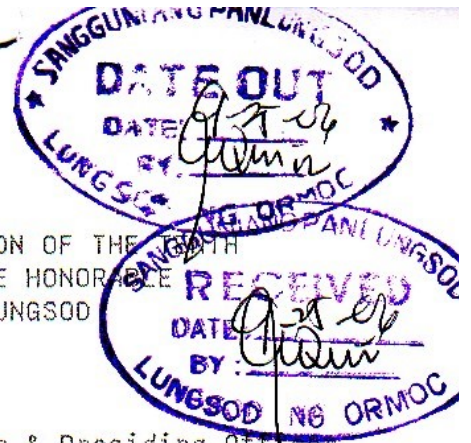


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE 16TH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON SEPTEMBER 21, 2006

PRESENT:

Hon. Nepomuceno P. Aparis I, Vice Mayor & Presiding Officer
Hon. Manuel T. Fiel, City Councilor, Assist. Minority Floor Leader
Hon. Eduardo P. Tan, City Councilor
Hon. Claudio P. Larrazabal, City Councilor, Majority Floor Leader
Hon. Mariano Y. Corro, City Councilor
Hon. Gregorio A. Yrastorza, Jr. City Councilor
Hon. Sotero M. Pepito, City Councilor
Hon. Ruben R. Capahi, City Councilor
Hon. Cheryl A. Arcuino, Ex-Officio City Councilor,
SK Federation President

ABSENT:

Hon. Jose S. Serafica, (Sick Leave), City Councilor,
Minority Floor Leader
Hon. Fe S. Lladoc, (Sick Leave), City Councilor
Hon. Jose C. Alfaro, Jr., (O.B. - Tacloban), City Councilor
Hon. Emeterio Y. Larrazabal, Jr., (Sick Leave), Ex-Officio
City Councilor, Chapter President, Liga ng mga Barangay ng Ormoc

RESOLUTION NO. 2006-202

A RESOLUTION APPROVING AND ADOPTING THE RULES OF
PROCEDURE IN ADMINISTRATIVE PROCEEDINGS OF THE
SANGGUNIANG PANLUNGSOD NG ORMOC.

WHEREAS, in conformity with the provisions of Sec. 61 subsection C
of R.A. 7160 otherwise known as Local Government Code of 1991 which is
quoted hereunder as follows:

"SEC 61. Form and Filing of Administrative Complaints. A
verified complaint against erring local elective official shall be
prepared as follows:

- a) X X X
- b) X X X
- c) A complaint against any elective barangay Official shall
be filed before the Sangguniang Panlungsod or Sangguniang
Bayan concerned whose decision shall be final and
executory."

The Honorable Sangguniang Panlungsod ng Ormoc, through a MASS
MOTION of the Body; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to approve and adopt the Rules
of Procedure in Administrative Proceedings of the Sangguniang Panlungsod
ng Ormoc;

SANGGUNIANG PANLUNGSOD NG ORMOC
RULES OF PROCEDURE
IN ADMINISTRATIVE PROCEEDINGS

Pursuant to subsection C of Section 61 of the Local Government Code empowering the Sangguniang Panlungsod to discipline, suspend, or removed from office any elective barangay official, the Sangguniang Panlungsod ng Ormoc hereby promulgates the following rules governing administrative investigations before it.

RULE I - TITLE

Section 1. Title of the Rules - These rules shall be known and cited as the SANGGUNIANG PANLUNGSOD RULES OF PROCEDURE IN ADMINISTRATIVE PROCEEDINGS.

Section 2. Meaning of Words - Whenever used in these Rules, the following words or terms shall mean:

- (a) Sanggunian - the Sangguniang Panlungsod ng Ormoc
- (b) Chairman - the Vice Mayor and Presiding Officer of the Sangguniang Panlungsod ng Ormoc
- (c) Member - the Member of the Sangguniang Panlungsod ng Ormoc

RULE II - POWERS OF THE SANGGUNIANG PANLUNGSOD

Section 1. Powers of the Sanggunian, in the conduct of administrative investigations, the Sanggunian shall have the power to:

- (a) Enforce order in proceedings before it;
- (b) Compel obedience to its judgments, orders and processes;
- (c) Compel the attendance of persons to testify in a case pending before it;

Section 2. Powers and Duties of the Chairman. The powers and duties of the Chairman when discharging his function in administrative investigations before the Sanggunian are as follows:

- (a) To issue calls for the sessions of the Sanggunian;
- (b) To preside over the sessions of the Sanggunian;
- (c) to designate any of the Sanggunian Member to preside sessions of the Sanggunian in the event of his absence, disqualification or inhibition;
- (d) To preserve order and decorum during the session;
- (e) To decide all questions of order with the conformity of the majority of the Sanggunian Members;
- (f) To sign interlocutory resolutions, orders or rulings of the Sanggunian;
- (g) To enforce orders, resolutions, and decisions of the Sanggunian;
- (h) to take such other measures as he may deem proper upon consultation with the other members of the Sanggunian;
- (i) To exercise such other powers as are vested upon him by law or by specific provisions of these Rules;

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RULE III - HOW THE SANGGUNIAN TRANSACT BUSINESS

Section 1. How business is transacted - in the exercise of its powers, functions, and duties, the Sanggunian shall sit EN BANC to hear and decide administrative cases before it.

Section 2. Quorum; votes required - Seven (7) Members of the Sanggunian shall constitute a quorum for the purpose of transacting business. The concurrence of at least seven (7) Members of the Sanggunian shall be necessary for the pronouncement of a decision, resolution, order or ruling.

Section 3. Sessions - The Sanggunian shall hold session on such days and time immediately after the regular session of the Sanggunian.

RULE IV - DISQUALIFICATION AND INHIBITION

Section 1. Disqualification or inhibition of Member; (a) No member shall sit in any case in which he or his spouse or child is related to any party within the fourth civil degree of consanguinity or affinity, or to the counsel of any of parties within the fourth civil degree of consanguinity or affinity, or in which he has publicly expressed prejudgment as may be shown by convincing proof.

(b) If it be claimed that a Member is disqualified from sitting as above provided, the party raising the same may, in writing, file his objection with the Sanggunian, stating the grounds therefore. The Member concerned shall either continue to participate in the hearing or withdraw therefrom, in accordance with his determination of the question of his disqualification.

(c) A Member may, in the exercise of his sound discretion, inhibit himself from sitting in a case for just or valid reasons other than those mentioned above.

RULE V - SERVICE AND FILING OF COMPLAINT

Section 1. Filing of complaint - The filing of verified complaint under oath shall be made by filing the same personally or through a duly authorized representative with the Secretary to the Sanggunian. The latter shall stamp on the complaint the date and hour of filing. The complaint shall consist of fourteen (14) copies.

Section 2. Issuance of Summons - Within SEVEN (7) DAYS after the administrative complaint is filed, the Secretary to the Sanggunian shall issue the corresponding summons to the respondent/s attaching thereto a copy of the complaint, directing the latter within FIFTEEN (15) DAYS from receipt to file his/her answer. The summons may be served by personal service by any person especially authorized by the Sanggunian.

RULE VI - PRE - TRIAL

Section 1. Pre-trial conference - Before conducting the hearing, the Sanggunian shall call the parties to a preliminary conference to consider.

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- (a) The simplification of issues;
- (b) The possibility of obtaining admission of facts and of documents to avoid unnecessary proof;
- (c) The limitation of the number of witnesses, and
- (d) Such other matters as may aid in the prompt disposition of the action or hearing.

RULE VII - SUBPOENA

Section 1. Subpoena ad testificandum or Subpoena duces tecum. Subpoena ad testificandum or Subpoena duces tecum may be issued by the Sanggunian motu proprio, or upon request of the parties to the case.

Section 2. Form and Content. - A subpoena shall be signed by the City Secretary concerned. It shall state the title of the action; it shall be directed to the person whose attendance is required; and in the case of subpoena duces tecum, it shall also contain a reasonable description of the books, documents or things demanded which may appear prima facie relevant;

RULE VIII - HEARINGS

Section 1. Notice of Hearing - After receipt of the answer of the respondent/s, the case shall be set for hearing within TEN (10) DAYS from receipt thereof and the parties and their counsel, shall be served, personally, of the notice of hearing.

Section 2. Procedure of hearing - The hearing shall be summary in nature. The affidavits submitted by the parties shall constitute the direct testimonies of the witnesses who executed the same. Witnesses who testified may be subjected to cross-examination, redirect or re-cross examination. Should the affiant fails to testify, his affidavit shall not be considered as competent evidence for the party presenting the affidavit, but the adverse party may utilize the same for any admissible purpose.

RULE IX - DECISIONS

Section 1. When case deemed submitted for decision - A case is deemed submitted for decision upon the filing of brief, memorandum or position paper as required by the Sanggunian.

Section 2. Procedure in making the decisions - The conclusions of the Sanggunian in any case submitted to it for decision shall be reached in consultation before it. Every decision shall express therein clearly and distinctly the facts and law on which it is based. Any member who took no part, or dissented, or abstained from a decision or resolution must state the reason therefore.

RULE X - EFFECTIVITY

Section 1. Transitory Provision - These rules shall govern all cases brought after they take effect and those which are pending.

Section 2. Effectivity. These Rules shall take effect upon approval by the Sangguniang Panlungsod.



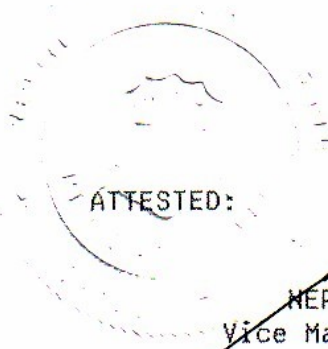
Res. No. 2006-202

ADOPTED, September 21, 2006.

RESOLVED, FURTHER, to furnish copies of this resolution each to His Honor, the City Mayor, the Honorable Vice Mayor & Presiding Officer, the Floor Leader, all other City Councilors of this Sanggunian, -all in Ormoc City;


CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.



ATTESTED:


NEPOMUCENO P. APARIS I
Vice Mayor & Presiding Officer


MA. ANTONIETA G. CO HAT
OIC (- Secretary to the
Sangguniang Pambunlungsod
(Loc. Leg. Staff Officer II)