordained by the Sangguniang Panlungsod of Ormoc City in a Regular Session assembled:

**RULE I**

**PRELIMINARY PROVISIONS**

**SECTION 1. Title** - These rules shall be known as the "Rules of Procedure in the Conduct of Administrative Investigation by the Sangguniang Panlungsod of Ormoc City."

**SECTION 2. Coverage** - These rules of procedure shall apply to administrative cases filed against any elective barangay official within the territorial jurisdiction of Ormoc City.

**SECTION 3. Rules and Interpretation** - In the interpretation of these rules of procedure, the Sanggunian shall not be strictly bound by the technical rules of evidence as found under the Rules of Court, as amended.

**SECTION 4. Disciplining Authority** - The Sanggunian as a quasi-judicial body shall be designated as the Disciplining Authority in the conduct of investigations against elective barangay officials.

**SECTION 5. Investigating Authority** - All administrative complaints duly verified against elective barangay officials shall be acted upon by the Sanggunian as the investigating authority. In the exercise of this authority, the Sanggunian may refer any and all complaints for formal investigation to its Committee on Good Government hereinafter referred to as the Committee.

**RULE II**

**GROUND FOR DISCIPLINARY ACTIONS**

**SECTION 6. Grounds for Disciplinary Actions -**

- (1) an elective barangay official may be disciplined, reprimanded, censured, suspended or removed from office after due notice of hearing on any of the following grounds:
  - 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 offense involving moral turpitude or an offense punishable by at least prison mayor;
  - e) Abuse of Authority;



- f) Unauthorized absence for fifteen (15) consecutive working days for Punong Barangays and four (4) consecutive sessions for Sangguniang Barangay Members;
  - g) Application for or acquisition of foreign citizenship or residence or the status of an immigrant of another country; and
  - h) Such other grounds as maybe provided under R.A. 7160, R.A. No. 6713, R.A. No. 3019, Civil Service Law, Revised Penal Code and all other applicable general and special laws.
- (2) An elective barangay official may only be removed from office on the ground enumerated above by order of the proper court.

### **RULE III COMPLAINT**

**SECTION 7. How initiated** – An administrative case may be initiated by any person, natural or juridical, by filing a verified sworn written complaint against any elective barangay official on the grounds enumerated under Section 6 (1), Rule II hereof. It may also be initiated motu proprio by any local government official or agency duly authorized by law to ensure that local government units (LGUs) act within their prescribed powers and functions.

The Sanggunian may also take cognizance of cases referred by the Office of the Ombudsman provided that complaints conform to the rules on initiating complaints. If the complaints are anonymous, the Sanggunian shall make the proper communication with the Ombudsman. When complaints are not anonymous but are unverified, the Sanggunian shall advise the complainant to rectify such defect by the submission of a verified complaint within fifteen (15) days from receipt of the notice.

**SECTION 8. Form of Complaint** – No complaint against any elective barangay official shall be given due course unless the same is in writing and verified under oath.

The complaint, accompanied by the affidavits of witnesses or evidences in support of the charge, shall be addressed to the Sanggunian. It shall be drawn in clear, simple, and concise language and in a 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**.

The complaint shall also contain the following:

- a) Full name and address of the complainant; the proper authority in case of a juridical entity;
- b) Full name and address of the respondent as well as his position and name of the barangay;
- c) A narration of the relevant and material facts, which shows the acts or omissions allegedly committed by the respondent. Documentary evidence and sworn statements or affidavit/s of witness/es if any, should be attached as annexes;
- d) A certification by the complainant that no other administrative action or complaint against the same party involving the same acts or omissions and issues, has been filed before any agency or administrative body performing quasi-judicial functions;

Non-compliance with the foregoing requirements shall cause the dismissal of the complaint, at the discretion of the Sanggunian.



**SECTION 9. Where to file** – Two (2) copies of the complaint plus additional copies corresponding to the number of respondent/s shall be filed with the Office of the Sanggunian Secretary, which shall be included in the reference of business on the next regular session immediately following the day of the receipt of the complaint.

A copy of the complaint may be furnished by the complainant to the Office of the City Mayor but in all cases it shall be mandatory for the complainant to furnish a copy of the complaint to the DILG.

**SECTION 10. Anonymous complaint** – The Sanggunian shall dismiss anonymous complaints for non-compliance of the requirements.

#### **RULE IV ANSWER**

**SECTION 11. Notice** – Within seven (7) days from receipt of the Complaint, the Committee shall issue an order requiring the respondent to submit his/her verified answer within non-extendible period of fifteen (15) days from the receipt thereof.

**SECTION 12. Form of Answer** - The answer must be verified, accompanied by the affidavit/s of witness/es or evidence in support of defense, and shall be addressed to the Chairman of the Committee. The answer shall be drawn in clear, simple and concise language.

**SECTION 13. Where to File Answer** – Two (2) copies of the answer shall be submitted to the Office of the Sanggunian Secretary and a copy of the same shall be furnished to the complainant or counsel, if represented by counsel.

A copy of the answer may be furnished by the respondent to the Office of the City Mayor but in all cases it shall be mandatory for the respondent to furnish copy of the answer to the DILG.

**SECTION 14. 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 his right to present evidence in his behalf. No motion shall be allowed in lieu of the answer.

#### **RULE V EVALUATION**

**SECTION 15. Evaluation.** Upon receipt of the answer, the Committee shall determine if the Complaint is sufficient in form and substance that warrants the institution of formal administrative proceedings. If there exists no prima facie case to warrant said formal proceeding, the Committee shall submit its recommendation to the Sanggunian for the *motu proprio* dismissal of the case, together with the recommended resolution and order. Otherwise, the Committee shall, within ten (10) days from the final determination that there is cause to proceed with the investigation, set the case for preliminary conference. If there exists no prima facie evidence against the respondent, the Sanggunian may *motu proprio* dismiss the case, at any rate, when the Sanggunian finds prima facie case against the respondent, it may instruct the Committee to start the formal investigation against the respondent.



## **RULE VI PREVENTIVE SUSPENSION**

**SECTION 16. Determination-** After the issues are joined, when the evidence of guilt is strong, and given the gravity of the offense, there is great probability that the continuance in office by the respondent could influence the witness/es or poses a threat to the safety and integrity of the records and other evidence, the Committee may recommend to the Sanggunian that the respondent be placed under preventive suspension which shall not extend beyond sixty (60) days; Provided, That in the event that several administrative cases are filed against the respondents, 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 17. Imposition-** Upon receipt of the resolution of the Sanggunian of preventive suspension to respondent, the city mayor shall issue the order imposing the preventive suspension to the respondent without delay.

A copy of the order duly served shall be furnished the Sanggunian, the DILG City Director, the Sangguniang Pambarangay and other relevant departments of the city for their information and appropriate action.

**SECTION 18. 90-day-ban** - No preventive suspension shall be imposed within ninety (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 the aforesaid period.

**SECTION 19. Automatic reinstatement** - Upon expiration of the preventive suspension, the suspended barangay official shall be deemed reinstated in office, without prejudice to the continuation of the proceedings against him/her, which shall be terminated within one hundred twenty (120) days from the time he/she was formally notified of the case against him/her. However, if delay in the proceeding of the case is due to his/her 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 20. Salary of respondent pending suspension** - The respondent who is preventively suspended from office, shall receive no salary or compensation during such suspension; but upon subsequent exoneration and reinstatement, he shall be paid his full salary or compensation, including such emoluments accruing during such suspension.

## **RULE VII PRELIMINARY CONFERENCE**

**SECTION 21. Preliminary Conference** - If the Sanggunian determines that there is prima facie case to warrant the institution of formal administrative proceedings, it shall, within (10) days from the date of determination of such prima facie case, summon the parties to a preliminary conference to consider the following:

- a) Whether the parties could agree on amicable settlement, the terms and conditions of which shall be subject to the approval of the Sanggunian;



- b) Whether the parties desire a formal investigation or are willing to submit the case for resolution upon submission of their respective position papers together with their documentary evidences. Should the parties agree to submit the case for resolution based on position papers, their consent must be expressed in writing;
- c) 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 affidavit/s and deposition/s, the limitation of the number of witnesses, dates of hearing, and such other matters as may in aid the prompt disposition of the case, including the reception of evidence by the Committee.

**SECTION 22. Preliminary conference brief** - The parties may submit their respective preliminary conference brief containing the matters found in the foregoing section and such other matters that will aid the Committee in the expeditious resolution of the case, at least three (3) days before the date of the scheduled preliminary conference, and a copy furnished to the other party.

**SECTION 23. Preliminary conference order** -After the preliminary conference, the Sanggunian shall issue an order reciting the matters taken up thereon, including the facts stipulated and 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 (10) days from its issuance, unless a later date is mutually agreed by the parties concerned.

**SECTION 24. Submission for resolution/decision** - The parties may agree in writing to submit the case for resolution /decision based on the result of the preliminary conference without any need for further hearings.

**SECTION 25. Presence of the parties and counsel** - The parties and their respective counsels, if represented, are required to attend the preliminary conference.

In case of the absence of the complainant and his/ her counsel, if represented, without any justifiable reason, the case shall be dismissed.

In case of the absence of the respondent and his/ her counsel, if represented, without any justifiable reason, it shall be deemed as waiver of his right to present evidence in his favor and the investigation/hearing may proceed *ex-parte*.

## **RULE VIII FORMAL INVESTIGATION**

**SECTION 26. 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 witness/es against him and to require the attendance of witness/es and the production of documents through the compulsory process of subpoena or *deuces tecum*.





**SECTION 27. Who conducts the hearing** – The conduct of preliminary conference and reception of evidence shall be conducted by the Sanggunian, without prejudice to the Sanggunian referring the reception of evidence to the Committee. If so referred to the Committee, the Sanggunian is not precluded from assuming the conduct of the investigation at any stage of the proceeding if it may deem necessary.

**SECTION 28. Power to take testimony or receive evidence and issue interlocutory orders** – The Sanggunian or the Committee, if so referred, shall take testimony or receive evidence relevant to administrative proceedings which authority shall include the power to administer oaths, summon witnesses, and require the production of documents by issuing subpoena and subpoena duces tecum pursuant to Book 1, Chapter 9, section 37 of the Administrative Code of 1987.

Anyone who, without lawful excuse, fails to appear upon summons, issued under authority of the preceding paragraph or who, appearing before the Sanggunian or Committee 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 the case of contempt of court and, upon application by the Sanggunian or Committee, shall be dealt with by the judge of the proper regional trial court in the manner provided for under Book VII, Chapter 3 Section 13, in relation to Chapter 1 Section 2(1), of the Administrative Code of 1987.

The Sanggunian or the Committee may also issue interlocutory orders.

**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 formal investigation as contemplated in this Rule shall be conducted in the Sanggunian session hall, City of Ormoc.

**SECTION 31. Request for subpoena** - If a party desires the attendance of a witness or the production of documents, he/she shall make formal request to the committee 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.

**SECTION 33. Record of the Proceedings** – The testimony of each witness and the manifestation of the parties of the counsels during an investigation shall be taken in shorthand or stenotype, tape-recorded or any other mode of recording. A transcript of the proceedings made by the official stenographer or stenotypist, and duly certified by him/her shall prima facie a correct statement of such proceedings.

The stenographer, stenotypist or any personnel assigned to record the proceedings shall immediately transcribe the same and prepare the transcript thereof without any delay.

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



All transcripts of proceedings shall be filed in a separate folder.

**SECTION 34. Order of hearing** – Unless otherwise directed by the Committee, the order of a hearing shall be as follows:

- a) The complainant shall produce the evidence on his/ her part;
- b) The respondent shall then offer evidence in support of his/ her defense; and
- c) The parties may then respectively offer rebutting evidence, unless the Sanggunian. Committee, 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 follow:

- 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.

The affidavit of the witness shall constitute his/ her direct testimony but the same must be identified and affirmed by him/her before his/her cross-examination.

The parties are required to furnish each other copies of the affidavits of their respective witness/es at least five (5) days before the scheduled hearing, unless said affidavit/s are attached to the complaint and the answer.

**SECTION 36. Termination of formal investigation**– The termination of the formal investigation of the case shall be determined by the Sanggunian within ninety (90) days from the start thereof, unless there are justifiable grounds for extension.

**SECTION 37. Memorandum** - Within fifteen (15) days after the termination of the formal investigation, the parties shall submit their respective memoranda, stating clearly and distinctly the facts and the law upon which they are based, serving each other a copy thereof. These requirements shall likewise apply to motions or applications other than the final decisions.

**SECTION 38. 90-day ban.** No formal investigation shall be conducted within ninety (90) days immediately preceding any local election.

## **RULE IX EVIDENCE**

**SECTION 39. Rules of Evidence** – In administrative disciplinary proceedings–

- a) The Sanggunian may admit and give probative value to evidence commonly accepted by reasonably prudent men 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 the 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 Sanggunian 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. In all instances, strict adherence to technical rules of evidence shall not apply.

**SECTION 40. Marking** - All documentary evidence or exhibits shall be properly marked by letters (A,B,C, etc.), if presented by the complainant, 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 be attached to the records.

**SECTION 41. Offer of evidence/exhibits**- Testimony of a witness must be offered at the time the witness is called to testify.

Documentary and object evidence shall be offered after the presentation of a party's testimonial evidence. Such offer shall be done orally unless allowed by the Committee to be done in writing.

The purpose for which the evidence is offered must be specified.

**SECTION 42. Objection** - Objection to evidence offered orally must be made immediately after the offer is made.

Objection to a question propounded in the course of the oral examination of a witness shall be made as soon as the grounds therefore shall become reasonably apparent, otherwise, the same shall be considered admitted.

An offer of evidence in writing shall be objected to within three (3) days after notice of the offer unless a different period is allowed by the Sanggunain or Committee.

In any case, the grounds for the objections must be specified.

All objections raised during the hearing shall be resolved by the Sanggunian/Committee.

The Sanggunian/ Committee shall accept all evidence deemed material and relevant to the case. In case of doubt, the Sanggunian/Committee shall allow the admission of evidence or allow the witness to answer, subject to the objection interposed against its admission.

## **RULE X REPORT OF THE COMMITTEE**

**SECTION 43. Report to the Sanggunian-** The investigation shall be terminated within ninety (90) days from the start thereof. When the reception of evidence is made before the Committee, it shall make a written report and/or submit a draft decision to the Sanggunian with its findings and recommendations, signed by at least a majority of the members thereof, 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 memoranda or after the expiration of the period for their submission. Any member who does not agree to the findings and recommendations of the Committee may submit a separate minority report for consideration by the Sanggunian.

## **RULE XI DECISION**

**SECTION 44. *Rendition of decision***- Immediately upon receipt of the report or draft of the Committee, the Sanggunian shall calendar the same for deliberation on the next regular session immediately after its receipt.

The decision shall be rendered within thirty (30) days from the date of submission for resolution. The decision shall be in writing stating clearly and distinctly the facts and reasons for such decision.

The decision shall state the concurring, dissenting, abstaining and absent members, and shall bear the signatures of the majority of all the members of the Sanggunian. Any member/s of the Sanggunian who dissents may write a separate dissenting opinion, which shall be submitted within the said 30-day period, which shall be appended to the majority decision.

The Sanggunian may, at its discretion, adopt in toto the recommendation and/or decision submitted by the Committee thru the passage of a resolution.

Copies of said decision shall immediately be furnished the complainant, respondent, the Mayor, the DILG City Director, and all interested parties after it has been signed as mentioned above.

**SECTION 45. *Required number of votes for the decision***- All decisions of the Sanggunian, be it with sanction or dismissal, shall be approved by at least a majority of all the members present.

**SECTION 46. *Finality of decision/order*** - The decisions and final orders of the Sanggunian 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, if no appeal has been made within the said period.

**SECTION 47. *Finality of decision*** - The decision of Sanggunian shall become final and executory after the lapse of thirty (30) days from the receipt of a copy thereof by the complainant or the respondent, as the case may be, unless a motion for reconsideration is filed within the said period.

## **RULE XII MOTION FOR RECONSIDERATION**

**SECTION 48. *Motion for reconsideration*** -A motion for reconsideration may be filed within the period to appeal and shall be entertained only on any of the following grounds:

- a) New evidence has been discovered which materially affects the order, or decision; or



- b) Errors of law or irregularities have been committed prejudicial to the interests of the movant.

Only one motion for reconsideration by any one party shall be allowed, and only in exceptionally meritorious cases, which shall suspend the running of the thirty (30) day reglementary period for appeals. Any motion for reconsideration shall be decided within fifteen (15) days from date of submission for resolution. No other pleading shall be allowed other than the motion for reconsideration and opposition thereto.

The motion for reconsideration shall be heard and evaluated by the body which received the evidence. If the reception of evidence was conducted by the Committee, it shall submit its recommendation with the draft resolution/order to the Sanggunian for resolution.

### **RULE XIII PENALTIES**

**SECTION 49. Reprimand, censure or suspension-** A respondent found guilty of any of the offenses enumerated in Rule 2 hereof may be meted the penalty of reprimand, censure or suspension depending on the evidence presented, the gravity of the offense, and the attendant circumstances that may be determined by the Sanggunian taking into consideration the scale of penalties as provided under the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws.

**SECTION 50. Classification of Offenses** – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

- A. The following grave offenses shall be punishable by the filing of the proper action for dismissal from the service, and/ or criminal complaints (when applicable):

1. Serious Dishonesty;
2. Gross Neglect of Duty;
3. Grave Misconduct;
4. Being Notoriously Undesirable;
5. Conviction of a crime involving moral turpitude;
6. Falsification of official document;
7. Physical or mental incapacity or disability due to immoral or vicious habits;
8. Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;
9. Contracting loans of money or other property from persons with whom the office of the official has business relations;



10. Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his/her official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his/her office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature;
  11. Nepotism; and
  12. Disloyalty to the Republic of the Philippines and to the Filipino people.
- B. The following grave offenses shall be punishable by suspension of three (3) months and one (1) day to six (6) months for the first offense:
1. Less serious dishonesty;
  2. Oppression;
  3. Disgraceful and immoral conduct;
  4. Inefficiency and incompetence in the performance of official duties;
  5. Frequent unauthorized absences, or tardiness in reporting for duty, loafing from duty during regular office hours;
  6. Refusal to perform official duty;
  7. Gross Insubordination;
  8. Conduct prejudicial to the best interest of the service;
  9. Directly or indirectly having financial and material interest in any transaction requiring the approval of his/her office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something;
  10. Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or licensed by his/her office, unless expressly allowed by law;
  11. Disclosing or misusing confidential or classified information officially known to him/her by reason of his/her office and not made available to the public, to further his/her private interests or give undue advantage to anyone, or to prejudice the public interest;
  12. Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public; and
  13. Recommending any person to any position in a private enterprise which has a regular or pending official transaction with his/her office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or as part of the function of his/ her office.
- C. The following less grave offenses are punishable by suspension of one (1) month and one (1) day suspension to three (3) months for the first offense; and suspension from service of three (3) months and one (1) day to six (6) months for the second offense:
1. Simple Neglect of Duty;
  2. Simple Misconduct;
  3. Discourtesy in the course of official duties;
  4. Violation of existing Civil Service Law and rules of serious nature;



5. Insubordination;
  6. Habitual Drunkenness;
  7. Unfair discrimination in rendering public service due to party affiliation or preference;
  8. Failure to file sworn statements of assets, liabilities and net worth, and disclosure of business interest and financial connections including those of their spouses and unmarried children under eighteen (18) years of age living in their households;
  9. Failure to resign from his/her position in the private business enterprise within thirty (30) days from assumption of public office when conflict of interest arises, and/or failure to divest himself/herself of his/her shareholdings or interest in private business enterprise within sixty (60) days from assumption of public office when conflict of interest arises; Provided, however, that for those who are already in the service and conflict of interest arises, the official or employee must either resign or divest himself/herself of said interest within the periods hereinabove provided, reckoned from the date when the conflict of interest had arisen; and
- D. The following light offenses are punishable by reprimand for the first offense and suspension of one (1) to thirty (30) days for the second offense:
1. Simple discourtesy in the course of official duties;
  2. Improper or unauthorized solicitation of contributions from subordinate employees;
  3. Violation of reasonable office rules and regulations;
  4. Frequent unauthorized tardiness (Habitual Tardiness);
  5. Gambling prohibited by law;
  6. Disgraceful, immoral or dishonest conduct prior to entering the service;
  7. Borrowing money by superior officers from subordinates;
  8. Willful failure to pay just debts or willful failure to pay taxes due to the government; The term "just debts" shall apply only to: a) Claims adjudicated by a court of law, or b) Claims the existence and justness of which are admitted by the debtor.
  9. Promoting the sale of tickets in behalf of private enterprises that are not intended for charitable or public welfare purposes and even in the latter cases, if there is no prior authority;
  10. Failure to act promptly on letters and request within fifteen (15) working days from receipt, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees;
  11. Failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees; and
  12. Failure to attend to anyone who wants to avail himself/herself of the services of the office, or act promptly and expeditiously on public transactions;





**SECTION 51. Mitigating and Aggravating Circumstances** – In the determination of the penalties to be imposed, mitigating and/ or aggravating circumstances attendant to the commission of the offense shall be considered. The following circumstances shall be appreciated:

- a. Physical illness;
- b. Good faith;
- c. Malice;
- d. Time and place of offense;
- e. Taking undue advantage of official position;
- f. Taking undue advantage of subordinate;
- g. Undue disclosure of confidential information;
- h. Use of government property in the commission of the offense;
- i. Habituality;
- j. Offense is committed during office hours and within the premises of the office or building;
- k. Employment of fraudulent means to commit or conceal the offense;
- l. First offense;
- m. Education;
- n. Length of service; or
- o. Other analogous circumstances.

In the appreciation thereof, the same must be invoked or pleaded by the proper party, otherwise, said circumstances will not be considered in the imposition of the proper penalty. The Sanggunian, however, in the interest of substantial justice may take and consider these circumstances *motu proprio*.

**SECTION 52. Manner of Imposition** – When applicable, the imposition of the penalty may be made in accordance with the manner provided herein below:

- a. The minimum of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.
- b. The medium of the penalty shall be imposed where no mitigating and aggravating circumstances are present.
- c. The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.
- d. Where aggravating and mitigating circumstances are present, paragraph [a] shall be applied where there are more mitigating circumstances present; paragraph [b] shall be applied when the circumstances equally offset each other; and paragraph [c] shall be applied when there are more aggravating circumstances.

**SECTION 53. Penalty for the Most Serious Offense** – If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.

**SECTION 54. Duration and effect of administrative penalties** – The following rules shall govern the imposition of administrative penalties:

- a. Suspension of one day or more shall be considered a gap in the continuity of service. During the period of suspension, respondent shall not be entitled to all monetary benefits including leave credits.





- b. The penalty of fine shall be in an amount not exceeding six (6) months salary of respondent. The computation thereof shall be based on the salary rate of the respondent when the decision becomes final and executory. Fines shall be paid within a period not exceeding one (1) year reckoned also from the date when decision becomes final and executory.
- c. The penalty of reprimand shall not carry with it any accessory penalty nor result in the temporary cessation of work. In the event the penalty of reprimand was imposed on appeal as a result of modification of the penalty of suspension or dismissal from service, the respondent shall be entitled to the payment of back salaries and other benefits which would have accrued during the period of his/her suspension.

#### **RULE XIV EXECUTION OF DECISION**

**SECTION 55. Execution of final decisions and orders-** The Sanggunian, through a resolution, shall endorse the decisions or final orders to the City Mayor who shall execute the same by issuing the corresponding order implementing the same. He may also deputize or call upon any government personnel to implement and carry out the said decisions or orders subject to relevant and pertinent rules and regulations.

A copy of the Order implementing the final decisions and orders of the Sanggunian shall be furnished the DILG City Director and other interested parties for their information and appropriate action.

**SECTION 56. Execution pending appeal** - An appeal shall not prevent decision from becoming executory. The respondent shall be considered as having been placed under preventive suspension during the pendency of the appeal, which should not be more than the penalty imposed. In the event the appeal results in an exoneration, he shall be paid his salary and such other emoluments during the pendency of the appeal.

#### **RULE XV ADMINISTRATIVE APPEAL**

**SECTION 57. Appeal, where made** -Decisions of the Sanggunian may, within thirty (30) days from receipt thereof, be appealed to the Office of the President.

**SECTION 58. How to appeal-** The appeal is taken by filing a notice of appeal with the Sanggunian that rendered the decision or final order appealed from. The notice of appeal shall indicate the parties to the appeal, the decision or final order appealed from, and state the material dates showing timeliness of the appeal.

A copy of the notice of appeal shall be served the adverse party and the Office of the President.

**SECTION 59. Transmittal of original record-** Within fifteen (15) days from receipt of the notice of appeal, the Sanggunian shall transmit to the Office of the President the complete original record of the case with each page consecutively numbered and initialed by the custodian of the records, together with the exhibits and transcripts, which shall be certified by such custodian as complete. A copy of the letter of transmittal of the records to the Office of the President shall be furnished the parties.



**RULE XVI  
MISCELLANEOUS PROVISIONS**

**SECTION 60. Docket or logbook** - The Sanggunian shall keep a logbook and/or docket of all administrative cases filed with it and shall assign a case number for each case in the order that they are filed, prefixed with the last two (2) digits of the year of filing, e.g., in the first case filed for the year 2016, it should be numbered as ADM. CASE NO. SP-16-\_\_\_\_\_, etc.

Important data such as date of filing, date of hearing, status of the case, e.g., when submitted for resolution, date of promulgation of decision, date when the decision becomes final, and other relevant data shall be entered in the said logbook or docket.

**SECTION 61. Custodian of the records** - The Sanggunian Secretary shall be custodian of all records pertaining to all administrative cases and shall receive all pleadings and other papers in connection thereto.

**SECTION 62. Transitory provision** - All pending administrative cases not yet decided upon the effectivity of these Rules shall be heard by the Sanggunian.

**SECTION 63. Repealing clause** - All rules and regulations and other issuances in conflict hereof, are hereby repealed.

**SECTION 64. Effectivity.** These Rules shall take effect after ten (10) days following the posting of copies hereof at the entrance of the City Hall and at the bulletin board of the Sanggunian.

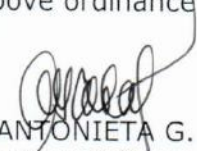
**RULE XVII  
SUPPLEMENTARY RULE**

**SECTION 65. Supplementary Rule** - The provisions of the local Government Code of 1991, Administrative Code of 1987, Rules of Court, Civil Service Rules and other relevant Rules shall apply to all matters not provided under these rules of procedures.

ENACTED, August 18, 2016.

RESOLVED, FURTHER, to furnish copies of this ordinance each to the City Mayor Richard I. Gomez; the OIC - City Administrator, Mr. Vincent L. Emnas; the Acting City Legal Officer, Atty. Marcelo C. Oñate; the City Accountant; the City Treasurer; the Head, Public Affairs Information and Assistance Division (PAIAD); the President, Liga ng mga Barangay ng Ormoc; the Regional Director, Civil Service Commission, Regional Office No. 8, thru the Civil Service Commission Field Office, Ormoc City; the OIC - City Director, DILG, Engr. Jesus Jeremy D. Bagares; and other offices concerned.

I HEREBY CERTIFY to the correctness of the above ordinance.

  
MARIA ANTONIETA G. CO HAT  
(Acting SP Secretary)  
Supervising Administrative Officer



Ord. No. 001

ATTESTED:

  
LEO CARMELO L. LOCSIN, JR.  
Vice Mayor & Presiding Officer

APPROVED:

RICHARD I. GOMEZ  
City Mayor

8-25-18  
(Date)