

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 MARCH 03, 2016



PRESENT:

Hon. Leo Carmelo L. Locsin, Jr.	Vice Mayor & Presiding Officer
Hon. Rolando M. Villasencio,	SP Member, Majority Floor Leader
Hon. Tomas R. Serafica,	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

RESOLUTION NO. 2016-031

A RESOLUTION DENYING AND DISMISSING, FOR LACK OF MERIT, THE "URGENT MOTION FOR CLARIFICATION AND RECONSIDERATION" DATED JANUARY 26, 2016 FILED BY RESPONDENT PUNONG BARANGAY ISAGANI R. BAÑEZ OF BARANGAY TONGONAN, ORMOC CITY, RELATIVE TO THE DECISION DATED JANUARY 21, 2016 CONTAINED IN ORMOC CITY SANGGUNIANG PANLUNGSOD RESOLUTION NO. 2016-004 ON ADMINISTRATIVE CASE NO. 2015-01, ENTITLED: MYLANE V. BARQUERA, COMPLAINANT, VS. ISAGANI R. BAÑEZ, RESPONDENT.

WHEREAS, this august Body was in receipt of an "Urgent Motion for Clarification and Reconsideration" dated January 26, 2016 filed by Respondent Isagani R. Bañez, Punong Barangay of Barangay Tongonan, Ormoc City, relative to a Decision dated January 21, 2016 contained in Ormoc City SP Resolution No. 2016-004 entitled: "A RESOLUTION FINDING MERITORIOUS, ON THE BASIS OF SUBSTANTIAL EVIDENCE, THE ADMINISTRATIVE COMPLAINT FILED BY MYLANE V. BARQUERA AGAINST PUNONG BARANGAY ISAGANI R. BAÑEZ OF BARANGAY TONGONAN, ORMOC CITY, FOR THE COMMISSION OF ACTS CONSTITUTING THE ADMINISTRATIVE OFFENSE OF CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE IN ADMINISTRATIVE CASE NO. 2015-01, ENTITLED: MYLANE V. BARQUERA, Complainant, VS. ISAGANI R. BAÑEZ, Respondent, THEREBY, IMPOSING THE PENALTY OF THREE (3) MONTHS OF SUSPENSION FROM OFFICE";

WHEREAS, said Motion sought to set aside and reverse this august Body's subject Decision which had found against Respondent and additionally, to dismiss the administrative case against him;

WHEREAS, Respondent had filed two supplemental pleadings relative to his prior Motion entitled, respectively, Supplemental Motion (Re: Urgent Motion for Clarification and Reconsideration) and Second Supplemental Motion (Re: Urgent Motion for Clarification and Reconsideration) dated February 11, 2016 and February 18, 2016;

WHEREAS, said administrative complaint was filed pursuant to the authority and powers vested on this Sanggunian by Section 61 (c) of the LGC to hear and decide administrative cases filed before it against elective barangay officials within its jurisdiction;

WHEREAS, after a thorough and objective evaluation by this Sanggunian of Respondent's aforementioned Motions, particularly the issues and arguments found and raised thereon, there is a clear determination by this Body that the same are sorely lacking of substantial merit to cause a reversal of this Body's Decision and deserve the dismissal of the administrative case herein (a copy of Order relative to the said Respondent's Motions is attached herein and made an integral part hereof);

WHEREAS, this Resolution affirms the said Order without any note of reservation or expression of dissent to the findings therein and likewise, it effectively formalizes the same as the judgment of this Sanggunian, thus causing the disposition of said administrative case with finality at this stage, this notwithstanding the fact that Respondent had prematurely filed before the Office of the President an Appeal dated January 24, 2016 of this Body's subject Decision;

WHEREFORE, on motion of the Honorable SP Member Benjamin S. Pongos Jr., Chairman, Committee on Good Government, duly seconded by the Honorable SP Member Tomas R. Serafica; be it

RESOLVED AS IT IS HEREBY RESOLVED, to pass *A RESOLUTION DENYING AND DISMISSING, FOR LACK OF MERIT, THE "URGENT MOTION FOR CLARIFICATION AND RECONSIDERATION" DATED JANUARY 26, 2016 FILED BY RESPONDENT PUNONG BARANGAY ISAGANI R. BAÑEZ OF BARANGAY TONGONAN, ORMOC CITY, RELATIVE TO THE DECISION DATED JANUARY 21, 2016 CONTAINED IN ORMOC CITY SANGGUNIANG PANLUNGSOD RESOLUTION NO. 2016-004 ON ADMINISTRATIVE CASE NO. 2015-01, ENTITLED: MYLANE V. BARQUERA, COMPLAINANT, VS. ISAGANI R. BAÑEZ, RESPONDENT;*

ADOPTED, March 03, 2016.


RESOLVED, FURTHER, to furnish copies of this Resolution each to His Honor, the City Mayor of Ormoc Edward C. Codilla, the City Legal Officer, the DILG-City Director, Ms. Lucia C. Ong, the Office of the Liga Ng Mga Barangay ng Ormoc, to the parties of herein administrative case, and to other offices concerned;

RESOLVED, FINALLY, that in view of Commission on Elections Resolution No. 10030 promulgated on December 22, 2015, requiring prior approval of said Body before impositions of suspensions against elective barangay officials from January 10, 2016 to June 8, 2016 can be had, said approval must first be immediately applied for and obtained by this Sanggunian before the Honorable City Mayor, as disciplining authority, can immediately implement the penalty imposed in this Resolution to the concerned barangay official;

CARRIED by Six (6) Affirmative Votes with Five (5) Votes Against registered by the Honorable SP Members Mariano Y. Corro, John Eulalio Nepomuceno O. Aparis II, Antonio M. Codilla and Ruben R. Capahi and Pedro Godiardo P. Ebcas.

Res. No. 2016-031

I HEREBY CERTIFY to the correctness of the foregoing resolution.


JOEL S. DUERO
Secretary to the
Sangguniang Panlungsod

ATTESTED:


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