

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 NOVEMBER 29, 2018

PRESENT:

Leo Carmelo L. Locsin, Jr.	(Excused), City Vice Mayor & Presiding Officer
Mario M. Rodriguez,	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	SP Member, Asst. Majority Floor Leader
Benjamin S. Pongos, Jr.,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III,	SP Member
Nolito M. Quilang,	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Lea Doris C. Villar,	SP Member, Asst. 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:

Vincent L. Rama, (Acting City Mayor),
SP Member, Majority Floor Leader

RESOLUTION NO. 2018-304

**A RESOLUTION DISMISSING THE ADMINISTRATIVE
CASE NO. 2016- 04 FILED BEFORE THE 14TH
SANGGUNIANG PANLUNGSOD OF ORMOC CITY
ENTITLED: CARLOTA M. OYANGGOREN AS
COMPLAINANT -VERSUS- EDUARDO PADILLA AS
RESPONDENT.**

WHEREAS, the Sangguniang Panlungsod is authorized by law to hear and decide administrative complaints filed against barangay elective officials, with power to impose appropriate sanctions or penalties;

WHEREAS, in exercise of the power, the Sanggunian took cognizance over the complaint filed by Carlota M. Oyanggoren against Eduardo Padilla, Punong Barangay of Barangay Lake Danao, Ormoc City for administrative liability of grave misconduct, dishonesty, graft and corruption and conduct unbecoming a public official. The complaint was docketed as Administrative Case No. 2016-04;

WHEREAS, the complaint was filed on February 3, 2016 through an Affidavit Complaint and after two motions for extension granted on the respondent, the latter filed his answer on March 21, 2016;

WHEREAS, on September 29, 2016, the newly constituted Committee of the Whole held a hearing on the case and the parties were directed to submit manifestation on whether they are willing to submit the case for mediation;

WHEREAS, prompted by the complainant's manifestation that she is not interested in submitting the case for mediation, the Committee of the Whole scheduled the Preliminary Conference on November 10, 2016;

WHEREAS, the Committee granted the motion of the complainant that she be given ample time to secure the services of a counsel and postpone the preliminary conference to January 12, 2017 which was further postponed to February 16, 2017 upon the request of the respondent that he would be given additional time to secure the services of a counsel;

WHEREAS, on February 10, 2017 the respondent filed a Motion to Dismiss motu proprio for lack of merit and this prompted the Committee to direct the complainant to file her comments within 10 days from receipt of the said Motion to Dismiss;

WHEREAS, on April 6, 2017, the Committee of the Whole denied the Motion to Dismiss filed by the respondent and set the continuation of the Preliminary Conference on May 4, 2017 which was further rescheduled on August 3, 2017 upon the instance of the parties that they be given period to submit manifestation if they opt for formal investigation or submit position papers;

WHEREAS, upon the motion of the respondent without objection from the complainant, the Committee postponed the Preliminary Conference to October 5, 2017 and again postponed to October 26, 2017 because of the urgent travel of many members of the Committee;

WHEREAS, on October 26, 2017, the Preliminary Conference was concluded and the trial was scheduled on November 23, 2017 which was later cancelled because of the travel of some members of the Committee and was reset to December 14, 2017 which was again postponed to January 25, 2018 upon the motion of the complainant with no objection from the respondent;

WHEREAS, on January 25, 2018 until February 1, 2018, the complainant presented her witnesses and with the Motion to Dismiss by Demurrer to Evidence denied, the respondent presented witnesses on March 26, 2018 and April 12, 2018;

WHEREAS, parties submitted their respective position papers on April 30, 2018 and the Committee resolved to deny the Motion to Cease and Desist the Hearing of the Case on June 14, 2018 and submitted the case for decision on July 10, 2018;

WHEREAS, the Sanggunian, in a Pre-Session Caucus dated September 6, 2018 where the draft decision was presented and discussed, agreed to send a query to DILG on the implication of the barangay elections on the status of the case. 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 respondent is no longer an incumbent elective barangay official after noontime of June 30, 2018;

WHEREAS, the Committee of the Whole subscribed to the opinion of the DILG and finds the dismissal proper and in order;

WHEREFORE, on motion of SP Member Nolito M. Quilang, Chairman, Committee on Good Government and Oversight, severally seconded by SP Members Tomas R. Serafica, Benjamin S. Pongos, Jr., Eusebio Gerardo S. Penserga, Gregorio G. Yrastorza III, Lea Doris C. Villar and John Eulalio Nepomuceno O. Aparis II; be it

RESOLVED as it is hereby resolved to pass A RESOLUTION APPROVING THE DISMISSAL OF THE ADMINISTRATIVE CASE NO. 2016- 04 FILED BEFORE THE 14TH SANGGUNIANG PANLUNGSOD OF ORMOC CITY ENTITLED: CARLOTA M. OYANGGOREN AS COMPLAINANT -VERSUS- EDUARDO PADILLA AS RESPONDENT.

ADOPTED, November 29, 2018.


RESOLVED, FINALLY, that copies of this resolution be furnished each to the City Mayor Richard I. Gomez; the OIC-City Director, DILG, Engr. Jeremy Bagares; the Office of the Liga ng mga Barangay ng Ormoc; the Complainant, Ms. Carlota M. Oyanggoren; the Respondent, Mr. Eduardo Padilla and other offices concerned.


CARRIED UNANIMOUSLY.

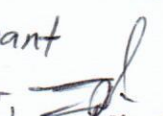
I HEREBY CERTIFY to the correctness of the above resolution.


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

ATTESTED:


MARIO M. RODRIGUEZ
Presiding Officer "Pro-Tempore"
SP Member


CARLOTA M. OYANGGOREN
Complainant


EDUARDO PADILLA
Respondent