



COMMITTEE ON RULES AND PRIVILEGES, LAWS AND ORDINANCES

COMMITTEE REPORT CRPLO-PCR-643-2024

Office of the Sangguniang Panlungsod
Received by: Janet Pring
Date: 13 AUG 2024
Time: 1:15 PM

Subject: *A resolution authorizing Mr. Christian Gawaran, Head of Business Permit and Licensing Department (BPLD) as represented by the Office of the City Legal Services to file and institute and administrative case for and in behalf of the City of Bacoor.*
(PCR-643-2024: Date referred: August 05, 2024)

The above-mentioned proposed resolution underwent its first reading on August 05, 2024 during the 102nd Regular Session of the Sangguniang Panlungsod. The said proposed resolution was referred by the Presiding Officer, City Vice Mayor Hon. Rowena Bautista Mendiola to the Committee on Rules and Privileges, Laws and Ordinances,

The Committee on Rules and Privileges, Laws and Ordinances sent out invitations to the resource persons and conducted a committee hearing on August 09, 2024, 10 a.m. at the Session Hall of the Sangguniang Panlungsod.

FINDINGS:

A letter from the City Administrator was sent to the Sangguniang Panlungsod on August 02, 2024, requesting the latter to issue a resolution authorizing Mr. Christian Gawaran, Head of the Business Permit and Licensing Department (BPLD) as represented by the Office of the City Legal Services to file and institute an administrative case for and in behalf of the City of Bacoor.

The above-subject matter is in preparation of the City of Bacoor in filing an administrative investigation and revocation of licenses for unprofessional and unethical conduct in the practice of dental profession under Section 22 of R.A 9484 or the "Philippine Dental Act of 2007" and operation of businesses without Mayor's Permit in violation of City Ordinance No.2013-060 against Molino Dental Circle in relation to the complaint they filed against the City of Bacoor questioning the authority of the city to collect taxes to all dentists establishing their businesses in the City of Bacoor.





RECOMMENDATION:

After a thorough review of all the circumstances and statements from the resource persons, the Committee respectfully recommends that the Sangguniang Panlungsod approve the above subject matter.

By the motion of Hon. Reynaldo C. Palabrica duly seconded by all the members of the Sangguniang Panlungsod, the above subject matter was **APPROVED** during its 103rd Regular Session.

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

Signed this 13th day of August 2024 at the City of Bacoor, Cavite.

Committee on Rules and Privileges, Laws and Ordinances

COUN. REYNALDO C. PALABRICA
Chairman

COUN. LEVY TELA
Vice Chairman

COUN. ALEJANDRO GUTIERREZ
Member

COUN. ADRIELITO GAWARAN
Member





COMMITTEE ON RULES AND PRIVILEGES, LAWS AND ORDINANCES

MINUTES OF THE COMMITTEE HEARING PCR No. 643-2024

Office of the Sangguniang Panlungsod
Received by: Janet Pring
[Signature]

Subject: *A resolution authorizing Mr. Christian Gawaran, head of Business and Licensing Department (BPLD) as represented by the Office of the City Legal Services to file and institute an administrative case for and in behalf of the City of Bacoor.*

(PCR-643-2024: Date referred: August 05, 2024)

A committee hearing on the above-subject matter was conducted last August 09, 2024, 10:15 a.m. at the Sangguniang Panlungsod Session Hall presided by the Committee Chairman, Hon. Reynaldo C. Palabrica.

MEMBERS OF THE COMMITTEE AND CITY COUNCILORS PRESENT:

HON. ADRIELITO GAWARAN
HON. ALEJANDRO GUTIERREZ
HON. SIMPLICIO DOMINGUEZ

RESOURCE PERSONS PRESENT:

ATTY. NATHANIEL DE LEON	-	OFFICE OF THE CITY LEGAL SERVICES
ATTY. BENEDICT VICTA	-	CITY ADMINISTRATION OFFICE
CHRISTIAN GAWARAN	-	BUSINESS PERMIT AND LICENSING DEPARTMENT
RAMIL ASTO	-	BUSINESS PERMIT AND LICENSING DEPARTMENT

COUN. REYNALDO PALABRICA "Good morning ladies and gentleman the hearing regarding the request resolution authorizing Mr. Christian Gawaran, head of Business and Licensing Department (BPLD) as represented by the Office of the City Legal Services to file and institute an administrative case for and in behalf of the City of Bacoor is now called to order."

MINUTES OF THE COMMITTEE HEARING PCR No. 643-2024

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A resolution authorizing Mr. Christian Gawaran, head of Business and Licensing Department (BPLD) as represented by the Office of the City Legal Services to file and institute an administrative case for and in behalf of the City of Bacoor.





COUN. REYNALDO PALABRICA "For the record, present in this hearing are the following honorable members of the City Council. From District 1, Honorable Councilor Adriel Gawaran."

COUN. ADRIELITO GAWARAN "Magandang umaga po sa inyong lahat, mabuhay."

COUN. REYNALDO PALABRICA "Magandang umaga po, mabuhay. Next, is the Honorable Councilor from District 1, Honorable Councilor General Alex Gutierrez."

COUN. ALEJANDRO GUTIERREZ "Magandang umaga po sa ating lahat, mabuhay po."

COUN. REYNALDO PALABRICA "Magandang umaga po, mabuhay. Next is the Councilor from District 2 Honorable Simplicio Dominguez."

COUN. SIMPLICIO DOMINGUEZ "Good morning po sa ating lahat, mabuhay."

COUN. REYNALDO PALABRICA "Mabuhay po, may I request the resource person present that they introduce themselves for the record and their representations."

ATTY. NATHANIEL DE LEON "Good morning your honor, Atty. Nathaniel De Leon from the Office of the City Legal Services your honor."

COUN. REYNALDO PALABRICA "Thank you, next."

ATTY. BENEDICT VICTA "Good morning your honor, Atty. Benedict Victa from the City Administration Office."

COUN. REYNALDO PALABRICA "Thank you Atty., anong pangalan ninyo Attorney bago kayo sa paningin namin."

ATTY. BENEDICT VICTA "Benedict Victa."

COUN. REYNALDO PALABRICA "Benedict Victa? How are you related with Judge Victa?"

ATTY. BENEDICT VICTA "Tita your honor, auntie ko po."

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COUN. REYNALDO PALABRICA "Okay, thank you for being part of the City Government of Bacoor. Next."

CHRISTIAN GAWARAN "Christian Gawaran, Business Permit and Licensing Department OIC. Good morning and mabuhay."

COUN. REYNALDO PALABRICA "Thank you, mabuhay. Next."

RAMIL ASTO "Good morning po, I am Ramil Asto from Business Permit and Licensing Department."

COUN. REYNALDO PALABRICA "Ang partikular na usapin na ito to be specific, you are requesting an authority from the Sangguniang Panlungsod to file a case sa PRC ata to noh, sa PRC ba? So, hindi na natin babanggitin yung kung ano yung pleadings, pero ang paguusapan lang natin ay yung pag-filean ng kaso. Ano ba to grupo o isang tao lang, isang indibidwal lang ang kakasuhan? Mr. Gawaran."

CHRISTIAN GAWARAN "Good morning po your honors, bale po five, lima po."

COUN. REYNALDO PALABRICA "Five individuals?"

CHRISTIAN GAWARAN "Opo."

COUN. REYNALDO PALABRICA "Magiging public documents to, siguro the committee will require you to submit the list."

CHRISTIAN GAWARAN "Opo."

COUN. REYNALDO PALABRICA "Lima, ano tong lima na to?"

CHRISTIAN GAWARAN "Mga professionals po."

COUN. REYNALDO PALABRICA "Professionals, what kind of profession they are involve?"

CHRISTIAN GAWARAN "Dentist."





COUN. REYNALDO PALABRICA "Dentist. So, Atty. are you aware of this complaint? Particular complain?"

ATTY. NATHANIEL DE LEON "Yes, your honor we are aware of this complaint your honor. When the Sangguniang Panlungsod transmitted the invitation your honor, we have read the same your honor."

COUN. REYNALDO PALABRICA "So, ibig sabihin itong dentist na to kakasuhan? Anong kaso at bakit sila kakasuhan?"

ATTY. NATHANIEL DE LEON "Your honor we are trying to have an administrative case your honor. A disciplinary case against this professionals po, kasi una hindi po sila sumunod sa ating ordinansa, pangalawa ay nag fa-file sila ng kaso laban sa lungsod in bad faith."

COUN. REYNALDO PALABRICA "In bad faith, anong kaso ang finile nila against sa ating City Government?"

ATTY. NATHANIEL DE LEON "Yung unang kaso pong finile nila, hindi ko po alam kung bakit po nila finile sa Makati City na wala naman po talagang jurisdiction sa atin. Pangalawa, nung na talo sila doon by their own account biglang nirefile po nila dito sa Bacoor City."

COUN. REYNALDO PALABRICA "So what is the status of that particular case?"

ATTY. NATHANIEL DE LEON "Ongoing po, pero usually nadedenied po yung mga motions nila."

COUN. REYNALDO PALABRICA "So ibig sabihin seryoso sila. Hindi tumigil, nadeny na, na dismiss na sa unang korte. Talagang seryoso sila, kung mananalo sila sa kaso ano ang possible na mangyayari sa City Government?"

ATTY. NATHANIEL DE LEON "Your honor isa sa mga prayers nila ay hindi sila pag bayadin ng mga regulatory fees."

COUN. REYNALDO PALABRICA "So, wala namang ibang complains or issue, kundi yung mgg regulatory fees?"

ATTY. NATHANIEL DE LEON "Opo."

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COUN. REYNALDO PALABRICA "Hindi naman pala seryoso masyado, gusto lang maka iwas sa babayaran. Are you aware of this Atty. Victa?"

ATTY. BENEDICT VICTA "Yes, your honor in fact it was directed by the Mayor to the City Administrator Office and then we took part in the initial drafting, and then the City Administrator Office took part in the initial drafting of the complaint. And then we underwent several legal reviews and then opinion that this are acting in bad faith. Cause they failed to secure, and they are arrogating themselves your honor. They supposed to be securing Mayors permit and business permit, and yet instead of compiling in the ordinance of City Government of Bacoor, they instead evaded their obligation and proceeded to even file a case against the City Government your honor."

COUN. REYNALDO PALABRICA "Hindi naman talaga tama, parang walang respeto. Pwede naman magbayad muna bago mag file ng kaso diba? Para makita yung good faith, tama naman, nakikita ko yung punto niyo eh. May konting alam ako sa istorya neto eh, if I can share to you. Marami to, pero nung ininspeksyon na ni Mr. Christian Gawaran tsaka ng sanitation office natin, yung iba nagkuhanan na ng business permit, tama noh? Ito na lang natitira yung lima, ayaw talaga."

CHRISTIAN GAWARAN "Actually, your honor yung dalawa po walang clinic sa Bacoor, yung tatlo naman po may clinic sa Bacoor pero yung dalawa po recently naka pag secure na po ng permit."

COUN. REYNALDO PALABRICA "So, iisa na lang yung natitira?"

CHRISTIAN GAWARAN "Isa na lang po, kasi nasa proseso na po siya yung application form niya po, may mga kino-comply na lang po na mga requirements."

COUN. REYNALDO PALABRICA "Ah yung isang natitira?"

CHRISTIAN GAWARAN "Yung natitira po."

COUN. REYNALDO PALABRICA "Nag cocomply na rin?"

CHRISTIAN GAWARAN "Opo. Kumuha na po kasi ng application form sa amin."

MINUTES OF THE COMMITTEE HEARING PCR No. 643-2024

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A resolution authorizing Mr. Christian Gawaran, head of Business and Licensing Department (BPLD) as represented by the Office of the City Legal Services to file and institute an administrative case for and in behalf of the City of Bacoor.





COUN. REYNALDO PALABRICA "How do you treat this? Kasi parang even nakapag file na sila, ngayon nag cocomply na sila. Naramdaman na rin siguro nila na dapat sila mag comply or mayroon na silang realization na kailangan sila mag comply.

COUN. REYNALDO PALABRICA "With that may I ask a motion for the adjournment of this hearing?"

COUN. ALEJANDRO GUTIERREZ "I moved for the adjournment of this hearing."

COUN. REYNALDO PALABRICA "It has been moved by Councilor Gutierrez that this hearing be adjourned, any second, seconded by Councilor Gawaran. Any objection? Hearing none, therefore this hearing is adjourned."

The committee hearing ended at 10:40 a.m.

Prepared by:


Ronaldo M. Verona
Staff

Attested by:


COUN. REYNALDO C. PALABRICA
Chairman

MINUTES OF THE COMMITTEE HEARING PCR No. 643-2024

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A resolution authorizing Mr. Christian Gawaran, head of Business and Licensing Department (BPLD) as represented by the Office of the City Legal Services to file and institute an administrative case for and in behalf of the City of Bacoor.





Office of the Sangguniang Panlungsod
Received by 13 AUG 2024
Time 8:15 am

Committee on Rules and Privileges, Laws and Ordinances

NOTICE OF COMMITTEE HEARING

(PROOF OF RECEIPT)

(August 09, 2024 10:15 AM)

(SP Session Hall)

Subject: A RESOLUTION AUTHORIZING MR. CHISTIAN GAWARAN, HEAD OF BUSINESS AND LICENSING DEPARTMENT (BPLD) AS REPRESENTED BY THE OFFICE OF THE CITY LEGAL SERVICES TO FILE AND INSTITUTE AN ADMINISTRATIVE CASE FOR AND IN BEHALF OF THE CITY OF BACOR. (PCR No. 643-2024) dated (August 05, 2024)

NAME	OFFICE AFFILIATION	CONTACT NUMBER	SIGNATURE/DATE
HON. LEVY TELA			TELAVY 8/7/24 1:15 pm
HON. ALEJANDRO GUTIERREZ	SP		CRESINA GONZALEZ 8-7-24
HON. ADRIELITO GAWARAN	SP		AD 8/7/24 2:50 pm
HON. ROGELIO NOLASCO	SP	-	Rogelio 8-7-24
HON. SIMPLICIO DOMINGUEZ	SP		SP 8-7-24
MR. CHRISTIAN GAWARAN BPLD			Christian 8/7/24 1:50 P.M.
ATTY. KIM NYCA LOFRANCO City Legal	CCLS	415	Uguisato 8/7/24 2:05 pm

NOTICE OF COMMITTEE HEARING NO. CRPLO - PCR 643-2024

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A RESOLUTION AUTHORIZING MR. CHISTIAN GAWARAN, HEAD OF BUSINESS AND LICENSING DEPARTMENT (BPLD) AS REPRESENTED BY THE OFFICE OF THE CITY LEGAL SERVICES TO FILE AND INSTITUTE AN ADMINISTRATIVE CASE FOR AND IN BEHALF OF THE CITY OF BACOR.





Committee on Rules and Privileges, Laws and Ordinances

ATTENDANCE OF COMMITTEE HEARING

(PROOF OF RECEIPT)

(August 09, 2024 10:15 AM)

(SP Session Hall)

Office of the Sangguniang Panlungsod
Received by: Janet Pring
Date: 8/9/24
Time: 10:15 AM

Subject: A RESOLUTION AUTHORIZING MR. CHISTIAN GAWARAN, HEAD OF BUSINESS AND LICENSING DEPARTMENT (BPLD) AS REPRESENTED BY THE OFFICE OF THE CITY LEGAL SERVICES TO FILE AND INSTITUTE AN ADMINISTRATIVE CASE FOR AND IN BEHALF OF THE CITY OF BACOR. (PCR No. 643-2024) dated (August 05, 2024)

NAME	OFFICE	CONTACT # Email Address	SIGNATURE/DATE
HON. SIMPLICIO DOMINGUEZ	SP		
HON. ALEJANDRO GUTIERREZ	SP		
HON. ADRIELITO GAWARAN	SP		
Atty. Benedito V. Vida	City Ad Officer	atty.vick@qmail.com	
Atty. Nathaniel Perleon	OCUS		
HEAD BPLD CHRISTIAN T. GAWARAN	BPLD	bacoorpermit@y.com	
PANLU AGO	BPLD	bacoorpermit@y.com	

ATTENDANCE OF COMMITTEE HEARING NO. CRPLO - PCR 643-2024

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A RESOLUTION AUTHORIZING MR. CHISTIAN GAWARAN, HEAD OF BUSINESS AND LICENSING DEPARTMENT (BPLD) AS REPRESENTED BY THE OFFICE OF THE CITY LEGAL SERVICES TO FILE AND INSTITUTE AN ADMINISTRATIVE CASE FOR AND IN BEHALF OF THE CITY OF BACOR.





Republic of the Philippines
Province of Cavite
CITY OF BACOOR
OFFICE OF THE SANGGUNIANG PANLUNGSOD



CCBCR-SPBac-F01.01
05/30/2024

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Office of the Sangguniang Panlungsod
Received by Angel 2024
Date: 13
Time: 8:15am



CRPLO - PCR 643-2024

A RESOLUTION AUTHORIZING MR. CHISTIAN GAWARAN, HEAD OF BUSINESS AND LICENSING DEPARTMENT (BPLD) AS REPRESENTED BY THE CITY LEGAL SERVICES TO FILE AND INSTITUTE AN ADMINISTRATIVE CASE FOR AND IN BEHALF OF THE CITY OF BACOOR.



STR1KE
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Address: Bacoor Legislative and Disaster Resilience Bldg.,
Bacoor Blvd., Brgy. Bayanan, City of Bacoor, Cavite
Trunkline: (046)417-0727
Website: www.bacoorcitersp.com



Cert. no. 24/181809



Republic of the Philippines
Province of Cavite
CITY OF BACOR
CITY ADMINISTRATOR'S OFFICE



TO : HON. CATHERINE SARINO-EVARISTO
Acting City Vice Mayor

THRU : ATTY. KHALID ATEGA JR.
Sangguniang Panlungsod Secretary

SUBJECT : REQUEST TO ISSUE A RESOLUTION AUTHORIZING MR. CHRISTIAN GAWARAN, HEAD OF THE BUSINESS PERMIT AND LICENSING DEPARTMENT (BPLD) AS REPRESENTED BY THE OFFICE OF THE CITY LEGAL SERVICES TO FILE AND INSTITUTE AN ADMINISTRATIVE CASE FOR AND IN BEHALF OF THE CITY OF BACOR

DATE : 02 AUGUST 2024

OFFICE OF THE
SANGGUNANG PANLUNGSOD
RECEIVED
BY: ARIEL

DATE: 8-2-24 TIME: 1:15
BACOR CITY, CAVITE

Dear Hon. Catherine Sarino-Evaristo,

Greetings.

The City of Bacoor is preparing to file a case against Molino Dental Circle relative to the complaint they filed against the City of Bacoor questioning the authority of the city to collect taxes to all dentist establishing their business in the City of Bacoor.

In view of the foregoing, the undersigned would like to most respectfully request your good office to issue a Resolution Authorizing MR. CHRISTIAN GAWARAN, Head of the Business Permit and Licensing Department as represented by the Office of the City Legal Services of Bacoor to file and institute an administrative case against Molino Dental Circle for and in behalf of the City of Bacoor. Please see attached documents for your reference.

It is also requested that the abovementioned matter be included as part of the Agenda of the Committee Hearing scheduled on Monday, 05 August 2024.

Your utmost consideration of our request is greatly appreciated.

Thank you.

Sincerely,


ATTY. AIMEE TORREFRANCA-NERI
City Administrator



Address: Bacoor Government Center, Bacoor Blvd.,
Brgy. Bayanan, City of Bacoor, Cavite
Trunkline: 434-1111
Website: www.bacoor.gov.ph



REPUBLIC OF THE PHILIPPINES
PROFESSIONAL REGULATION-COMMISSION
PROFESSIONAL REGULATORY BOARD OF DENTISTRY
MANILA

CHRISTIAN T. GAWARAN, in his capacity as the Officer-In-Charge of the Business Permit and Licensing Department of the CITY OF BACOR, PROVINCE OF CAVITE (*Building Permits and License Department, Ground Floor, Bacoar City Hall, Bacoar Government Center, Bayanan, Bacoar City, Cavite*),

Complainants,

- vs -

Administrative Case No. _____

For: Administrative Investigation and Revocation of Licenses for Unprofessional and unethical conduct in the practice of Dental Profession under Section 22 of Republic Act 9484 or "The Philippine Dental Act of 2007" and Operation of Businesses without Mayor's Permit in Bacoar City, Cavite in Violation of City Ordinance No. 2013-060, as amended.

LILIBETH BANGALISAN GALANG, MARIA NELIA CORTEZA, MARIA CORAZON MAHAGIS-VELASCO, EMILY DELA CRUZ TAGUBA, and NOLITA TEODOSIO RUFIN
(*Block 22 Lot 15, Phase 8, Avenida St., Magdalo, Imus City, Cavite*),

Respondents.

x ----- x

COMPLAINT-AFFIDAVIT

I, **CHRISTIAN GAWARAN**, of legal age, Filipino, with office address at Business Permit and Licensing Department (BLPD), Upper Ground

Floor, Bacoor Government Center, Bayanan, Bacoor City, Cavite, after having sworn in accordance to law, hereby depose and state:

1. The City of Bacoor, Province of Cavite is a local government unit duly organized under Republic Act (RA) 7160, also known as the "Local Government Code of the Philippines of 1991," and its own charter, RA 10160 or the "Charter of the City of Bacoor";
2. I am the current Officer-in- Charge of the Business Permit and Licensing Department (formerly BPLO, now BPLD) of the City of Bacoor from August 2021 up to the present;
3. The BPLD is the implementing office for the effective and efficient issuance of new and renewal of business permits; regulation of all nature and operations of different activities within the City of Bacoor; and monitoring and enforcement of existing laws, ordinances, rules and regulations relative to the operation of business covered by its jurisdiction;
4. Other than the issuance of business- and activity- related permit, among the specific functions of the BPLD is to conduct inspection of business establishments to monitor and enforce compliance;
5. The respondents herein are all dentists by profession and are members of the Philippine Dental Association- Cavite Dental Chapter;
6. However, among the respondents- dentists only Drs. Corteza, Magahis- Velasco, and Taguba are operating and maintaining dental clinics in the City of Bacoor;
7. Drs. Galang and Rufin do not operate and maintain dental clinics in the City of Bacoor;
8. Attached herein are the Certification attesting to the foregoing as Annexes " A " and " B ";
9. In July 2023, the City of Bacoor received a letter from the Molino Dental Circle, through its counsel Atty. Antonio Enrile- Inton, Jr. stating that *"in the first quarter of 2023, several dental clinics of the member dentists were inspected by employees from Bacoor City Treasurer's Office and the Business Permit Licensing Offices requiring them to secure and pay Business tax from the City. Non compliance, x x x, will be a basis for the City to close down their clinics."*;

10. In the same letter, it was further alleged that dentists are exempted to secure business permit (Mayor's Permit) based on Department of Interior and Local Government (DILG) Memorandum Circular (MC) 2016-170;
11. The letter from the Molino Dental Circle is attached hereto as Annex "C";
12. A legal opinion dated 05 September was rendered by the Office of the City Legal Services on the matter recommending the payment of various regulatory fees, among others;
13. However, another letter dated 05 September 2023 was received on 18 September 2023 from Atty. Enrile- Inton, alluding that, since they failed to secure an audience with the City of Bacoar, they are constrained to take "the necessary legal means to protect our [their] clients' interests.";
14. Taking into consideration that despite the issuance of Notices of Violation and/or Cease and Desist Orders to the dental clinics, the BPLD has not strictly enforced the Cease and Desist Orders and even Closure Orders given the hope that the dental clinics will eventually comply with the Mayor's Permit requirement;
15. On 17 April 2024, the respondent- dentists and other members of officers and members of the PDA- Cavite Chapter- Molino Dental Circle, were invited to a meeting with the concerned officers of the City of Bacoar;
16. During the said meeting, the respondents reiterated their plea for exemption from Mayor's Permit, considering that this matter was already clarified in a letter dated 13 May 2022 from the DILG addressed to Dr. Vivien Failana of the PDA- Cavite Dental Chapter that *dental clinics are required to secure Mayor's Permit based on DILG Opinion 59, Series of 2018 and Department of Finance (DOF) Local Finance Circular (LFC) 001-2019, Series of 2019, and that the BPLD is authorized to issue Notice of Violation for non-complying dental clinics;*
17. Likewise, the respondents were apprised that the review of charges and fees are legislative in nature, and not executive, which is beyond the ambit of the authority of the City Mayor;
18. Thus, in order to accommodate and assist in the concerns of the dental clinics, the City Administrator recommended that the

respondents may appeal their concern to the Sanggunian Panlungsod to review and reconsider the Mayor's Permit fees and other related charges;

19. It was likewise agreed that it is only upon the submission of the Association's Board Resolution appealing the review of charges and the draft Ordinance for the consideration of the fees that the BPLD shall suspend its issuance of Notices of Violation and/or Cease and Desist Order for non-complying dental clinics;
20. This was duly concurred by all concerned parties;
21. Attached herein is a copy of the 17 April 2024 Minutes of the Meeting and Attendance Sheet as Annex " D " and Annex " D-1";
22. Contrary to the foregoing, the respondents failed to submit their appeal to the Sanggunian and continued to operate their dental clinics without Mayor's Permit;
23. However, considering that there are appeals and reservations, most of the dentists in the City of Bacoor abided by registering their clinics and applying and complying with the Mayor's Permit requirement;
24. Pursuant to our mandate, the BPLD continued to conduct routine inspections and issue Notices of Violation and Cease and Desist Orders for non- complying dental clinics;
25. Given the situation, the City of Bacoor has not made formal demand to pay the corresponding fees and penalties from the non-complying dental clinics and even tolerated their operations within the City without permits in the last two (2) years;
26. On 13 June 2024, the BPLD received a "Petition for Prohibition under Rule 65 with immediate issuance of Temporary Restraining Order (TRO) with Preliminary Injunction" from Atty. Roy Marius Niedo of the Enrile- Inton and Partners Law Office, to be filed with the Regional Trial Court of Makati City (RTC- Makati) by the herein respondents, together with other dentists, Drs. Agnes Mira and Crisanta Fabian Ducay;
27. However, we received written correspondences from Dr. Mira on 13 June 2024 and from Dr. Ducay on 15 June 2024 that they do not intend to file a case against the city government but instead, resort to the plea to the Sanggunian of the review of the Mayor's Permit fees and other related charges;

28. Attached hereto are the copies of the letters of Dr. Mira as Annex " E " and Dr. Ducay as " F ";
29. Further, according to Dr. Ducay, her signatures to the verification and certification against forum shopping, as well as in the attached Judicial Affidavits, were obtained by being misled that it is the agreed "petition" for appeal to the Sanggunian for the reconsideration of the Mayor's Permit fee and other related charges;
30. Clearly, the City of Bacoor was unaware of the court action taken by the respondents, considering that the city and the association came to an agreement on the matter;
31. On 26 June 2024, we received an Order from RTC- Makati dismissing the petition for prohibition for lack of jurisdiction. On the same date, the city government received a copy of another "Petition for Prohibition under Rule 65 with immediate issuance of Temporary Restraining Order (TRO) with Preliminary Injunction" filed by the respondents, through their counsel, Atty. Nieto;
32. This time, it is filed with the RTC- Bacoor;
33. Hence, this Complaint- Affidavit.

Violation of Section 22 of RA 9848, or
"The Philippine Dental Act of 2007"
and of the Code of Ethics of Dentists,
Dental Hygienists, and Dental
Technologists

34. Under Section 22 of RA 9484, otherwise known as "The Philippine Dental Act of 2007", the Board has the power "to recommended the nullification or suspension of the validity of the certificate of registration and professional identification card of a dentist x x x, mentioned in the preceding section, or for: (a) **Unprofessional and unethical conduct**; x x x";
35. Ethics is defined in the PRC Board Resolution No. 14, Series of 2008 as "A system of moral principles or values; the rules or standards governing the conduct of members of a profession; accepted principles of right or wrong;" and establishes the means of doing what is right, fair, and honest;"
36. Further, it is a primary duty of a dental professional to serve the public by giving their professional service to the best of their capabilities in accordance with established standards of care and

by conducting themselves in a manner befitting a professional of high esteem¹;

37. Likewise, dentists are expected to conduct themselves in a manner beyond reproach²;

38. Clearly, the deliberate failure of the respondents in securing proper permits and operating their dental clinics absent Mayor's Permit for more than two (2) years placed them at an advantage over other dental clinics and businesses within the city which have secured and paid for appropriate permit, have complied with the regulatory requirements, and are legally operating in the city;

39. Such act is a display of conduct which are beyond the established standards of care and of professional of high esteem;

40. Notwithstanding the tolerance extended by the City Government of Bacoar to the respondents to operate their respective clinics- despite that they were issued with Notices of Violation and Cease and Desist Orders and not demanded to pay the corresponding penalties under the Ordinance, they opted to file an action against the City Government of Bacoar to evade and curtail a prevailing law;

The respondents acted in bad faith in their failure to secure Mayor's Permit and by filing a court suit against the City of Bacoar for enforcing a City Ordinance instead of complying

41. Under Art. 24, Sec. 118 of the 2013 Revenue Code of the City of Bacoar, as amended³

"Any person, natural or juridical, who shall establish, operate, or conduct any business mentioned in this Article and in Chapters Four and Five of this Code, shall first secure a Mayor's Permit and pay the corresponding fee therefor and the business tax imposed under this code."

¹ Section 1, Code of Ethics for Dentist, Dental Hygienist, and Dental Technologist

² Section 6

³ City Ordinance 217-2022 otherwise known as the "2022 Revenue Code of the City of Bacoar";

42. Department of Interior and Local Government (DILG) Opinion 59, Series of 2018 clarified and reconciled related provisions on the Mayor's Permit⁴;
43. Based on the DILG issuance, the exemption from payment of national or local tax, license, or fee in Section 139 of RA 7160, or the Local Government Code of 1991, and mentioned in Section 147 thereof, refers to the practice of profession. However, this should be understood as not to disregard the local government units' right to impose and collect reasonable fees and charges for the actual establishment of a clinic/office, **"which the amount commensurate to the cost of regulation for the purpose of ensuring the general welfare of the public."**;
44. It further enunciated that while the municipality is precluded from impositions of tax, fee or license for the practice of profession when it has already been settled with the province, the municipality retains the power to collect reasonable fees and charges for the actual establishment of a clinic/ office by way of Mayor's Permit;
45. As opined, the establishment of a clinic is merely a consequence to the practice of profession, "it does not equate to practice of profession, per se." The Mayor's Permit is not a business tax but solely for the LGU to be informed of all activities and establishments within its jurisdiction to ensure that no illegal activities are being conducted within its jurisdiction, to the detriment of its constituents;
46. Here, the imposition of the Mayor's Permit on businesses (and clinics) within the jurisdiction of the City of Bacoar is for the purpose of regulating business activities in its territory;
47. It was never intended to be an imposition of business tax;
48. However, even after sit-down discussions and documented clarifications, the respondents still refused to secure Mayor's Permit from years 2022 until the present and still managed to operate their clinics without the required permits;
49. Their refusal to secure Mayor's Permit for more than two (2) years despite their knowledge that it is required tantamounts to bad faith;

⁴ rendered by Undersecretary Austere A. Panadero

50. As enunciated in the case of Yamauchi v. Suñiga⁵:

"Bad faith does not simply connote bad judgment or negligence. It imports a dishonest purpose or some moral obliquity and conscious doing of a wrong, a breach of known duty through some motive or interest or ill will that partakes of the nature of fraud. It is, therefore, a question of intention, which can be inferred from one's conduct and/or contemporaneous statements."

51. To secure a Mayor's Permit in one's place of business is a known duty or obligation to be complied with. The conscious and intentional refusal and disobedience and the filing of a prohibition action against the City Government of Bacoor are conduct amounting to bad faith;

52. Likewise, respondents Galang, Corteza and Rufin are all well-aware that they do not operate and maintain dental clinics within the City of Bacoor. Therefore, to question the application of the Mayor's Permit in the City of Bacoor is misplaced as they are not parties-in-interest and will not be directly benefited or injured of the outcome of the action filed before the courts;

53. Section 17 of the Code of Ethics for Dentist, Dental Hygienist, and Dental Technologist mandates:

"Section 17. Performance of Obligations -
The dentist **shall perform in good faith and with due diligence all his/her obligations arising from** agreements with patients, or **other persons and financing institution, or other instrumentalities**, so as not to undermine the prestige of the profession".

54. Thus, the Code of Ethics for dental practitioners demands good faith and due diligence in all their dealings;

PRAYER

19. WHEREFORE, premises considered, it is respectfully prayed unto this Honorable Office to:

1. Issue an order directing the revocation of the licenses of respondents **LILIBETH BANGALISAN GALANG, MARIA NELIA CORTEZA, MARIA CORAZON MAHAGIS-VELASCO, EMILY DELA CRUZ TAGUBA, and NOLITA TEODOSIO RUFIN**; All other just and equitable reliefs are likewise prayed for.

AFFIANT FURTHER SAYETH NAUGHT.

IN WITNESS WHEREOF, we hereby affix our signatures this July 10, 2024, in Bacoar City, Province of Cavite.

CHRISTIAN GAWARAN
OIC, BLPD/Affiant

VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING

I, **CHRISTIAN GAWARAN**, of legal age, married, Filipino, with office address at Business Permit and Licensing Department, Ground Floor, Bacoar City Hall, Bacoar Government Center, Bayanan, Bacoar City, Cavite, after having sworn in accordance to law, hereby depose and state that:

1. I am the complainant in the above-entitled case;
2. I have caused the preparation of the foregoing Complaint and have read the allegations contained therein;
3. The allegations in the said complaint are true and correct of our own knowledge and authentic records;
4. The foregoing Complaint is not filed to harass, cause unnecessary delay needlessly increase the cost of litigation;
5. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
6. I have not commenced any action other action or proceeding involving the same issues in any other court, tribunal or quasi-

judicial agency and, to the best of our knowledge, no such other action or claim is pending therein;

- 7. If, I, thereafter, learned that a similar action or proceeding has been filed or pending, we hereby undertake to report that fact within five (5) days therefrom to the court or agency where the original pleading/complaint and sworn certification contemplated herein have been filed; and
- 8. I have executed this Verification and Certification to attest to the truth of the foregoing facts and to comply with the provisions of Section 1, Rule V of 2017 Revised Rules and Regulations in Administrative Investigations, Administrative Circular No. 04-94, and The Rules of Court as amended by Administrative Matter No. 19-10-20-SC-2019.

IN WITNESS WHEREFORE, I have hereunto affixed our signature this _____, in _____.

CHRISTIAN GAWARAN
OIC, BLPD/Affiant

SUBSCRIBED AND SWORN to before me, a Notary Public in _____, the foregoing affiants, personally appeared this _____ and showed following competent proof of their identities:

Names of Affiant	Proof of Identification
CHRISTIAN GAWARAN	

(Administering Officer)

Doc No. ____
Page No. ____
Book No. ____
Series of 20____.