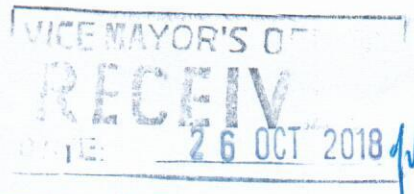




REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 OCTOBER 25, 2018

PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Vincent L. Rama,	SP Member, Majority Floor Leader
Benjamin S. Pongos, Jr.,	SP Member
Gregorio G. Yrastorza III,	SP Member
Nolito M. Quilang,	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
	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:

Mario M. Rodriguez,	SP Member, Presiding Officer "Pro-Tempore"
Eusebio Gerardo S. Penserga,	SP Member
Lea Doris C. Villar,	SP Member, Asst. Minority Floor Leader

RESOLUTION NO. 2018-265

**A RESOLUTION APPROVING THE DISMISSAL OF THE
ADMINISTRATIVE CASE NO. 2018-01 FILED BEFORE
THE 14TH SANGGUNIANG PANLUNGSOD OF ORMOC
CITY ENTITLED: JULIUS MATUGUINA AS
COMPLAINANT -VERSUS- RAFAEL TANEO AS
RESPONDENT.**

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. 2018-01, filed by Julius Matuguina against Rafael Taneo of Barangay Naungan, 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), 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 Complainant on April 5, 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 to submit a verified complaint within fifteen (15) days from receipt of the said Order;

WHEREAS, the Order was duly received by the Complainant through his wife on April 6, 2018;

WHEREAS, the Complainant through his wife filed a Motion to Extend Period To Submit Verified Complaint on April 18, 2018 requesting that he be given until May 15, 2018 to submit a verified complaint because he is out of the country and the motion was granted on April 26, 2018;

WHEREAS, the Complainant submitted photocopy of his verified complaint duly received by the Office of the Committee Chairman on May 9, 2018;

WHEREAS, the respondent, who did not win in the May 2018 elections, ended his term as Punong Barangay on June 30, 2018;

WHEREAS, DILG Region 8 rendered an opinion dated October 8, 2018 recommending that the aforementioned administrative case be dismissed for having become moot and academic simply because any decision of the Sanggunian on the aforesaid administrative complaint has no practical value or use and that administrative complaints/cases pending or unresolved before the local Sanggunian during the 90-day prohibition period prior to the May 14, 2018 Barangay and SK Elections shall be terminated as a matter of due course by the application of Section 62 letter (c) of the Local Government Code of 1991 which says, "no investigation shall be held within ninety (90) days immediately prior to any local election, and no preventive suspension shall be imposed within the said period;

WHEREAS, the aforesaid DILG opinion also mentioned that the Sangguniang Panlungsod of Ormoc City no longer has jurisdiction to hear and decide the aforesaid administrative case simply because the accused is no longer an incumbent elective barangay official after noontime of June 30, 2018;

WHEREAS, the Committee of the Whole agrees with the opinion of the DILG and finds the dismissal proper and meritorious considering that a case against a barangay official who ceases to be such, is deemed moot and academic;

WHEREFORE, on motion of SP Member Nolito M. Quilang, Chairman, Committee on Good Government, severally seconded by SP Members John Eulalio Nepomuceno O. Aparis II, Esteban V. Laurente, Jasper C. Yerro and Gregorio G. Yrastorza III; be it

RESOLVED AS IT IS HEREBY RESOLVED, to pass A RESOLUTION APPROVING THE DISMISSAL OF THE ADMINISTRATIVE CASE NO. 2018-01 FILED BEFORE THE 14TH SANGGUNIANG PANLUNGSOD OF ORMOC CITY ENTITLED: JULIUS MATUGUINA AS COMPLAINANT -VERSUS- RAFAEL Taneo AS RESPONDENT;

ADOPTED, October 25, 2018.

RESOLVED, FINALLY, that copies of this resolution be furnished each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the Office of the Liga ng mga Barangay ng Ormoc; the Complainant; the Respondent; the OIC-City Director, DILG; and other offices concerned.

CARRIED UNANIMOUSLY.



I HEREBY CERTIFY to the correctness of the above resolution.


MARIA ANTONIETA G. CO HAT
(OIC - SP Secretary)
Supervising Administrative Officer


ATTESTED:


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

Julius Matuguing
Complainant


Oct 30, 2018

Rafael Taneo
Respondent


10-30-2018