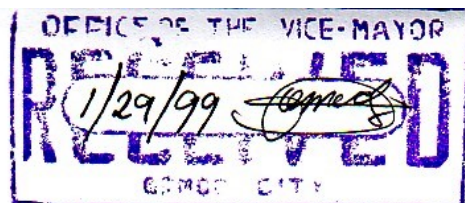




REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE EIGHTH  
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE  
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD  
BUILDING ON JANUARY 28, 1999



PRESENT:

Hon. Sotero M. Pepito,	City Councilor, Acting Presiding Officer
Hon. Nepomuceno P. Aparis I,	City Councilor, Assistant Floor Leader
Hon. Dennis Y. Capuyan,	City Councilor
Hon. Mariano Y. Corro,	City Councilor
Hon. Alfredo F. Capahi,	City Councilor
Hon. Eduardo P. Tan,	City Councilor
Hon. Jose C. Alfaro, Jr.,	City Councilor
Hon. Chiqui B. Labagala,	Ex-Officio City Councilor, SK Federation President

ABSENT:

Hon. Celso P. Adolfo,	(O.B. - Tacloban),	City Vice Mayor & Presiding Officer
Hon. Jose S. Serafica,	(O.B. - Tacloban),	City Councilor, Floor Leader
Hon. Benjamin B. Lladoc,	(Sick Leave),	City Councilor,
Hon. Claudio P. Larrazabal,	(Force Leave),	City Councilor,
Hon. Fernando P. Parrilla,	(O.B. - Tacloban),	Ex-Officio City Councilor, Chapter President, Liga ng mga Barangay ng Ormoc

RESOLUTION NO. 99-12

A RESOLUTION DECLARING RESOLUTION NO. 99, ENTITLED: "A  
RESOLUTION DESIGNATING THE CITY LEGAL OFFICER AS THE  
INVESTIGATING OFFICER IN ANY ADMINISTRATIVE COMPLAINT  
THAT MAY BE FILED AGAINST ANY ELECTED BARANGAY  
OFFICIALS, AND TO OBSERVE THE PROCEDURES AND  
REQUIREMENTS AS PROVIDED FOR IN RULE XIX, DISCIPLINARY  
ACTIONS, OF THE RULES AND REGULATIONS IMPLEMENTING THE  
LOCAL GOVERNMENT CODE OF 1991" WITHOUT FORCE AND EFFECT  
THE SAME NOT SANCTIONED BY THE LOCAL GOVERNMENT CODE OF  
1991.

WHEREAS, this august Body on October 29, 1992 passed Resolution No.  
99 entitled: "A RESOLUTION DESIGNATING THE CITY LEGAL OFFICER AS THE  
INVESTIGATING OFFICER IN ANY ADMINISTRATIVE COMPLAINT THAT MAY BE FILED  
AGAINST ANY ELECTED BARANGAY OFFICIALS, AND TO OBSERVE THE PROCEDURES  
AND REQUIREMENTS AS PROVIDED FOR IN RULE XIX, DISCIPLINARY ACTIONS, OF  
THE RULES AND REGULATIONS IMPLEMENTING THE LOCAL GOVERNMENT CODE OF  
1991" WITHOUT FORCE AND EFFECT THE SAME NOT SANCTIONED BY THE LOCAL  
GOVERNMENT CODE OF 1991" incorporating therein the basis for the passage  
thereof; (See attached photocopy of said Resolution)

WHEREAS, in a recent seminar attended by the majority of the  
members of this Sanggunian, it was learned that designating the City  
Legal Officer to conduct the investigation in any administrative  
complaint that may be filed against any elected Barangay Officials is  
not in order, as the investigation must be conducted by the Sanggunian  
concerned;



WHEREAS, Mr. Reverendo M. Dihan, MGM, CESO, in his Handbook on Local Legislation, Revised Edition, in support of the legal assertion mentioned in the next preceding paragraph, cited the following authorities, found on page 329 of aforesaid handbook -

"The investigation of the charges conducted by the committee of the municipal council is null and void. . . the investigation must be conducted by the council itself" (Crispin Carmona et al., vs. Felix Amante, 99 Phil. 7160, August 14, 1956)

"The Supreme Court has repeatedly held that administrative charges be investigated by the municipal council or city council, and that "an investigation conducted by either a member or committee thereof, is null and void, even if the council shall have approved the action and recommendation of its investigating member or committee. ." (Romulo Cuyo vs. City of Baguio, et al., 101 Phil. 558; see also Covachea vs. Amante, L-8358, May 25, 1956; Senarillos vs. Hermosissima, 100 Phil. 501; Marifosque vs. Luna, L-9095, May 25, 1957)

FOREGOING PREMISES considered, on motion of Councilor Mariano Y. Corro, Chairman, Committee on Internal Rules, jointly seconded by Councilors Chiqui B. Labagala and Alfredo F. Capahi; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution DECLARING RESOLUTION NO. 99, ENTITLED: "A RESOLUTION DESIGNATING THE CITY LEGAL OFFICER AS THE INVESTIGATING OFFICER IN ANY ADMINISTRATIVE COMPLAINT THAT MAY BE FILED AGAINST ANY ELECTED BARANGAY OFFICIALS, AND TO OBSERVE THE PROCEDURES AND REQUIREMENTS AS PROVIDED FOR IN RULE XIX, DISCIPLINARY ACTIONS, OF THE RULES AND REGULATIONS IMPLEMENTING THE LOCAL GOVERNMENT CODE OF 1991" WITHOUT FORCE AND EFFECT THE SAME NOT SANCTIONED BY THE LOCAL GOVERNMENT CODE OF 1991;

ADOPTED, January 28, 1999.


RESOLVED, FURTHER, to furnish copies of this Resolution, one each to The Honorable City Mayor, Eufrocino M. Codilla, Sr., The City Legal Officer, Atty. Cleto L. Evangelista, Jr., The DILG City Director, Mr. Rudolfo Torcende, The President of the Association of Barangay Councils, Hon. Fernando P. Parrilla, and all other Offices concerned.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

OSCAR LASAM  
Secretary to the  
Sangguniang Panlungsod

ATTESTED:

  
SOTERO M. PEPITO  
Kagawad  
Acting Presiding Officer



REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SIXTH  
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE  
PLACIDO ENECIO SESSION HALL, SANGGUNIANG PANLUNGSOD  
BUILDING ON OCTOBER 29, 1992

PRESENT:

Hon. Benjamin F. Tugonon,	Vice-Mayor & Presiding Officer
Hon. Sotero M. Pepito,	Kagawad, Majority Floor Leader
Hon. Jose B. Conejos,	Kagawad, Assistant Majority Floor Leader
Hon. Celso P. Adolfo,	Kagawad
Hon. Sixto T. Pongos,	Kagawad
Hon. Benjamin B. Lladoc,	Kagawad
Hon. Mariano Y. Corro,	Kagawad
Hon. Nestor C. Penserga,	Kagawad
Hon. Claudio P. Larrazabal,	Kagawad
Hon. Jose C. Alfaro, Jr.,	Kagawad
Hon. Alfredo F. Capahi,	Kagawad

ABSENT:

N o n e .

RESOLUTION NO. 99

A RESOLUTION DESIGNATING THE CITY LEGAL OFFICER AS THE INVESTIGATING OFFICER IN ANY ADMINISTRATIVE COMPLAINT THAT MAY BE FILED AGAINST ANY ELECTED BARANGAY OFFICIALS, AND TO OBSERVE THE PROCEDURES AND REQUIREMENTS AS PROVIDED FOR IN RULE XIX, DISCIPLINARY ACTIONS, OF THE RULES AND REGULATIONS IMPLEMENTING THE LOCAL GOVERNMENT CODE OF 1991.

WHEREAS, administrative complaints against elective barangay officials are lodged with the Sangguniang Panlungsod, as provided for in Article 125, paragraph (c) of the Rules and Regulations Implementing the Local Government Code of 1991;

WHEREAS, the investigation of the administrative complaint can be assigned to another person or persons by the Sanggunian as can be inferred from Article 126, paragraph (a) subparagraph (2) of the aforesaid Rules and Regulations Implementing the Local Government Code of 1991;

WHEREAS, the Legal Officer can investigate, or cause to be investigated any local official or employee for administrative neglect or misconduct in office, and recommends appropriate action to the governor, mayor or sanggunian as the case may be, as provided for in Article 122, paragraph (k) subparagraph (vi) of the same Rules and Regulations Implementing the Local Government Code of 1991;

NOW, THEREFORE, on motion of Kagawad Mariano Y. Corro, Chairman, Committee on Laws and Ordinances, duly seconded by Kagawad Benjamin B. Lladoc; be it

RESOLVED, to designate the City Legal Officer as the Investigating Officer in any administrative complaint that may be filed against any elected barangay officials, and to observe the procedures and requirements as provided for in Rule XIX, Disciplinary Action, of the Rules and Regulations Implementing the Local Government Code of 1991;



Res. No. 99

ENACTED, October 29, 1992.

RESOLVED, FURTHER, to furnish copies of this Resolution each to His Honor, the City Mayor, the DILG-ADOO Officer, the City Legal Officer, the City Administrator and others concerned;

CARRIED, by nine (9) affirmative votes and one (1) abstention registered by Kagawad Celso P. Adolfo.

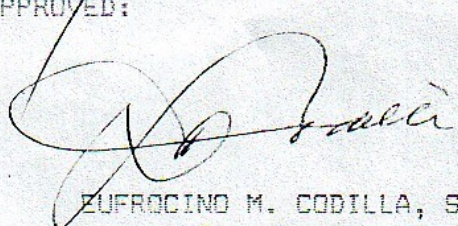
I HEREBY CERTIFY to the correctness of the foregoing resolution.

  
BENJAMIN D. TUGONON  
Vice-Mayor & Presiding Officer

ATTESTED:

  
OSCAR L. LAGAN  
City Secretary

APPROVED:

  
EUFROCINO M. CODILLA, SR.  
City Mayor

/magch'92  
/dsk:R92-2(NEW)