



OFFICE OF THE SAGGUNIANG PANLUNGSOD

COMMITTEE ON BARANGAY AFFAIRS

Office of the Sangguniang Panlungsod
Received by: [Signature]
Date: 16 SEP 2024
Time: 7:21 am

COMMITTEE HEARING REPORT

CBA-PCO-165-2024

Subject: AN ORDINANCE APPROVING THE 2024 RULES OF PROCEDURE FOR ADMINISTRATIVE CASES BEFORE THE SANGGUNIANG PANLUNGSOD OF THE CITY OF BACOR, CAVITE INVOLVING ELECTED BARANGAY OFFICIALS. (PCO-165-2024 dated March 25, 2024)

Findings:

The Barangay Affairs Committee conducted a thorough review of the proposed ordinance and identified several key points justifying its approval wherein; **Section 60 of RA 7160** Enumerates the grounds upon which an elective barangay official may be disciplined, suspended, or removed from office, emphasizing the importance of established procedures in the execution of these actions. In **Section 61(c) of RA 7160** Mandates that complaints against elective barangay officials be filed with the appropriate Sangguniang Panlungsod or Sangguniang Bayan, whose decision is final and executory.

Key Provisions:

1. Appearance of Parties:

- Parties required to appear personally unless justified otherwise.
- Counsel representation allowed with a proper Special Power of Attorney (SPA).

2. Request for Subpoena:

- Requests must show material necessity for the case.

3. Unreasonable Failure to Attend Hearings:

- Failure to attend without justifiable reason, leading to forfeiture of right for submission of evidence and consideration of procedural advantage in favor of the other party.

4. Finality of Decisions:

- Decisions become final after thirty (30) days unless a motion for reconsideration is filed.

5. Penalties:

- Defined in accordance with prevailing laws, providing an exhaustive list of applicable sanctions.



Republic of the Philippines
PROVINCE OF CAVITE
City of Bacoor

CGBCR-SPBac-F003.00
10/20/2023

OFFICE OF THE SAGGUNIANG PANLUNGSOD

RECOMMENDATION:

The committee believes that:

- it establishes a fair and transparent process for addressing administrative cases against barangay officials, in compliance with the Local Government Code;
- it promotes good governance, accountability, and public trust in the administrative processes of the city.

Therefore the Barangay Affairs Committee recommends the **ENACTMENT** of the ordinance entitled: "AN ORDINANCE APPROVING THE 2024 RULES OF PROCEDURE FOR ADMINISTRATIVE CASES BEFORE THE SANGGUNIANG PANLUNGSOD OF THE CITY OF BACOR, CAVITE INVOLVING ELECTED BARANGAY OFFICIALS. "

WE HEREBY CERTIFY that the contents of the foregoing report are true and correct.

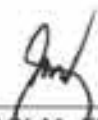
Signed this day of March 2024 at the City of Bacoor, Cavite.



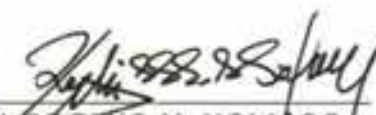
COUN. RANDY C. FRANCISCO
Chairman



COUN. REYNALDO D. PALABRICA
Vice Chairman



COUN. LEV M. TELA
Member



COUN. ROGELIO M. NOLASCO
Member



Republic of the Philippines
PROVINCE OF CAVITE
City of Bacoor

CGBCR-SPBac-F003.00
10/20/2023

OFFICE OF THE SAGGUNIANG PANLUNGSOD

COMMITTEE ON BARANGAY AFFAIRS

Office of the Sangguniang Panlungsod
Received by Janet Pring
on 5 SEP 2024
7:43pm

EXCERPT FROM THE MINUTES OF REGULAR SESSION

CBA-PCO-165-2024

Subject: AN ORDINANCE APPROVING THE 2024 RULES OF PROCEDURE FOR ADMINISTRATIVE CASES BEFORE THE SANGGUNIANG PANLUNGSOD OF THE CITY OF BACOR, CAVITE INVOLVING ELECTED BARANGAY OFFICIALS. [PCO-165-2024 dated March 25, 2024]

The Office of the City Legal Services found the draft ordinance to be in order and in accordance with the law. This was endorsed by the Office of the Mayor to the Office of the Sangguniang Panlungsod for appropriate action.

The Sangguniang Panlungsod of Bacoor deliberated on the proposed ordinance to approve the 2024 Rules of Procedure for administrative cases involving elected barangay officials in the city. This ordinance is rooted in the authority provided by the Local Government Code of 1991 (Republic Act No. 7160) and aims to establish clear, consistent, and legally compliant procedures for addressing administrative cases against elected barangay officials.

The committee believes that this ordinance is crucial for the following reasons: It establishes a fair and transparent process for addressing administrative cases against barangay officials, in compliance with the Local Government Code. It ensures the protection of the rights of all parties involved, upholding due process throughout the proceedings. It promotes good governance, accountability, and public trust in the administrative processes of the city.

Prepared:

NICOLE ANNE G. VILLARIN

Clerk

Attested:

COUNCILOR RANDY C. FRANCISCO

Chairman

Committee on Barangay Affairs



PCO 2024-165
SR

OFFICE OF THE CITY LEGAL SERVICE

ENDORSEMENT LETTER NO. 286 SERIES OF 2024

OFFICE OF THE
SANGGUNIANG PANLUNGSOD
RECEIVED
BY: ARIEL

TO: ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

DATE: 2/22/24 TIME: 2:52
BACOOR CITY, CAVITE

**SUBJECT: REQUEST FOR COMMENTS ON PROPOSED CITY RESOLUTION
2024 RULES FOR BARANGAY ADMINISTRATIVE CASES OR THE
2024 RBAC**

DATE: 22 FEBRUARY 2024

This is to formally endorse the comments and suggestions by this Office to the above-mentioned proposed City Resolution by the Sangguniang Panlungsod Secretary.

Kindly refer to the matrix below for our comments and suggestions.

Thank you

Proposed City Ordinance	Remarks	Recommendation
The satisfactory implementation of a barangay official of the law, ordinance, or government policy, rule, program, or project as ordered by the City Mayor shall bar the exercise of the succeeding stages of the exercise of disciplinary power against the said barangay official for the same offense. (Last paragraph of Stage 1, Section 1, Rule 2)	The word "shall" in the proposed provision makes it mandatory to halt the entire administrative process of the complaint of a person against the barangay official. The provision appears to be a condonation of the alleged negligence of a barangay official without any distinction as to the gravity of the supposed violation of law or ordinance. Thus, whether the offense may be considered light or serious, rectifying a negligent act leaves no room for further disciplinary action for the previous transgression.	We recommend for the provision to read as follows: "The satisfactory implementation of a barangay official of the law, ordinance, or government policy, rule, program, or project as ordered by the City Mayor shall not bar the exercise of the succeeding stages of the exercise of disciplinary power against the said barangay official for the same offense. The City Mayor, or the Acting City Mayor may pursue the administrative case against by referring the same to the Sangguniang Panlungsod following the procedures outlined in this Ordinance."



SCAN ME



Proposed City Ordinance	Remarks	Recommendation
SECTION 1. Who May File Complaint. Any aggrieved person may file a verified complaint with the Secretary of Sangguniang Panlungsod of the City of Bacoor, Cavite personally. (Section 1, Rule 4)	<p>The provision is too restrictive as it may be interpreted that the private complainant himself or herself must personally file the complaint before the Secretary of the Sangguniang Panlungsod.</p> <p>It is submitted that the Rules may provide that a private complainant may file the complaint through his duly authorized representative for as long as the principal is named in the title and in the body of the complaint, and a duly notarized special power of attorney.</p>	<p>"SECTION 1. Who May File the Complaint. Any aggrieved person may file a verified complaint, personally or through a representative with the Sangguniang Panlungsod of the City of Bacoor, Cavite.</p> <p><i>The title, and the body of the complaint shall particularly identify the principal of the duly authorized representative.</i></p> <p><i>An original copy or a certified true copy of the duly notarized special power of attorney shall be attached to the complaint.</i></p> <p><i>Any complaint filed in behalf of an undisclosed principal shall be not be considered by the Sangguniang Panlungsod Secretary as filed."</i></p>
Section 5. Number of Copies of the Complaint. The complainant shall submit fifteen (15) clear and legible copies of the Complaint, including annexes, if any. However, should there be more than one respondent, the complainant shall be required to submit additional copies to the number of respondents.	<p>In an effort to embrace digitization and digitalization, it is humbly submitted that an additional requirement that a scanned copy of the complaint and its annexes be sent to the official email address of the Sangguniang Panlungsod Secretary or Secretariat Office.</p>	<p>"Section 5. Copies of the Complaint.</p> <p><i>The complainant shall submit fifteen (15) clear and legible copies of the complaint including annexes if any.</i></p> <p><i>However, should there be more than one respondent, the complainant shall be required to submit additional copies based on the number of respondents.</i></p> <p><i>Additionally, the complainant is required to submit through email a scanned copy of the complaint including annexes if any."</i></p>





Proposed City Ordinance	Remarks	Recommendation
	It is recommended that another section be included in Rule 6.	<p>SECTION 5. FILING AND SERVICE OF ANSWER. <i>The Answer of the Respondent shall be filed and served through the following means:</i></p> <p>a) <i>Personal Service.</i> <i>By filing the original copy of the answer together with its annexes if any, personally to the Sangguniang Panlungsod and by serving the same to the Private Complainant in person or if he/she refuses to receive and sign for it, by positing it on the door or gate of the house/building where he/she resides.</i></p> <p>b) <i>Substituted Service.</i> <i>If for justifiable reasons, the complainant cannot be served with a copy of the answer, service may be done.</i></p> <p>b.1 <i>By leaving a copy of the answer and its annexes at the private complainant's residence with some person of suitable age and discretion residing therein;</i></p> <p>b.2 <i>By leaving copies at the respondent's office or regular place of business with some competent person in charge thereof.</i></p> <p>c) <i>Service by registered mail or private courier.</i> <i>The answer may also be served to the private complainant through registered mail or private courier.</i></p> <p>SECTION 6. PROOF OF SERVICE. <i>An affidavit of service to the private complainant must accompany the Answer filed before the Sangguniang Panlungsod.</i></p>





Proposed City Ordinance	Remarks	Recommendation
<p>SECTION 2. Imposition of Preventive Suspension. Preventive suspension may be imposed by the Disciplining Authority (City Mayor), upon the recommendation of the Investigating Authority (Sangguniang Panlungsod) by way of a city resolution at any time after the issues are joined when the evidence of guilt of the respondent is strong.</p>	<p>Section 63 (b) of the Local Government Code provides for the following considerations in issuing a preventive suspension of a local elective official:</p> <ol style="list-style-type: none"> 1. Evidence of guilt is strong; 2. Gravity of the offense; 3. Great probability that the continuance in office of the respondent could influence the witnesses; or 4. Pose a threat to the safety and integrity of the records and other evidence. 	<p>"SECTION 2. Imposition of Preventive Suspension. Preventive suspension may be imposed by the Disciplining Authority (City Mayor) upon the recommendation of the Investigating Authority (Sangguniang Panlungsod) by way of a city resolution at any time after the issues are joined and when the following are considerations are apparent:</p> <ol style="list-style-type: none"> 1. The evidence of guilt is strong; 2. The gravity of the offense; 3. The great probability that the continuance in office of the respondent could influence the witness; or 4. The continuance in office of the respondent poses a threat to the safety and integrity of the records and other evidence."

I thank you.

RESPECTFULLY,


ATTY. NATHANIEL C. DE LEON
Office of the City Legal Service

REVIEWED AND APPROVED BY:

ATTY. KIM NYCA R. LOFRANCO
City Legal Officer



PROPOSED CITY RESOLUTION NO. 526-2024
Series of 2024

A RESOLUTION APPROVING THE PROPOSED RULES OF PROCEDURE FOR ADMINISTRATIVE CASES INVOLVING ELECTED BARANGAY OFFICIALS IN THE CITY OF BACOR, CAVITE.

Sponsored by:

EXPLANATORY NOTE:

WHEREAS, Section 60 of Republic Act No. 7160 (the "Local Government Code of 1991") enumerates the various grounds for which an elective barangay official may be disciplined, suspended, or removed from office by order of the proper court.

WHEREAS, Section 61 (c) of RA 7160 provides that "a complaint against any elective barangay official shall be filed before the sangguniang panlungsod or sangguniang bayan concerned whose decision shall be final and executory."

WHEREAS, the Supreme Court has explicitly ruled in several cases that only the proper court of law can remove elected barangay officials from office (*Sangguniang Barangay of Barangay Don Mariano Marcos, et al., vs. Martinez, G.R. No. 170626, 3 March 2008*).

WHEREAS, Section 455 (2) of RA 7160 provides in part that city mayors have the power to "enforce all laws and ordinances relative to the governance of the city and in the exercise of the appropriate corporate powers provided for under Section 22 of this Code, **implement all approved policies, programs, projects, services and activities of the city.**" (Boldfacing supplied)

WHEREAS, Section 389 (b) (1) of RA 7160 provides in part that "for efficient, effective and economical governance, the purpose of which is the general welfare of the barangay and its inhabitants pursuant to Section 16 of this Code, the punong barangay shall **xxx enforce all laws and ordinances which are applicable within the barangay.**" (Boldfacing supplied)

WHEREAS, the City Mayor reported to the Sangguniang Panlungsod that a growing number of barangay officials are not implementing various laws and city ordinances that are applicable to their respective barangays and requested the City Council to formulate rules of procedure that will be used whenever an elected barangay official face a complaint for dereliction of duty or for any other ground enumerated in Section 60 of RA 7160.

WHEREAS, the Sangguniang Panlungsod Secretary and the City Legal Officer were directed by the City Council to formulate rules of procedure for administrative cases against elected barangay officials in the City of Bacoor, Cavite through City Resolution No. _____ which was duly passed by the Sanggunian on _____ 2024 and was approved by the City Mayor on _____ 2024.

WHEREAS, on _____ 2024, the Sangguniang Panlungsod Secretary and the City Legal Officer jointly submitted to the City Council the proposed "Rules of Procedure for

Administrative Cases Involving Elected Barangay Officials in the City of Bacoor, Cavite"
(the "proposed Rules" for brevity).

WHEREAS, after deliberating on the proposed Rules, the members of the *Committee on Rules and Privileges, Laws and Ordinances* (the "Committee on Rules") recommended the approval of the same to the Sangguniang Panlungsod en banc.

NOW THEREFORE, after extensive deliberations on the recommendation of the Committee on Rules, upon motion of Hon. _____ **BE IT RESOLVED AS IT IS HEREBY RESOLVED** by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite to **ENACT** the following Ordinance:

PROPOSED CITY ORDINANCE NO. 2024-165
Series of 2024

AN ORDINANCE APPROVING THE 2024 RULES OF PROCEDURE FOR ADMINISTRATIVE CASES BEFORE THE SANGGUNIANG PANLUNGSOD OF THE CITY OF BACOOR, CAVITE INVOLVING ELECTED BARANGAY OFFICIALS.

Be it enacted by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite:

RULE 1
General Provisions

SECTION 1. Title. The following Rules of Procedure shall be known as the "**2024 Rules for Barangay Administrative Cases**" or the "**2024 RBAC**" for brevity.

SECTION 2. Applicability. These Rules shall apply to all complaints filed against elected barangay officials of the City of Bacoor, Cavite involving the following:

- (a) Disloyalty to the Republic of the Philippines;
- (b) Culpable violation of the Constitution;
- (c) Dishonesty, oppression, misconduct in office, gross negligence, or dereliction of duty;
- (d) Commission of any offense involving moral turpitude or an offense punishable by at least prison mayor (six years and one day to twelve years);
- (e) Abuse of authority;
- (f) Unauthorized absence for fifteen (15) consecutive working days, except in the case of members of the sangguniang panlalawigan, sangguniang panlungsod, sangguniang bayan, and sangguniang barangay;
- (g) Application for, or acquisition of, foreign citizenship or residence or the status of an immigrant of another country;

(h) Failure or unjustified refusal to implement any law or ordinance applicable to the Barangay, and

(i) Such other grounds as may be provided by city ordinances, laws, and government policies/regulations.

These Rules shall not apply to election cases involving elected barangay officials and other types of cases not included among the grounds mentioned above.

SECTION 3. Implementing Authorities. These Rules shall be implemented by the following:

A) Investigating Authority: The Sangguniang Panlungsod of the City of Bacoor, Cavite shall convene itself as the Investigating Authority upon receipt of a complaint against a barangay official. The President Pro Tempore of the Sangguniang Panlungsod shall be the Presiding Officer of the Investigating Authority. All of the members of the Sangguniang Panlungsod — with the exception of the City Vice Mayor — shall form part of the Investigating Authority.

B) Disciplining Authority: The City Mayor, or the Acting City Mayor, is hereby designated as the Disciplining Authority and shall have the power to: (1) order a barangay official to perform his/her lawful duties, (2) order a barangay official to explain in writing why he/she should not be the subject of an administrative case, (3) order a barangay official to enforce/implement a law or ordinance, and (4) implement the decisions and various orders of the Sangguniang Panlungsod in its capacity as the Investigating Authority against any barangay or city government official.

SECTION 4. Definition of Terms. The following terms shall be defined as:

4.1. Complaint — a legal document where allegations leveled by a complainant against elected barangay officials are written.

4.2. Answer — a legal document where the defenses of barangay officials to allegations mentioned in the complaint are written.

4.3. Complainant/s — the person/s who filed the complaint.

4.4. Respondent/s — the barangay official/s who are subject of the complaint.

4.5. Verified Complaint/Answer — a complaint or answer that is duly notarized.

4.6. Certificate of Non-Forum Shopping — a written certification evidencing that the complainant has not filed a different complaint or legal action against the respondent/s in other courts, offices, or tribunals involving the same cause/s of action found in the complaint filed with the Sangguniang Panlungsod.

4.7. Cause of Action — a) a right in favor of the complainant/s by whatever means and under whatever law it arises or is created; (b) an obligation on the part of the respondent/s to respect or not to violate such right; and (c) an act or omission on the part of the named respondent/s violative of the right of the complainant/s or constituting a breach of the obligation of respondent/s to the complainant/s for which the latter may maintain an action for recovery of damages.

4.4. Summons — a written notice informing a respondent or witness that he/she is required to appear before the Sangguniang Panlungsod or to file a verified answer.

4.5. Subpoena Requiring Testimony — an order of the Sangguniang Panlungsod requiring a person to testify before it and provide evidence.

- 4.6. Subpoena Requiring Presentation of Evidence — an order of the Sangguniang Panlungsod requiring a person to produce documentary or object evidence.
- 4.7. Evidence — anything that can be used to prove the existence of something.
- 4.8. Documentary evidence — any written document.
- 4.9. Object evidence — things that may be presented to the Sangguniang Panlungsod that can be appreciated by the senses of its members.
- 4.10. Administrative Case — a legal action determining the liability of an elected barangay official for violating his/her oath of office.
- 4.11. Administrative Proceedings — a determination of the administrative liability of an elected barangay official done by the Sangguniang Panlungsod.
- 4.12. Elected barangay official — registered voters of the City of Bacoor who were elected into office by residents of the same barangay where the official resides.
- 4.13. Prima facie — the possible guilt of a barangay official based on the initial examination of the allegation against him/her.

RULE 2 Stages of Exercise of Disciplinary Power

SECTION 1. Stages of Exercise of Disciplinary Power. There are four (4) stages in the exercise of the disciplining authority of the City Mayor and the Sangguniang Panlungsod under these Rules:

Stage 1: Power to Compel. This power shall be wielded by the City Mayor, or by the Acting City Mayor, against an erring barangay official in the exercise of his/her power to implement all laws and city ordinances or in reaction to a complaint s/he received against the said barangay official. In the exercise of this power, the City Mayor or Acting City Mayor, as the case may be, shall have the power to send a written order to erring barangay officials and compel them to either:

- a. Implement/enforce a law, city/provincial ordinance, or city/national government policy, rule, program, or project within seven (7) working days commencing from the date the said order was received; and/or
- b. Explain in writing within seven (7) working days from receipt of the said order why he/she/they should not be subjected to administrative action.

The satisfactory implementation of a barangay official of the law, ordinance, or government policy, rule, program, or project as ordered by the City Mayor shall bar the exercise of the succeeding stages of the exercise of disciplinary power against the said barangay official for the same offense.

Stage 2: Power to Investigate. If a barangay official fails or unjustifiably refused to comply to an order of the City Mayor in the exercise of his/her power to compel or after receiving a complaint directly from a complainant or through the City Mayor or Acting City Mayor, the Sangguniang Panlungsod shall have the power to commence administrative proceedings against any barangay official subject to the requirements of due process and exercise its powers as the Investigating Authority.

Stage 3: Power to Discipline. Upon the determination of majority of its members, the Sangguniang Panlungsod shall have the power to direct the City Mayor/Acting City Mayor to preventively suspend the respondent/s for a period not more than sixty (60) days at any stage of the investigation. After the Investigating Authority completes its

deliberations and finds a barangay official guilty of the allegations against him/her, the Sangguniang Panlungsod shall direct the City Mayor/Acting City Mayor to suspend the respondent/s in the exercise of his/her power as Disciplining Authority for not more than six (6) consecutive months.

Stage 4: Power to Cause Removal from Office. If upon the completion of its investigation, at least a majority of all the members of the Investigating Authority finds that there is sufficient cause to remove the respondent barangay official/s, the Sangguniang Panlungsod may authorize the City Mayor or the Acting City Mayor through a City Resolution to direct the City Legal Officer to file an action before the appropriate Regional Trial Court for the removal of the erring barangay official/s pursuant to the Rules of Court.

SECTION 2. Non-Delegation of Disciplinary Power. The power to discipline barangay officials pursuant to Section 60 of RA 7160 shall not be delegated by either the Sangguniang Panlungsod or by the City Mayor/Acting Mayor to any other official, employee, department, or unit of the City Government.

RULE 3 Administrative Proceedings

SECTION 1. Who Will Conduct the Hearing. The formal administrative investigation shall be conducted by the Investigating Authority which shall be presided over by the President Pro Tempore of the Sangguniang Panlungsod. In the absence of the President Pro Tempore, the Sangguniang Panlungsod shall elect among themselves an Interim President Pro Tempore who shall then become the Acting Presiding Officer.

The Investigating Authority shall receive evidence from the parties and their witnesses with respect to the matters at issue. The Presiding Officer/Acting Presiding Officer shall limit the presentation of evidence to matters relevant to the issue and to those which are necessary for a just and speedy disposition of the case.

The Presiding Officer/Acting Presiding Officer can rule on any issue or controversy during the investigation without need of ratification by the other members of the Investigating Authority. However, the vote of at least a majority of all the members of Investigating Authority is required before its final decision may be released or implemented.

No member of the Investigating Authority shall deny anyone his/her right to be heard or denigrate any person appearing before it through vulgar, insulting, or cruel speech.

SECTION 2. Ninety (90) Day Ban. No investigation shall be conducted within ninety (90) days immediately prior to any local election.

SECTION 3. Procedural Due Process. The right of the complainant/s and respondent/s to procedural due process shall be upheld during the administrative proceedings. The parties shall have the right to appear and defend himself/herself/themselves, either individually or collectively, and to confront and cross-examine their respective witnesses. The parties shall also have the right to require the attendance of witnesses through a Subpoena Requiring Testimony to compel a witness to testify or a Subpoena Requiring Presentation of Evidence to compel the presentation/submission of documentary or object evidence. The parties shall have the right to

be represented by counsel who shall have the privilege to question witnesses subject to the control of the Investigating Authority. No lawyer shall be allowed to question witnesses in excess of thirty (30) minutes per witness. No grandstanding shall be allowed by the Presiding Officer.

In case a member of the Investigating Authority wishes to ask clarificatory questions to a witness, his/her questions must be limited to the topic at hand and should not exceed ten (10) minutes per witness. Each member of the Investigating Authority will only have one chance to question a witness. The Presiding Officer is hereby granted the power to enforce this Section even against any member of the Investigating Authority.

SECTION 4. Expedited Proceedings. In the interest of justice, the Investigating Authority shall not allow the postponement of any scheduled hearing except in meritorious cases. Hearings shall be held at the Session Hall every week until the proceedings are concluded. If the lawyer of a party is unavailable and there is no meritorious reason for such absence, the party concerned is expected to obtain the services of another lawyer before the scheduled hearing. Otherwise, his/her right to counsel shall be waived on that day.

In case the Investigating Authority allows a postponement, such postponement shall not exceed five (5) working days and in no case shall one party be allowed to postpone hearings for a total of more than twenty (20) working days.

RULE 4 Complaint

SECTION 1. Who May File Complaint. Any aggrieved person may file a verified complaint with the Secretary of Sangguniang Panlungsod of the City of Bacoor, Cavite personally.

SECTION 2. Title of Complaint; Parties to the Complaint; Docket of Cases. The initial pleading to be filed before the Investigating Authority shall be known and denominated as the "COMPLAINT".

The party bringing their action shall be called the "COMPLAINANT" and the party charged shall be called the "RESPONDENT".

The full name of the parties shall be stated in the caption of the complaint. The complaint shall be assigned a docket number by the Secretary of the Sangguniang Panlungsod based on the date and time of filing thereof.

The caption of the Complaint shall read as follows:

*Republic of the Philippines
Province of Cavite, City of Bacoor
SANGGUNIANG PANLUNGSOD

(Name of Complainant/s)
Complainant/s

Versus

Administrative Case No. _____
For: (State ground for disciplinary action)

(Name of Respondent/s)
Respondent/s

x-----x

COMPLAINT

SECTION 3. Form of Complaint. A verified complaint, accompanied by affidavits of witnesses or evidence in support of the charge, shall be prepared by the aggrieved party and filed before the Investigating Authority through the Sangguniang Panlungsod Secretary. The Complaint shall use clear, simple and concise language. The allegations contained therein shall be arranged in a chronological and logical manner so as to apprise the respondent of the nature of the charge against him/her and to enable him/her to prepare his/her defense. The Complaint should be printed single spaced on long bond paper so that it can be easily read and should be written in either Tagalog, English, or a combination of Tagalog or English. The Sangguniang Panlungsod Secretary shall have the power not to accept an unverified Complaint or a Complaint that is not written in the manner described above.

SECTION 4. Contents of the Complaint - The verified complaint shall state the following:

- a) Full name and address of complainant/s;
- b) Full name, position and address of respondent/s;
- c) A clear and concise statement of the cause/s of action; and
- d) Verification and certification of non-forum shopping.

Section 5. Number of Copies of the Complaint. The complainant shall submit fifteen (15) clear and legible copies of the Complaint, including annexes, if any. However, should there be more than one respondent, the complainant shall be required to submit additional copies corresponding to the number of respondents.

RULE 5 Summons

SECTION 1. Summons. - Upon receipt of the administrative Complaint, the Sangguniang Panlungsod Secretary shall bring the matter to the attention of the Investigating Authority.

Within seven (7) working days from receipt of the administrative complaint, the Investigating Authority through the Sangguniang Panlungsod Secretary shall issue summons and require the respondent to submit his/her verified answer within fifteen (15) calendar days from receipt thereof.

The summons shall be signed by the President Pro Tempore and by the SP Secretary under seal and shall be addressed to the respondent/s. It shall contain the following:

- a) Full names of parties to the case;
- b) Direction to the respondent to answer the complaint within fifteen (15) calendar days from the receipt of the summons; and

- c) Notice that unless the respondent files a verified answer to the complaint within fifteen (15) calendar days from the receipt of the summons, the complainant will take judgment by default and the relief prayed for may be granted in his/her favor.

SECTION 2. Service of Summons - The summons shall be served by the authorized representative of the Investigating Authority through:

- a) **Personal Service.** By handing a copy thereof to the respondent in person or if he/she refuses to receive and sign for it, by posting it on the door or gate of the house/building where he/she resides; or by
- b) **Substituted Service.** If, for justifiable reasons, the respondent cannot be served within a reasonable time as provided above such as when the respondent is at work or is confined at a medical institution, service may be done:
1. By leaving copies of the summons at the respondent's residence with some person of suitable age and discretion then residing therein; or
 2. By leaving the copies at the respondent's office or regular place of business with some competent person in charge thereof.

SECTION 3. Proof of Service. The proof of service of a summons shall be made in writing by the authorized representative of the Investigating Authority and shall set forth the manner, place and date of service. It shall specify any papers which have been served with the process and the name of the person who received the same.

RULE 6 **Answer**

SECTION 1. Answer. Within fifteen (15) calendar days from service of summons and a copy of the complaint, as well as other supporting documents, the respondent shall file his/her verified answer, accompanied by the affidavits of his/her witnesses or evidence in support of his/her defense, to the Investigating Authority, through the Sangguniang Panlungsod Secretary. The Answer shall use clear, simple and concise language. The allegations/defenses contained therein shall be arranged in a chronological and logical manner. The Answer should be printed single spaced on long bond paper so that it can be easily read and should be written in either Tagalog, English, or a combination of Tagalog or English. The Sangguniang Panlungsod Secretary shall have the power not to accept an unverified Answer, an Answer that is not written in the manner described above, or an Answer that was filed beyond the fifteen (15)-day period mentioned above.

SECTION 2. Contents of the Answer - The verified Answer shall state the following:

- a) Full name, position and address of respondent/s;
- b) A clear and concise statement of the respondent/s defense/s if any; and
- c) Verification and certification of non-forum shopping.

SECTION 3. Unreasonable Failure to Answer; Deemed Waiver. The unreasonable failure of the respondent to file his/her verified answer within fifteen (15) calendar days from receipt of the complaint against him/her shall be deemed a waiver of his/her right to present evidence in his/her behalf. The President Pro Tempore shall forthwith proceed to receive the

complainant's evidence ex parte and thereafter resolve the case on the basis of the evidence on record.

SECTION 4. Prohibited Pleadings. Other than the Answer, the respondent/s may not file any other pleading with the Sangguniang Panlungsod. All defenses and other reliefs that the respondent/s may need to raise, including grounds for the dismissal of the Complaint, must be stated in the Answer.

RULE 7 Preliminary Conference

SECTION.1 Preliminary Conference; Appearance of Parties. Not later than ten (10) working days after the Answer is filed, a preliminary conference shall be held at the Session Hall of the Sangguniang Panlungsod. The failure of the complainant to appear in the preliminary conference shall be a cause for the dismissal of his/her complaint. If a sole respondent shall fail to appear, the complainant shall be entitled to judgement in accordance with Section 3, Rule 6 of these Rules. This rule shall not apply where at least one of the respondents sued under a common cause of action who had pleaded a common defense shall appear at the preliminary conference.

SECTION 2. Preliminary Conference Brief. At least seven (7) working days before the Preliminary Conference, the parties shall be ordered by the Investigating Authority to submit a Pre-Investigation Paper which shall state the following:

- a. Name, address, birthday, and civil status of the parties;
- b. List of allegations against each other;
- c. The legal issues to be resolved;
- d. Names of witnesses to be called and the subject of the testimony of each witness; and
- e. Willingness of the parties to simplify the issues to be heard and to enter into an amicable settlement of any money claim for damages.

The failure of any party to submit the said Preliminary Conference Brief not later than three (3) working days before the start of the Investigation proper shall result in the dismissal of the complaint or in the waiver of the respondent's right to be heard. Aside from submitting the Preliminary Conference Brief to the Sangguniang Panlungsod Secretariat within the period mentioned above, it shall also be the duty of each party to furnish the opposing party with a copy of the said Preliminary Conference Brief not later than three (3) working days before the start of the Investigation proper.

Witnesses not mentioned in the Preliminary Conference Brief of either party shall not be allowed to appear before the Investigating Authority. Issues and allegations not mentioned in the Pre-Investigation Paper shall not be heard by the Investigating Authority.

SECTION 3. Preliminary Conference - The preliminary conference is mandatory and should be terminated promptly. The Investigating Authority shall consider:

- a) The possibility of an amicable settlement;
- b) The simplification of the issues;
- c) The possibility of obtaining stipulations or admissions of facts and of documents to avoid unnecessary proof;

- d) The limitation of the number and identification of witnesses and the setting of trial dates;
- e) The propriety of rendering judgement on the pleadings, or summary judgement, or of dismissing the action should a valid ground therefor be found to exist;
- f) The requirement for the parties to:
 1. Mark their respective evidence if not yet marked in the affidavits of their witnesses;
 2. Examine and make comparisons of the adverse parties' evidence vis-à-vis the copies to be marked;
 3. Manifest for the record stipulations regarding the faithfulness of the reproductions and the genuineness and due execution of the adverse parties' evidence; and
 4. Such other matters as may aid in the prompt disposition of the action.

SECTION 4. Record of Preliminary Conference - Within five (5) days after the termination of the preliminary conference, the Investigating Authority shall issue an order stating the matters taken up therein, including but not limited to:

- (a) Whether the parties have arrived at an amicable settlement, and if so, the terms thereof;
- (b) The stipulations or admissions entered into by the parties;
- (c) Whether, on the basis of the pleadings and the stipulations and admissions made by the parties, judgment may be rendered without the need of further proceedings, in which event the judgment shall be rendered within thirty (30) calendar days from issuance of the order;
- (d) A clear specification of material facts which remain controverted; and
- (e) Such other matters intended to expedite the disposition of the case.

RULE 8 Notice, Venue, and Time of Hearing

SECTION. 1 Notice of Hearing. The parties and their witnesses shall be notified by subpoena of the scheduled hearing at least five (5) working days before the date thereof, stating the date, time and place of the hearing.

SECTION 2. Venue and Time of Hearing. All administrative complaints shall be heard in the Sangguniang Panlungsod Session Hall situated at the 6th Floor of the Bacoor Legislative and Disaster Resilience Building within the Bacoor Government Center, Barangay Bayanan, Bacoor City, Cavite on the days and time to be determined by the Investigating Authority.

SECTION 3. Change of Venue. The Investigating Authority, through the President Pro Tempore of the Sangguniang Panlungsod, may transfer on meritorious grounds the venue of the hearing of the case from the Session Hall to any appropriate place within the City of Bacoor, Cavite.

RULE 9 Order of Hearing

SECTION 1. Order of Hearing. Unless otherwise directed by the Investigating Authority, the order of a hearing shall be as follows:

- a) The complainant shall be given not more than five (5) hearing dates to present evidence in support of his/her complaint.
- b) The respondent shall be given not more than five (5) hearing dates to present evidence in support of his/her defense.

If the Investigating Authority permits them for good reasons and in the furtherance of justice, the parties may respectively present additional witnesses which should not exceed one (1) hearing date for each party.

SECTION 2. Submission of Position Papers. Within ten (10) days from the termination of the hearing, the parties shall submit their verified position papers to the Sangguniang Panlungsod Secretariat setting forth the law and the facts relied upon by them.

RULE 10 Appearance of Parties

SECTION 1. Appearance of Parties - Parties to the case shall be required to appear personally before the Investigating Authority.

SECTION 2. Appearance of Counsel. In the event that a party cannot appear personally due to justifiable reasons, he/she may be represented by counsel. The counsel appearing on behalf of his/her client, shall be armed with a Special Power of Attorney (SPA) before he/she can be allowed to represent his/her client. Counsel appearing on behalf of the client must have the full authority to bind his/her client in all matters of procedure related to these Rules.

SECTION 3. Request for Subpoena. If a party requires the attendance of a witness or the production of documents, he/she shall make a formal request for the issuance of the necessary subpoena at least three (3) days before the scheduled hearing.

SECTION 4. Unreasonable Failure to Attend the Hearing. Anyone who, without justifiable reason, fails to appear upon summons issued under authority or who, appearing before the Investigating Authority exercising the power therein defined, refuses to make oath, give testimony or produce documents for inspection, when lawfully required, shall be disciplined. A proper case for contempt shall be filed before the appropriate court within the City of Bacoor, Cavite on behalf of the Sangguniang Panlungsod by the City Legal Officer or his/her authorized representative/s.

RULE 11 Power To Take Testimony and/or Receive Evidence; Transcript/Record of the Proceedings.

SECTION 1. Power to Take Testimony or Receive Evidence. The Investigating Authority shall have the authority to take testimony or receive evidence relevant to the administrative proceedings, which authority shall include the power to administer oaths, summon witnesses, and require the production of documents by subpoena.

SECTION 2. Oaths, Affirmations, Witnesses and Production of Records. In all cases pending before it, the Investigating Authority shall have the power to issue subpoena to compel

the person to testify and to produce books, papers and other records deemed necessary as evidence. Any person who, without lawful excuse, shall fail or who shall refuse to make oath, to give testimony, or to produce documentary or object evidence shall be dealt with in accordance with existing laws.

SECTION 3. Transcript/Records of the Proceedings. The testimony of each witness and the manifestation of the parties and counsels during an investigation shall be recorded. All hearings of the Investigating Authority shall be attended by the Secretary of the Committee on Rules of the Sangguniang Panlungsod who shall take down notes of the proceedings therein. A transcript of the proceedings made by a Legislative Staff of the Committee on Rules and certified as correct by the Secretary of the said Committee shall be deemed prima facie, a correct statement of such proceedings.

At the end of each hearing, it shall be the duty of the Legislative Staff to immediately transcribe all the notes taken thereat and deliver said notes, as well as, the transcription thereof to the Sangguniang Panlungsod Secretary to be attached to the records of the case.

The President Pro Tempore and all the members of the Sangguniang Panlungsod shall be furnished a copy of the transcript of the proceedings at least one (1) day before the next scheduled hearing.

Any interested party may secure a copy of the transcript taken at the hearing of his/her case by paying the fee of Twelve Pesos (P102.00) per page thereof, provided that, upon written request, an indigent or a low-income party litigant shall be furnished a free copy of the transcript.

For this purpose, an "INDIGENT" or "LOW INCOME LITIGANT" shall include anyone who has no visible means of support or whose income does not exceed One Hundred Pesos (P100.00) a day which is insufficient for the sustenance of his/her family, which fact shall be determined by the Sangguniang Panlungsod.

SECTION 4. Authority to Hire Temporary Transcribers and Clerks. In case the number of personnel assigned to the Committee on Rules is insufficient to perform the tasks mentioned in Section 3 of this Rule, the Sangguniang Panlungsod shall have the authority to hire transcribers and clerks for a limited period not exceeding one hundred twenty (120) days whose task shall be to assist the Committee on Rules in performing the afore-mentioned duties. Provided that; the said transcribers and clerks as well as all personnel assigned to the Committee on Rules shall be under the direct supervision of the Sangguniang Panlungsod Secretary.

SECTION 5. Unreasonable Failure to Submit the Transcript/Record the Proceedings. The unreasonable failure to complete of the personnel of the Committee on Rules mentioned above to submit the transcript or to faithfully record the proceedings shall be a ground for disciplinary action pursuant to pertinent civil service regulations.

RULE 12 Evidence

SECTION 1. Reception of Evidence. - In administrative disciplinary proceedings:

- a) The Investigating Authority may admit and give probative value to evidence commonly accepted by reasonably prudent men in the conduct of their affairs;

- b) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, the parties shall be given opportunity to compare the copy with the original. If the original is in the official custody of a public officer, a certified copy thereof may be accepted; and
- c) The Investigating Authority may take notice of judicially cognizable facts and of generally technical or scientific facts within its specialized knowledge. The parties shall be notified and afforded an opportunity to contest the facts so noticed.

SECTION 2. Marking of Evidence. All documentary evidence or exhibits shall be properly marked by letter (A,B,C., etc.), if presented by the complainant and by number (1,2,3., etc.) if presented by respondent. They shall be attached to the records or if voluminous, kept in a separate folder marked "Folder of Exhibits" which shall also be attached to the records.

RULE 13 Termination of Investigation

SECTION 1. Termination of Investigation. The investigation of the case shall be terminated within One Hundred Twenty (120) days from the start thereof.

RULE 14 Preparation of the Report on the Investigation

SECTION 1. Preparation of the Report. After the termination of the investigation period, the Investigating Authority shall:

- a) Draft the decision, city resolution and/or order;
- b) Complete the records of the case with each page consecutively numbered and initiated by the custodian of the records of the case; and
- c) Make a summary of the proceedings from the filing of the complaint to the transmittal of the records in chronological order indicating the action taken on the issues involved.

SECTION 2. Records Classification. Records in all administrative cases to be filed with the Sangguniang Panlungsod are classified as confidential in nature and any information as to the charges, accusation, or facts adduced may not be released, and such records may not be available, except to the proper authorities and upon request by the parties in interest or their authorized representatives.

SECTION 3. Custodian of Records. The Records Officer of the Sangguniang Panlungsod shall be the custodian of the records of all cases covered by these Rules. The said records shall be kept at the Records Room of the Sangguniang Panlungsod.

SECTION 4. Digitalization of Records. To save on storage space and the amount of paper to be used in each case to be heard by the Investigating Authority, the Sangguniang Panlungsod Records Section is hereby authorized to digitize all documents related to the said cases and to save the same in the digital archives of the Sangguniang Panlungsod.

RULE 15

Decisions/Resolutions/Orders

SECTION 1. Procedure in Deciding Cases. The conclusion of an investigation in any case submitted to it for decision shall be reached in consultation among the members of the Investigating Authority before the case is assigned to one of them for the writing of the majority opinion. Any member who took no part, dissented or abstained from a decision or resolution must state the reason therefore.

SECTION 2. Rendition of Judgement. Within thirty (30) days after the position papers have been filed, or the expiration of the period for filing the same, the Investigating Authority shall render judgment. A judgment or final order determining the merits of the case shall be in writing, stating clearly and distinctly the facts and the law on which it is based, signed by a majority of the members of the Investigating Authority, and shall bear the seal of the City of Bacoor. Prior thereto, no copy of the judgment or final order shall be released to the public. Only the President Pro tempore shall release such judgment or final order.

SECTION 3. Service of Decisions, Resolutions or Orders. – All decisions, resolutions or orders of the Investigating Authority shall be served by the authorized personnel of the Sangguniang Panlungsod Secretariat to the parties and their respective counsels, either personally or by registered mail.

In case of service by registered mail, the registry return shall be prima facie evidence of the receipt of the decision, resolution, or order by the addressee in due course of mail.

Personal service is complete upon actual delivery. Service by registered mail is complete upon actual receipt by the addressee but if he fails to claim his/her mail from the post office within five (5) days from the date of the first notice, service shall take effect at the expiration of such period.

RULE 16 Preventive Suspension

SECTION 1. Nature of Preventive Suspension. Preventive suspension is not a penalty. It shall serve merely as a precautionary measure so that the elected barangay official charged may be removed from the scene of his/her alleged violation while the same is being investigated.

SECTION 2. Imposition of Preventive Suspension. Preventive suspension may be imposed by the Disciplining Authority (City Mayor), upon the recommendation of the Investigating Authority (Sangguniang Panlungsod of the City of Bacoor, Cavite) by way of a city resolution at any time after the issues are joined (after respondent answered the complaint), when the evidence of guilt of the respondent is strong.

SECTION 3. 90-day Ban. No preventive suspension shall be imposed within ninety (90) days immediately prior to any local election. If the preventive suspension has been imposed prior to the ninety (90)-day period immediately preceding a local election, it shall be deemed automatically lifted upon the start of the said period.

SECTION 4. Duration. Any single preventive suspension of barangay elective official shall not extend beyond sixty (60) days.

In the event that several administrative cases are filed against an elective barangay official, he/she cannot be placed under preventive suspension for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension.

SECTION 5. Automatic Reinstatement. Upon expiration of the preventive suspension, the suspended elective barangay official shall be deemed reinstated in office without prejudice to the continuation of the proceedings against him/her, which shall be terminated within One Hundred Twenty (120) days from the time he/she was formally notified of the case against him/her. However, if the delay in the proceeding of the case is due to his/her fault, neglect or request, other than the appeal duly filed, the duration of such delay shall not be counted in computing the time of termination of the case.

SECTION 6. Salary of Respondent Pending Suspension. The respondent, who is preventively suspended from office, shall receive no salary or compensation during such suspension, but upon subsequent exoneration and reinstatement, he/she shall be paid his/her full salary or compensation, including such emoluments accruing during his/her suspension.

RULE 17 Motion for Reconsideration

SECTION 1. Motion for Reconsideration. The party aggrieved by the decision, resolution, or order of the Investigating Authority may file a Motion for Reconsideration thereof within fifteen (15) days from receipt of the same.

The filing of the motion for reconsideration shall interrupt the running of the period to appeal unless said motion did not introduce any evidence in support of the movant's claim during the investigation of the case.

The party interested in upholding the decision, resolution, or order of the Investigating Authority may file his/her opposition to the Motion for Reconsideration at any time before the resolution thereof, provided, that not more than one motion for reconsideration shall be allowed any party.

RULE 18 Administrative Appeal

SECTION 1. Administrative Appeals. Decisions, resolutions or orders in administrative cases issued by the Sangguniang Panlungsod may, within thirty (30) days from receipt thereof, be appealed to the Sangguniang Panlalawigan of the Province of Cavite.

Section 2. How Administrative Appeals Made. Administrative appeals shall be made by filing a notice of appeal with the Sangguniang Panlungsod, serving a copy thereof on the other party.

The notice of appeal shall state under oath the material dates to show that it was perfected within the reglementary period. No record on appeal shall be filed. The Sangguniang Panlungsod Secretariat shall, if required by the Sangguniang Panlalawigan, transfer the records of the case to said body.

RULE 19
**Finality of Decision, Resolution or Order/Execution of Final Decision,
Resolution or Order**

SECTION 1. Finality of Decision, Resolution or Order. The decision of the Investigating Authority shall become final and executory after the lapse of thirty (30) calendar days from the receipt of a copy thereof by the complainant or the respondent, as the case may be, unless a motion for reconsideration is filed within the said period. Only one motion for reconsideration by any one party shall be allowed which shall interrupt the running of the thirty (30)-day period mentioned above.

SECTION 2. Execution of Final Decisions, Resolutions, Order. Any decision, resolution or order imposing a penalty of suspension that has become final and executory shall be enforced and executed by the Disciplining Authority (City Mayor of the City of Bacoor, Cavite), while the penalty or removal shall only be imposed upon order of a competent court.

SECTION 3. Removal from Office. If majority of the members of the Investigating Authority believes that there is sufficient basis to remove an elected barangay official from office, they shall pass a City Resolution requesting the City Mayor to direct the City Legal Officer, or his/her duly authorized representative/s, to file the appropriate legal action before the Regional Trial Court of the City of Bacoor, Cavite.

RULE 20
Penalties

SECTION 1. Suspension. The respondent, if found guilty of any of the offenses enumerated in Rule 1 hereof, may be meted the penalty of suspension depending on the evidence presented to the Investigating Authority.

The penalty of suspension shall not exceed the unexpired term of the respondent or a period of six (6) months for every administrative offense nor shall said penalty be a bar to the candidacy of the respondent so suspended as long as he/she meets the qualifications required for the office.

RULE 21
Suppletory Application

SECTION 1. Supplementary Rule. The provisions of the Local Government Code of 1991 and the Administrative Code of 1987 shall apply suppletorily to all matters not provided under these Rules of Procedure.

RULE 21
Final Provisions

SECTION 1. Repeal. All ordinances and resolutions in conflict with these Rules are hereby repealed or modified accordingly.

SECTION 2. Separability. In case any provision of these Rules is declared unconstitutional by a court of law, the remaining provisions of this Ordinance not affected by the said declaration shall remain valid.

SECTION 3. Effectivity. These Rules shall take effect after review and approval of the Sangguniang Panlalawigan of Pangasinan and after it has been published at least once in a newspaper of general circulation within the City of Bacoor, Cavite.

ENACTED unanimously this ___ day of _____ 2024 at the City of Bacoor, Cavite.

I hereby certify that the foregoing Resolution and Ordinance were duly approved in accordance with law.

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor/Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Approved by:

HON. STRIKE B. REVILLA
City Mayor