

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
THIRTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON DECEMBER 21, 2015 IN LIEU OF
DECEMBER 24, 2015

PRESENT:

Hon. Rolando M. Villasencio,	(Acting City Vice Mayor & Presiding Officer),
	SP Member, Majority Floor Leader
Hon. Tomas R. Serafica,	(Acting Majority Floor Leader),
	SP Member, Asst. Majority Floor Leader
Hon. Mario M. Rodriguez	SP Member, Presiding Officer "Pro-Tempore"
Hon. Ruben R. Capahi,	SP Member, Asst. Minority Floor Leader
Hon. Benjamin S. Pongos, Jr.,	SP Member
Hon. Antonio M. Codilla,	SP Member
Hon. Vincent L. Rama,	SP Member
Hon. Pedro Godiardo P. Ebcas,	SP Member
Hon. Eusebio Gerardo S. Penserga,	SP Member
Hon. John Eulalio Nepomuceno O. Aparis II,	SP Member
Hon. Mariano Y. Corro,	Ex-Officio SP Member
	Chapter President, Liga ng mga Barangay ng Ormoc

ON LEAVE:

Hon. Leo Carmelo L. Locsin, Jr.	Vice Mayor & Presiding Officer
---------------------------------	--------------------------------

RESOLUTION NO. 2015-248

A RESOLUTION FINDING NO CAUSE OF ACTION OR LEGAL BASIS FOR THE FILING OF AN ADMINISTRATIVE CASE OF SIMPLE NEGLIGENCE OF DUTY AGAINST THE ATTY. DEMOSTHENES F. TUGONON, PUNONG BARANGAY OF BARANGAY COGON, ORMOC CITY, RELATIVE TO A RECOMMENDATION BY THE OFFICE OF THE OMBUDSMAN-VISAYAS.

WHEREAS, on October 1, 2015 the Thirteenth Sangguniang Panlungsod ng Ormoc was in receipt of a communication dated June 16, 2015 from the Honorable Paul Elmer M. Clemente, Deputy Ombudsman for the Visayas, recommending for the filing of an Administrative Case against the Honorable Demosthenes F. Tugonon, Punong Barangay of Barangay Cogon, this city, for Simple Neglect of Duty in connection with his failure to observe COA Rules and Regulations pertaining to the proper use of government vehicles;

WHEREAS, the recommendation which was in the nature of a referral was made by the Honorable Clemente pursuant to Section 15(3) of Republic Act No. 6770, otherwise known as the Ombudsman Act of 1989, and in view of this Sanggunian's authority to conduct administrative investigations against elective barangay officials within its jurisdiction as provided for by Republic Act No. 7160, otherwise known as the Local Government Code of 1991;

Res. No. 2015-248

WHEREAS, the recommendation was made pursuant to a fact-finding investigation conducted by the Office of the Ombudsman for the Visayas, Regional Office No. VIII, Tacloban City, whereby a finding made by Mr. Julius N. Oballo, Associate Graft Investigation Officer I, in thru an Affidavit dated July 1, 2015 engendered an honest belief that there is reasonable ground for the filing of an administrative case for Simple Neglect of Duty against ATTY. Demosthenes F. Tugonon, Punong Barangay of Barangay Cogon, Ormoc City;

WHEREAS, the Affidavit narrated that during an operation conducted by the Oplan Red Plate Task Force of the aforementioned Office of the Ombudsman in the Cities of Baybay and Ormoc sometime on August 26, 2013 by virtue of an Office Special Order (OSO) No. 08-29, Series of 2013 dated August 13, 2013 issued by then Deputy Ombudsman Pelagio S. Apostol, the same resulted to a certain Blue Isuzu Truck with Plate No. SH 389 reportedly owned by the Barangay Local Government Unit of Barangay Cogon being flagged down by the Task Force and it was later learned that said use of the government vehicle was without the required trip ticket, thus engendering the prima facie evidence that Atty. Tugonon allowed the improper use of the said government vehicle, and therefore violated Administrative Order No. 239 which prohibits the use of government vehicles for purposes other than official business, and COA Circular No. 75-6 dated November 7, 1975 which also regulates the use of government motor vehicles;

WHEREAS, this Sanggunian sought Atty. Tugonon's comments to the said charges against him, and the latter thru a letter dated November 12, 2015 sent to this Sanggunian basically averred that:

- 1) The subject incident on August 26, 2013 happened during the incumbency of his predecessor then Barangay Cogon Punong Barangay Nilda M. Dejan as he assumed office as the duly-elected Punong Barangay of Cogon only on December 1, 2013; and,
- 2) Additionally, he proffered an explanation that the driver may have forgotten to bring required trip ticket because their vehicles have trip tickets for all travels, and unfortunately, despite efforts, their copies of trip tickets during that year could no longer be located as Supertyphoon Yolanda badly damaged their barangay hall and consequently caused the loss of papers, the subject trip ticket among them;

WHEREAS, upon careful evaluation and consideration of the attendant circumstances of the instant case, this Sanggunian finds that there is no cause of action or legal basis to file an administrative case for Simple Neglect of Duty against Atty. Tugonon as he was not the Punong Barangay of Barangay Cogon during the subject incident;

WHEREFORE, on motion presented by the Honorable SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Good Government, severally seconded by the Honorable Members Tomas R. Serafica, Antonio M. Codilla, Vincent L. Rama, Pedro Godiardo P. Ebcas, John Eulalio Nepomuceno O. Aparis II and Mariano Y. Corro; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a RESOLUTION FINDING NO CAUSE OF ACTION OR LEGAL BASIS FOR THE FILING OF AN ADMINISTRATIVE CASE OF SIMPLE NEGLECT OF DUTY AGAINST THE ATTY. DEMOSTHENES F. TUGONON, PUNONG BARANGAY OF BARANGAY COGON, ORMOC CITY, RELATIVE TO A RECOMMENDATION BY THE OFFICE OF THE OMBUDSMAN- VISAYAS;

ADOPTED, December 21, 2015.

Res. No. 2015-248

RESOLVED FURTHER, that a copy of this resolution together with the pertinent documents submitted by Punong Barangay Tugonon be furnished to the Office of the Ombudsman-Visayas for their information and guidance.

RESOLVED, FINALLY, that copies of this resolution be also furnished each to the Honorable City Mayor Edward C. Codilla, the City Administrator, the City Legal Officer, the City Director- DILG, Ms. Lucia C. Ong, the Honorable Punong Barangay of Cogon, Atty. Demosthenes F. Tugonon, and other offices concerned.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

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

ATTESTED:

ROLANDO M. VILLASENCIO
(Acting City Vice Mayor & Presiding Officer)
Majority Floor Leader
SP Member