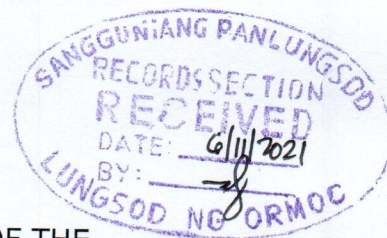


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON JUNE 08, 2021

PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Benjamin S. Pongos, Jr.,	SP Member, Majority Floor Leader
Roiland H. Villasencio,	SP Member, 1 st Asst. Majority Floor Leader
Tomas R. Serafica,	SP Member, Presiding Officer "Pro-Tempore"
Eusebio Gerardo S. Penserga,	SP Member
Jasper M. Lucero,	SP Member
Peter M. Rodriguez,	SP Member
Joan Marbie C. Simbajon,	Ex-Officio SP Member, Chapter President,
	Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON OFFICIAL BUSINESS:

Nolito M. Quilang,	SP Member, 2nd Asst. Majority Floor Leader
Vincent L. Rama,	SP Member
Gregorio G. Yrastorza III,	SP Member
Lalaine A. Marcos,	SP Member
Esteban V. Laurente,	Ex-Officio SP Member, Chapter President,
	Ligan ng mga Barangay ng Ormoc

RESOLUTION NO. 2021-153

A RESOLUTION FINDING MERITORIOUS, ON THE BASIS OF SUBSTANTIAL EVIDENCE, THE ADMINISTRATIVE COMPLAINT FILED BY REYMAR S. TUMAMPO AGAINST SANGGUNIANG BARANGAY MEMBER RODRIGO "RUDY" T. SASING OF BARANGAY TAMBULILID, ORMOC CITY, FOR THE COMMISSION OF ACTS CONSTITUTING THE ADMINISTRATIVE OFFENSE OF GRAVE MISCONDUCT, AND CONDUCT PREJUDICIAL TO THE INTEREST OF SERVICE IN ADMINISTRATIVE CASE 2019-01, ENTITLED: REYMAR S. TUMAMPO, Complainant, VS. RODRIGO "RUDY" T. SASING, Respondent, THEREBY, IMPOSING THE PENALTY OF THREE (3) MONTHS OF SUSPENSION FROM OFFICE.

WHEREAS, this august Body was in receipt of an administrative complaint filed by Complainant Reyamar S. Tumampo, a resident of Barangay Tambulilid, Ormoc City, against Respondent Rodrigo "Rudy" T. Sasing, Sangguniang Barangay Member of said Barangay, seeking to hold Respondent administratively liable for the commission of act constitutive of the administrative offenses of Grave Misconduct, Grave Abuse of Authority and Oppression penalized by Section 60 (c) of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991" (LGC), and Conduct Unbecoming of a Public Official penalized by Section 4 (b) (c) of Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees";

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, the Complainant was found to be proper and in order and thereby given due course, and the consequent administrative case was docketed as Administrative Case No. 2019-01, entitled: Reyamar S. Tumampo, *Complainant*, vs. Rodrigo "Rudy" T. Sasing, *Respondent*, after which an administrative investigation was conducted by this Sanggunian with utmost impartiality and due regard to the rights of the parties to be afforded due process of law in accordance with applicable law and rules of procedures;

WHEREAS, after a thorough and objective evaluation of said administrative case by this Sanggunian, on the basis of testimonies of the witnesses and evidence adduced by the parties, a fair, just and objective Decision was finally arrived at and approved by this august Body (a copy of said Decision is attached herein and made an integral part hereof);

WHEREAS, this Resolution affirms the said Decision without any note of reservation or expression of dissent to the findings and sanctions imposed therein and, likewise, it effectively formalizes the same as the judgement of this Sanggunian, for that matter;

WHEREFORE, on motion of SP Member Jasper M. Lucero, Chairman, Committee on Good Government and Oversight, severally seconded by SP Members Roiland H. Villasencio, Benjamin S. Pongos, Jr., Peter M. Rodriguez, Joan Marbie C. Simbajon; be it

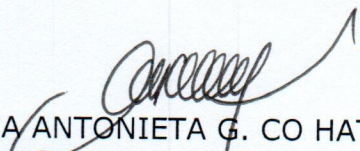
RESOLVED, AS IT HEREBY RESOLVED, to pass a RESOLUTION FINDING MERITORIOUS, ON THE BASIS OF SUBSTANTIAL EVIDENCE, THE ADMINISTRATIVE COMPLAINT FILED BY REYMAR S. TUMAMPO AGAINST SANGGUNIANG BARANGAY MEMBER RODRIGO "RUDY" T. SASING OF BARANGAY TAMBULILID, ORMOC CITY, FOR THE COMMISSION OF ACTS CONSTITUTING THE ADMINISTRATIVE OFFENSE OF GRAVE MISCONDUCT, AND CONDUCT PREJUDICIAL TO THE INTEREST OF SERVICE IN ADMINISTRATIVE CASE 2019-01, ENTITLED: REYMAR S. TUMAMPO, Complainant, VS. RODRIGO "RUDY" T. SASING, Respondent, THEREBY, IMPOSING THE PENALTY OF THREE (3) MONTHS OF SUSPENSION FROM OFFICE;

ADOPTED, June 08, 2021.

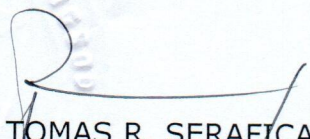
RESOLVED, FURTHER, to furnish copies of this resolution each to the City Mayor of Ormoc Richard I. Gomez, the City Administrator, the City Legal Officer, the Office of the Liga ng mga Barangay ng Ormoc, the City Local Government Operations Officer-DILG, to the parties of herein Administrative Case, and to other offices concerned;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above resolution.


MARIA ANTONIETA G. CO HAT
Secretary to the
Sangguniang Panlungsod

ATTESTED:


TOMAS R. SERAFICA
Presiding Officer "Pro-Tempore"
SP Member



Res. # 2021 - 153

"Annex A"

Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Ormoc City

REYMAR S. TUMAMPO,
Complainant,

Adm. Case No. 2019-01

-versus-

RODRIGO "RUDY" T. SASING,
Respondent.
X ----- X

**For: GRAVE MISCONDUCT,
CONDUCT UNBECOMING
OF A PUBLIC OFFICIAL,
GRAVE ABUSE OF
AUTHORITY AND
OPPRESSION**

DECISION

Filed before this body is a verified complaint executed by Reymar S. Tumampo against Rodrigo T. Sasing, a Sanggunian Barangay Member of Brgy. Tambulilid, Ormoc City. The complainant alleges that on December 1, 2018 at around 6:30 in the evening, while he was inside their sari-sari store, just beside their house and while his father was sitting in front of their store, his younger brother, Reynaldo S. Tumampo, Jr., (Reynaldo Jr.) arrived home so late. Complainant heard his father asked his brother why he got home late but his brother just turned his back and murmured while walking away. Complainant Tumampo's father got furious at his brother and a heated argument ensued between them.

While Complainant Tumampo was talking to his brother, he heard his mother, Marcela S. Tumampo (Marcela), shouting in local dialect, "BUHI-I NAI!" ("RELEASE HIM") So, he immediately went outside to where the commotion was and there, he saw Amay Vasquez (Amay), a Barangay Tanod, forcibly grabbed and grappled his father. When Complainant was about to help his father, he was prevented by Amay's brother, Boy Vasquez (Boy). Because Complainant Tumampo really wanted to help his father, he held Boy's hand but when he saw that Amay released his father, he also release Boy's hands.

After a while, Edgardo T. Sasing, arrived and tried to pacify the situation. Moments after, Respondent Sasing arrived in the area. Suddenly, Respondent Sasing pushed Complainant Tumampo at his back, which made the latter fell down to the ground with his left shoulder. Not satisfied, Respondent Sasing also kicked Complainant at his right arm, while saying, "TESTIGOS MO TANN NA WAY HUSAY KAY WALA RABA NI ISLA MAKIG SETTLE SA AMO" ("ALL OF YOU ARE WITNESSES THAT THERE WAS NO CONCILIATION BECAUSE THEY DID NOT SETTLE WITH US")

What Respondent Sasing meant by his statement was the fact that Complainant's sister, Amorcela Tumampo (Amorcela) refused to settle with Respondent's daughters, namely: Janet Sasing (Janet) and Jenny Sasing (Jenny) in the pending cases between them for two violations of Sec. 4(c) of RA 10175 in relation to Art. 353 & 355 of the Revised Penal Code and grave threats in relation to RA 10175, docketed as CASE NOS. R-ORM-18-00469-CR, R-ORM-18-00470-CR, and R-ORM-18-00471-CR, which are now both pending with the Regional Trial Court Branch 47 of Ormoc City.

After Complainant was pushed and kicked by the Respondent, Complainant requested his cousin, Janet Almocera, to take a picture of the injuries that he sustained as a result of the mauling incident using Complainant's cellphone.

On December 2, 2018, Complainant Tumampo went to Ormoc District Hospital (ODH) to have an examination of his already swollen arm and the injuries that he sustained from the hands of Respondent Sasing. The doctor who attended the Complainant recommended for his healing and rest period of seven (7) days. Complainant was also not able to work for seven (7) days.

On December 4, 2018 at around 2:20 P.M., Complainant and his father went to the Barangay Hall of Barangay Tambulilid to cause the incident to be recorded in the Barangay Blotter.

On the other hand, respondent filed an answer and in contrast alleges that at more or less 6:00 o'clock in the evening of December 1, 2018, he was taking a bath in his house when he heard a shout of youth shouting "NAAY NAG SINUMBAGAY!". (There's a fistfight!) Immediately, he wrapped around a towel and went out of the house to inquire, and he heard from one of the youths shouting "NAAY NAG-AWAY! (There's fighting!).

Sasing's granddaughter, Khiza Mae, arrived and informed Sasing that a certain NOY BOY and NOY AMAY were being chased by NOY ENAT, who was then carrying a gun, and REYREY (herein private complainant), who was carrying a bolo. When he received such information, Sasing hurriedly went to the back of the Tanod Outpost. It was there that he saw many people. He then asked about what happened and private complainant TUMAMPO shouted "AYAW PAG-APIL DIHA. KAGAWAD KA LANG. SINUMBAGAY HINUON TA" (DO NOT PARTICIPATE, YOU'RE KAGAWAD ONLY. LET'S FIGHT INSTEAD!). Complainant TUMAMPO was about to charge towards SASING but TUMAMPO was prevented by his cousin ALONA JEAN SASING while SASING was pulled towards his store by his granddaughter KHIZHA MAE.

Still, complainant TUMAMPO did not stop on pursuing respondent SASING. While inside his store, complainant TUMAMPO shouted at SASING saying "DALI SUMABGAY TA" ("COME LET'S FIGHT") while pointing his finger at the respondent SASING. Thereafter, Kagawas Edgardo Sasing arrived outside respondent Sasing's house and told respondent SASING to just leave complainant TUMAMPO alone because the police are already coming.

The Sanggunian scheduled a hearing on September 17, 2020 for preliminary conference which required them to submit their respective pre-trial brief. During the preliminary conference hearing, the Sanggunian encouraged the parties to sit down and settle the case amicably. Ample time was given to the parties to have the case settled amicably but unfortunately the parties could not be settled amicably.

Finally, on October 1, 2020 hearing, preliminary conference ensued and issues were the following: whether or not the respondent is liable for Grave Misconduct, Conduct Unbecoming of a Public Official, Grave Abuse of Authority and Oppression.

Before the conference ended, parties agreed to submit their respective position papers. Complainant submitted his position paper on November 12, 2020 and presented thereto the following exhibits:

For the Complainant:

- Exh. "A" – Medical Certificate dated December 4, 2018;
- Exh. "B" – Affidavit of Witness Marcela S. Tumampo;
- Exh. "B-1" – Affidavit of Witness Clement F. Tan;

- Exh. "C" - Barangay Blotter dated December 4, 2018 2:20 P.M.;
- Exh. "C-1" - Barangay Blotter dated December 4, 2018 2:55 P.M.;
- Exh. "D" - Photographs of physical injuries sustained by complainant;
- Exh. "E" - Resolution dated June 24, 2019 issued by the City Prosecution Office

Respondent on the other hand submitted his position paper on November 04, 2020 and presented the following exhibits:

- Exh. 1 - Affidavit of SB Member Edgardo Sasing
- Exh. 2 - Affidavit of Paquito Vasquez
- Exh. 3 - Affidavit of Gaudencio Vasquez
- Exh. 4 - Affidavit of Alona Jane Sasing
- Exh. 5 - Affidavit of Khizha Mae Vasquez
- Exh. 6 - Certification of Police Station Nr. 3 for Edwin Quilantang
- Exh. 7 - Certification of Police Station Nr. 3 for Edgardo Sasing
- Exh. 8 - Certification of Police Station Nr. 3 for Respondent
- Exh. 9 - Lupon Minutes of Hearing dated January 24, 2018
- Exh. 10 - SB Member Esterlina D. Gabon 14 December 2018 Report
- Exh. 11 - Barangay Record List of Complainants
- Exh. 12 - Certification to File Action dated February 1, 2019

With the filing of the respective position papers and submission of exhibits, the case is deemed submitted for resolution without the necessity of conducting clarificatory hearing.

RULING

In the case of **RICARDO MEDINA, JR. y ORIEL**, Petitioner, vs. **PEOPLE OF THE PHILIPPINES**, Respondent. G.R. No. 161308, January 15, 2014, the Supreme Court ruled, to wit:

"Positive identification where categorical and consistent and without any showing of ill-motive on the part of the eyewitnesses testifying on the matter prevails over a denial. Denial being negative evidence which is self-serving in nature, cannot prevail over the positive identification of prosecution witnesses. More so in this case where the defense of denial is not corroborated by disinterested and credible witnesses."

In the case at hand, there is a positive identification of the witnesses of the complainant as well as the complainant himself that indeed, the respondent pushed the complainant which made him fell to the ground and kicked him. The denial of the respondent being a negative assertion did not overcome the positive assertion of the complainant and his witnesses.

It is established that respondent is a Barangay Official being an elected Barangay Councilor. As such, respondent is expected to act accordingly pursuant to the provisions of RA 6713 (An act establishing a code of conduct and ethical standards for public officials and employees.) Section 4(b)(c) thereof provides:

SEC. 4. *Norms of Conduct of Public Officials and Employees.* - (A) Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties:

(a) x x x x .

(b) *Professionalism.* - Public officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.

(c) *Justness and sincerity.* - Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are coterminous with theirs.

Section 11 of the aforesaid act provides for penalties which pertinent provisions is hereunder stated to wit:

(a) Any public official, or employee, regardless of whether or not he holds office or employment in casual, temporary, holdover, permanent or regular capacity, committing any violation of this act shall be punished with a fine not exceeding the equivalent of six (6) months' salary or suspension not exceeding one (1) year or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. x x x x

Moreover, the law (Section 1, RA 7610, Local Government Code), provides that a Public Office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency and act with patriotism and justice and lead modest lives. This is reiterated by the Supreme Court in the case of Office of the Ombudsman vs. Mayor Julius Cesar Vergara, G.R. No. 216871 which the highest court further ruled that the elective official maybe removed upon order of the Court.

In the case of Angelica A. Fajardo vs. Mario J. Corral, G.R. No. 212641, July 5, 2017, the Supreme Court defined **Grave Misconduct** as the transgression of some established and definite rule of action, more particularly unlawful behavior or gross negligence by a public officer coupled with the elements of corruption, willful intent to violate the law or to disregard established rules. The highest court also defined "Conduct prejudicial to the interest of Service" that deals with a demeanor of a public officer which tarnished the image and integrity of his/her public office.

In the case at hand, respondent clearly committed grave misconduct and conduct prejudicial to the interest of the service when he pushed and kicked the complainant while being a Barangay Official. However, this Sanggunian considers some surrounding circumstances in the imposition of penalty. Because respondent has not been previously charged and convicted in same or analogous offense, it is only appropriate to impose the penalty of three (3) months suspension.

WHEREFORE, premises considered, this Sanggunian finds the respondent guilty of grave misconduct and conduct prejudicial to the interest of the service and hereby imposes the penalty of three (3) months suspension.

No pronouncement as to cost.


So ordered.

Done this 21st day of May 2021 in Ormoc City.


JASPER M. LUCERO
Chairman

Committee on Good Government and Oversight


Concurred By:



SP MEMBER BENJAMIN S. PONGOS, JR.



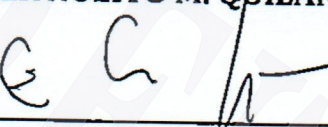
SP MEMBER ROILAND H. VILLASENIO



SP MEMBER TOMAS R. SERAFICA



SP MEMBER NOLITO M. QUILANG



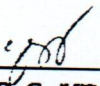
SP MEMBER EUSEBIO GERARDO S. PENSERGA

SP MEMBER JASPER M. LUCERO





SP MEMBER PETER M. RODRIGUEZ


SP MEMBER VINCENET L. RAMA


SP MEMBER GREGORIO G. YRASTORZA, III


SP MEMBER LALAINA A. MARCOS


SP MEMBER ESTERA V. LAURENTE


SP MEMBER JOAN MARBIE C. SIMBAJON

Presenting:

NONE