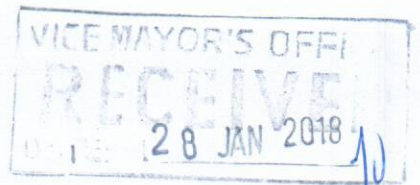


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 JANUARY 24, 2019

PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Vincent L. Rama,	SP Member, Majority Floor Leader
Mario M. Rodriguez,	SP Member, Presiding Officer "Pro-Tempore"
Benjamin S. Pongos, Jr.,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III,	SP Member
Nolito M. Quilang,	SP Member
Lea Doris C. Villar,	SP Member, Asst. Minority Floor Leader
Esteban V. Laurente,	Ex-Officio SP Member, Chapter President, Liga ng mga Barangay ng Ormoc
Jasper C. Yerro,	Ex-Officio SP Member, Chapter President, Panlungsod Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON OFFICIAL BUSINESS:

Tomas R. Serafica, (Acting City Mayor),
SP Member, Asst. Majority Floor Leader

ON LEAVE:

John Eulalio Nepomuceno O. Aparis II, SP Member
Minority Floor Leader

RESOLUTION NO. 2019-022

**A RESOLUTION DISMISSING WITHOUT PREJUDICE
ADMINISTRATIVE CASE NO. 2018-03 FILED BEFORE THE
14TH SANGGUNIANG PANLUNGSOD OF ORMOC CITY
ENTITLED: JAMES ARTHUR FIEL ET AL COMPLAINANTS -
VERSUS- HON. YOLANDO F. TOMADA ET AL,
RESPONDENTS.**

WHEREAS, the Sangguniang Panlungsod, is authorized by law to hear and decide administrative complaints filed against elected barangay officials, with power to impose appropriate sanctions or penalties;

WHEREAS, in the exercise of the power, the Sanggunian took cognizance of the Complaint, docketed as Administrative Case No. 2018-03, filed by James Arthur Fiel et al against Yolando F. Tomada et al of Barangay Mabini, Ormoc City, and constituted the body as a Committee of the Whole to hear the charges;

WHEREAS, upon perusal of the complaint, the same was bereft of any verification and filed not in accordance with Section 61 of Republic Act 7160, otherwise known as the Local Government Code (LGC) and City Ordinance 001 s 2016, which governs the form of filing of administrative complaints against erring elective officials with the concerned Sanggunian and which requires that a complaint shall be verified;

WHEREAS, an Order was sent to the Complainants on December 11, 2018 directing the same to comply with the legal requirements under Section 61 of R.A. 7160 and the City Ordinance No. 001 s 2016 particularly the submission of a verified complaint within fifteen (15) days from receipt of the said Order;

WHEREAS, the Order was duly received by the complainants on December 14, 2018;

WHEREAS, the complainants re-submitted the same complaint on December 18, 2018 but this time it was subscribed and sworn to before Atty. Aleah Rafel G. Bataan-Tolibao;

WHEREAS, during the pre-session caucus of the 14th Sanggunian on January 17, 2019, the matter was presented and discussed and the Sanggunian finds merit to dismiss the said case on the ground of non-compliance with the prescribed form required under Rule III Section 8 of the Rules of Procedure in the Conduct of Administrative Investigation by the Sangguniang Panlungsod of Ormoc City;

WHEREAS, Rule III of the Ordinance titled "Rules of Procedure in the Conduct of Administrative Investigation by the Sangguniang Panlungsod of Ormoc City" provides that:

"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. X x x

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

WHEREFORE, on motion of SP Member Nolito M. Quilang, Chairman, Committee on Good Government & Oversight, severally seconded by SP Members Vincent L. Rama, Gregorio G. Yrastorza III, Esteban V. Laurente, Jasper C. Yerro and Benjamin S. Pongos, Jr.; be it


RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION DISMISSING WITHOUT PREJUDICE ADMINISTRATIVE CASE NO. 2018-03 FILED BEFORE THE 14TH SANGGUNIANG PANLUNGSOD OF ORMOC CITY ENTITLED: JAMES ARTHUR FIEL ET AL COMPLAINANTS –VERSUS– HON. YOLANDO F. TOMADA ET AL, RESPONDENTS;

ADOPTED, January 24, 2019.


RESOLVED, FINALLY, that copies of this resolution be furnished each to the Honorable City Mayor Richard I. Gomez; the City Legal Officer, Atty. Josephine M. Romero; the OIC- CLGOO of DILG, Engr. Jeremy Bagares; the Office of the Liga ng mga Barangay ng Ormoc; Complainants, James Arthur Fiel et al; Respondents, Hon. Yolando F. Tomada et al; and other offices concerned.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above resolution.


NANCY I. LOPENA
(OIC – SP Secretary)
Local Legislative Staff Officer V

ATTESTED:


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