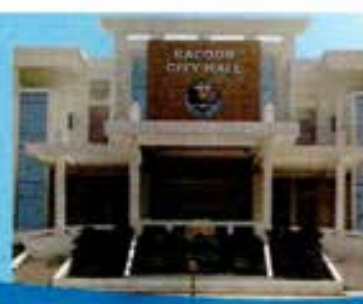




Republic of the Philippines
Province of Cavite
City of Bacoor
OFFICE OF THE SANGGUNIANG PANLUNGSOD



DISTRICT I

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City Councilor

Absent

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City Councilor

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City Councilor

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HON. REYNALDO D. PALABRICA
City Councilor - Liga ng Brgy. President

HON. MAC RAVEN ESPIRITU
City Councilor - SK FEDERATION PRESIDENT

Attested by:

ATTY. KHALIDA A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE SARINO-EVARISTO
City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

CITY ORDINANCE NO. CO 140-2020
Series of 2020

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AN ORDINANCE ADOPTING THE RULES AND PROCEDURES ON ADMINISTRATIVE ACTIONS ARISING FROM COMPLAINTS FILED AGAINST ELECTED SANGGUNIANG KABATAAN OFFICIALS BEFORE THE SANGGUNIANG PANLUNGSOD OF THE CITY OF BACOR, CAVITE.

=====

Sponsored by:
Hon. Reynaldo D. Palabrica

Co-Sponsored by:
Hon. Roberto L. Advincula, Hon. Miguel N. Bautista, Hon. Rowena Bautista-Mendiola, Hon. Leandro A. De Leon, Hon. Mac Raven Espiritu, Hon. Adrielito G. Gawaran, Hon. Victorio L. Guerrero, Jr., Hon. Hernando C. Gutierrez, Hon. Alejandro F. Gutierrez, Hon. Roberto R. Javier, Hon. Gaudencio P. Nolasco, and Hon. Alde Joselito F. Pagulayan.

WHEREAS, the Sangguniang Panlungsod has primary jurisdiction against any elected Sangguniang Kabataan official in the City of Bacoor, Cavite pursuant to Section 18 of Republic Act No. 10742 (otherwise known as the "SANGGUNIANG KABATAAN REFORM ACT OF 2015").

WHEREAS, the Sangguniang Panlungsod is mandated under Section 18 (b) of the Rules and Regulations Implementing Republic Act No. 10742 to "promulgate rules on the suspension and removal from office of any elected SK official, taking into consideration the Local Government Code (of 1991) and other applicable laws".

WHEREAS, the Local Government Code of 1991 and the various administrative orders implementing Sections 60 to 68 of RA 7160 particularly Administrative Order No. 23 (dated 17 December 1992), Administrative Order No. 159 (dated 25 November 1994), and Administrative Order No. 66 (dated 4 May 1999) prescribing the Rules and Procedures on the Investigation of Administrative Disciplinary Cases Against Elective Local Officials of Provinces, Highly Urbanized Cities, Independent Component Cities, Component Cities and Cities and Municipalities in Metropolitan Manila does not contain



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Sangguniang Panlungsod Secretary

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City Vice Mayor / Presiding Officer

Approved by:

HON. ANI MERCADO - REVILLA
City Mayor

provisions on how to conduct administrative investigations of complaints filed against elected Sangguniang Kabataan officials which may lead to their suspension or removal from office pursuant to Section 18 of Republic Act No. 10742.

WHEREAS, considering that the decision of the Sangguniang Panlungsod to either suspend or remove from office any elected SK official is final and executory, there is an urgent need for the Sangguniang Panlungsod to adopt a comprehensive set of rules and procedures in the conduct of administrative investigations against elected SK officials to ensure that the right to due process of the latter shall be safeguarded.

WHEREAS, pursuant to Section 50 of R.A. 7160 and to Section 12 of Republic Act No. 10160 (the "Charter of the City of Bacoor, Cavite"), the Sangguniang Panlungsod has the authority to adopt its Internal Rules and Procedures and such other rules as it may deem necessary

NOW THEREFORE, on motion of Hon. Reynaldo D. Palabrica, duly approved by all members present be it **ORDAINED** by the 4th Sangguniang Panlungsod of the City of Bacoor, Cavite THAT:

Rule 1
Preliminary Provisions

Section 1. Title. This Ordinance shall be known as the "**Rules of Procedure on Administrative Cases Against Elected Sangguniang Kabataan Officials of the City of Bacoor, Cavite**" or "the Rules" for brevity.

Section 2. Coverage. These Rules shall cover all administrative actions arising from complaints against elected Sangguniang Kabataan (SK) officials in any of the barangays within the jurisdiction of the City of Bacoor, Cavite that were filed before the Sangguniang Panlungsod pursuant to Section 18 of Republic Act No. 10742 and its implementing rules and regulations.

Section 3. Legal Basis. These Rules are based on the following:

a. **Section 18 of Republic Act No. 10742** which provides:

XXX

"Section 18. *Suspension and Removal from Office.* Any elected official of the Sangguniang Kabataan may, after due process, be **suspended for not more than six (6)**



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Sangguniang Panlungsod Secretary

Certified by:

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City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

months, or removed from office by majority vote of all members of the Sangguniang Bayan or Sangguniang Panlungsod which has jurisdiction in the barangay of the concerned Sangguniang Kabataan official which shall be final and executory, on any of the following grounds (Emphasis supplied):

(a) Absence from the regular meeting of the Sangguniang Kabataan without valid cause for two (2) consecutive times or accumulated absences of four (4) within a period of twelve (12) months;

(b) Failure to convene the regular assembly of the Katipunan ng Kabataan for two (2) consecutive times;

(c) Failure to convene the regular Sangguniang Kabataan meetings for three (3) consecutive months in the case of the Sangguniang Kabataan chairperson;

(d) Failure to formulate the Comprehensive Barangay Youth Development Plan and the Annual Barangay Youth Investment Program, or approve the annual budget within the prescribed period of time without justifiable reason;

(e) Failure to implement programs and projects outlined in the Annual Barangay Youth Investment Program without justifiable reason;

(f) Four (4) consecutive absences during the regular Sangguniang Barangay sessions without valid cause in the case of the Sangguniang Kabataan chairperson;

(g) Conviction by final judgment of a crime involving moral turpitude; and violation of existing laws against graft and corruption and other civil service laws, rules and regulations; and



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City Mayor

(h) Failure in the discharge of his or her duty or has committed abuse of authority. xxx"

a. **Section 18 (b) of the Implementing Rules and Regulations (IRR) of Republic Act No. 10742** which provides:

xxx

"SECTION 18. Suspension and Removal from Office. –
(a) Any elected official of the SK may, after due process, be suspended, for not more than six (6) months or removed from office by majority vote of all members of the sangguniang panlungsod or sangguniang bayan which has jurisdiction over the barangay of the concerned SK official which shall be final and executory on any of the following grounds:

xxx

(b) The sangguniang panlungsod or pambayan shall promulgate rules on suspension and removal from office of any elected SK official, taking into consideration the Local Government Code, and other applicable laws. xxx"
(Emphasis supplied)

Section 4. Definition of Terms. As used in these Rules, the following terms shall mean:

- Administrative Actions** – an investigation and/or hearing conducted by the Sangguniang Panlungsod arising from a complaint filed against an elected SK official.
- Answer** – the verified written response of an elected SK official to a complaint filed against him/her to be submitted by the SK official concerned within fifteen (15) calendar days from his/her receipt of a subpoena.
- Affidavit** – the verified written allegations of a person directed by the Sangguniang Panlungsod to provide evidence in an ongoing administrative action.
- Censure** – expression of severe disapproval of an act or omission committed by an elected SK official appearing in a Resolution passed by a majority vote of all the members of the Sangguniang Panlungsod.



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City Mayor

e. **Complaint**- an allegation of wrongdoing against an elected SK official which may be in the form of a sworn written statement in English or Filipino or an anonymous complaint endorsed by the Office of the President, the Office of the Ombudsman, or by any national agency to the Sangguniang Panlungsod for appropriate action.

f. **Contempt** - defiance of the authority, integrity or dignity of the Sangguniang Panlungsod or of any of its members that tends to bring the authority and administration of the law into disrespect or to interfere with or prejudice parties or their witnesses during a hearing being conducted by the Sangguniang Panlungsod pursuant to Section 18 of RA 10742 or to obey a subpoena issued by the Sangguniang Panlungsod pursuant to Section 18 of RA 10742.

g. **"Counsel of respondent's own choosing"** - a lawyer whose services were personally engaged by the SK official who is the subject of the administrative action.

h. **Evidence**- the written or digital documents, material objects, oral testimonies, audio or video recordings presented to the Sangguniang Panlungsod by the complainant or by the various government offices, government officials, or private natural or juridical persons upon the direction of the Sangguniang Panlungsod through a subpoena.

i. **Hearing**- a formal examination of facts relevant to an administrative action filed in the Sangguniang Panlungsod in relation to a complaint filed against an elected SK official.

j. **Juridical Persons** - corporations, partnerships, cooperatives or any other legal entity duly organized and existing under Philippine law.


k. **Majority Vote** - the affirmative vote of at least eight (8) of the fourteen (14) regular and ex-officio members of the Sangguniang Panlungsod. **Provided that:** the City Vice Mayor shall only be allowed to vote in case of a tie where the affirmative or negative side on any issue before the Sanggunian garnered seven votes.



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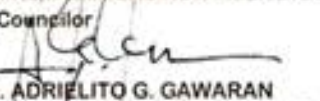
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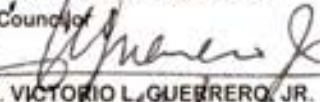

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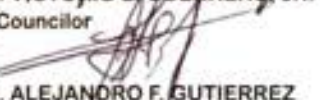
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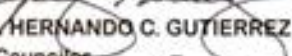

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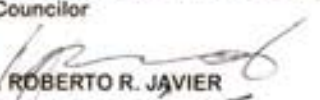

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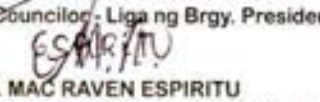

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Attested by:


ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:


HON. CATHERINE SARINO-EVARISTO
City Vice Mayor / Presiding Officer

Approved by:


HON. LANI MERCADO - REVILLA
City Mayor

l. **Natural Persons** – an individual born with inherent rights granted unto him/her by law, treaties, international conventions, customs, and/or public policy.

m. **Preliminary Conference** – a meeting called by the Committee on Rules held before trial starts that is intended to accomplish any, or all, of the following:

- Simplify the issues involved in the case;
- Allow the parties to mark their respective pieces of evidence and to identify their witnesses;
- Limit the number of issues, evidence and witnesses to be presented to those identified during the preliminary hearing;
- Determine if the parties agree on the resolution of the administrative action by the Sanggunian based on the complaint and the answer without having to conduct a hearing or series of hearings; and
- Give the parties the opportunity to arrive at an amicable settlement.

n. **Preliminary Investigation** – process of examination of the various allegations contained in the complaint and the counter-allegations contained in the answer to be conducted by the Committee on Rules and Privileges, Laws and Ordinances to determine the existence of prima facie evidence sufficient to schedule the administrative action to a hearing before all the members of the Sangguniang Panlungsod.

o. **Prima Facie**- evidence which, after initial assessment, appears sufficient to make an ordinary person form a belief that an elected SK official is probably guilty of violating the various provisions of RA 10742, other pertinent laws, and city ordinances.

p. **Removal** – termination of the right to hold public office of an elected SK official as ordered by the Sangguniang Panlungsod through a Resolution passed by a majority vote of all its members.

q. **Sangguniang Kabataan (SK) Official** – any person elected to occupy any of the positions in the Sangguniang Kabataan of a barangay as



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provided under RA 10742 and other pertinent laws.

- r. **Subpoena-** a written order signed by the Chairperson of the Committee on Rules, Laws, and Local Ordinances of the Sangguniang Panlungsod addressed to an elected SK official who is subject of an administrative action or to any natural or juridical person directing them to appear and testify before the Sangguniang Panlungsod and/or to submit any evidence pertinent to the early resolution of the administrative action.
- s. **Suspension** – temporary withholding of an elected SK official's right to perform the duties of an elected public official or to receive the various salaries, allowances, perquisites or benefits that an elected public official is entitled to during the period of suspension as ordered by the Sangguniang Panlungsod through a Resolution passed by a majority vote of all its members. **Provided that:** the suspension of an elected SK official shall not exceed six (6) months.
- t. **Verification-** allegations made under oath and signed in front of a duly commissioned notary public written in a complaint, answer, or affidavit that are based on the personal knowledge of the person who signed the said document/s or based on authentic records.

The use of the term "shall" or "must" in this Ordinance emphasizes its mandatory character and means that it is imperative and operates to impose a duty which may be enforced by the Sangguniang Panlungsod. Any word used in this Ordinance that is not defined in this Section shall hold a meaning consistent with how the said word is commonly understood at the time this Ordinance took effect, or how such word was defined by existing Philippine laws at the time this Ordinance took effect. In case of conflict in the interpretation of any word or term defined in this Ordinance, such conflict shall be resolved in such a way that it will lead to the effective implementation of the letter and spirit of Section 18 of Republic Act No. 10742 and its implementing rules and regulations.



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Approved by:

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City Mayor

Rule 2

Grounds for Censure, Suspension, or Removal from Office

Section 5. Grounds For Censure, Suspension or Removal from Office. Any elected official of the Sangguniang Kabataan may, after due process, be censured, suspended for not more than six (6) months, or removed from office by majority vote of all members of the Sangguniang Panlungsod which has jurisdiction in the barangay of the concerned Sangguniang Kabataan official which shall be final and executory, on any of the following grounds:

- (a) Absence from the regular meeting of the Sangguniang Kabataan without valid cause for two (2) consecutive times or accumulated absences of four (4) within a period of twelve (12) months;
- (b) Failure to convene the regular assembly of the Katipunan ng Kabataan for two (2) consecutive times;
- (c) Failure to convene the regular Sangguniang Kabataan meetings for three (3) consecutive months in the case of the Sangguniang Kabataan chairperson;
- (d) Failure to formulate the Comprehensive Barangay Youth Development Plan and the Annual Barangay Youth Investment Program, or approve the annual budget within the prescribed period of time without justifiable reason;
- (e) Failure to implement programs and projects outlined in the Annual Barangay Youth Investment Program without justifiable reason;
- (f) Four (4) consecutive absences during the regular Sangguniang Barangay sessions without valid cause in the case of the Sangguniang Kabataan chairperson;



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(g) Conviction by final judgment of a crime involving moral turpitude; and violation of existing laws against graft and corruption and other civil service laws, rules and regulations; and

(h) Failure in the discharge of his or her duty or has committed abuse of authority.

Rule 3

Filing an Administrative Action Against an Elected SK Official

Section 6. Initiation of Administrative Action. An administrative action against an elected SK official can be initiated by any person by filing a verified complaint at the Office of the Sangguniang Panlungsod Secretary or with the Office of the President, the Office of the Ombudsman or any other national government agency pursuant to the rules or regulations of the said agencies related to the filing of complaints against elected public officials.

Section 7. The Complaint. The complaint, if filed directly to the Sangguniang Panlungsod, must be verified and must contain a certificate/statement of non-forum shopping. It shall be accompanied by the affidavits of witnesses and evidence/s in support of the charge. It shall be drawn in clear, simple and concise language and in methodical manner as to enable respondent to prepare his/her defense. The party filing the complaint shall be called the "complainant/s" while the elected SK official/s against whom the complaint is filed shall be called the "respondent/s".

The complaint shall be written in single space with one-and-a-half space between paragraphs, using an easily readable font style of the respondent's choice, of 12-size font, and on a 13-inch by 8.5-inch white bond paper. Each page shall have a one-inch margin on all sides, with page numbers at the bottom of each page. It shall be signed at the end thereof by the complainant and by his/her counsel, if any.

It shall also contain a statement that the various allegations contained in the complaint are all true and correct based on the personal knowledge of the respondent/s and based on authentic records and that no other complaint was filed by the complainant against the respondent before the Sangguniang Panlungsod involving the same set of facts and issues. The complainant must



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City Councilor - Liga ng Brgy. President

HON. MAC RAVEN ESPIRITU
City Councilor - SK FEDERATION PRESIDENT

Attested by:

ATTY. KHALIDA A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE SARINO-EVARISTO
City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

submit four (4) originally signed and notarized copies of his/her complaint to the Sangguniang Panlungsod Secretariat. The complainant shall specify his/her residential and email address in the complaint as well as the office and email address of his/her counsel.

In case the complaint was filed anonymously with either the Office of the President, the Office of the Ombudsman, or with any national government agency and then endorsed for appropriate action to the Sanggunian in the exercise of its power to discipline elected SK officials- the said complaint shall no longer be required to be verified or to comply with any of the requirements set forth in the immediately preceding paragraph.

Rule 4
SK Official's Defense

Section 8. Order to File Answer. Within seven (7) working days after the complaint is filed with the Sanggunian Secretary, the Sangguniang Panlungsod thru its Presiding Officer, shall issue an order requiring the respondent to submit his/her verified answer with the assistance of a counsel of his/her own choosing within fifteen (15) calendar days from receipt thereof. A copy of the complaint and of all its annexes shall be attached to the order. The same order shall provide that the Committee on Rules and Privileges, Laws and Ordinances (the "Committee on Rules" for brevity) shall commence its preliminary investigation of the case within ten (10) working days after receipt of the verified answer of the respondent/s and that the respondent/s failure to comply with the order shall be deemed a waiver of the respondent/s right to be heard.

Section 9. The Answer. The respondent's answer must be verified. It shall be accompanied by the affidavits of witness/ witnesses and evidence/s in support of the respondent's defense, if any and shall use clear, simple and concise language composed in a methodical manner as to oppose the charge.

The answer shall be written in single space with one-and-a-half space between paragraphs, using an easily readable font style of the respondent's choice, of 12-size font, and on a 13-inch by 8.5-inch white bond paper. Each page shall have a one-inch margin on all sides, with page numbers at the bottom of each page. It shall be signed at the end thereof by the respondent and by his/her counsel.



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City Mayor

It shall also contain a statement that the various allegations contained in the answer are all true and correct based on the personal knowledge of the respondent/s and based on authentic records. The respondent must submit four (4) originally signed and notarized copies of his/her answer to the Sangguniang Panlungsod Secretariat. If the identity and address of the complainant is known to the respondent, he/she shall furnish the complainant with one originally signed and notarized copy of his/her answer. The respondent shall specify his/her residential and email address in the answer as well as the office and email address of his/her counsel.

No motion to dismiss or any other document in lieu of an answer shall be accepted by the Sangguniang Panlungsod Secretariat. The Sangguniang Panlungsod Secretariat shall not receive an answer that does not comply with any of the foregoing requirements.

Section 10. Where to File Answer. The answer shall be filed with the Secretary of the Sanggunian who, within forty-eight (48) hour from receipt thereof, shall submit the same to the Sangguniang Panlungsod through its Presiding Officer. Such counter-affidavits and other supporting evidence submitted by the respondent shall also be furnished by the Sangguniang Panlungsod Secretariat to the complainant within four (4) working days from receipt of the answer and its various annexes, if any.

Section 11. When to File Answer. The verified answer shall be filed by the respondent or his/her counsel to the Sangguniang Panlungsod Secretariat within fifteen (15) calendar days from his/her receipt of the Order to File Answer. If the last day of filing falls on a non-working day, the answer may be filed on the next working day.

Section 12. Effect of Failure to File a Verified Answer. The failure of the respondent to file/ submit his/her verified answer within fifteen (15) calendar days from his/her receipt of the Order to File Answer and the complaint against him/her shall result in the members of the Sangguniang Panlungsod to resolve the administrative action based solely on the evidence presented by the complainant or those gathered by the Sanggunian in the course of its investigation. Such failure shall be considered as a waiver of the respondent's/s right to present evidence on his/her behalf.

Section 13. One-Time Extension of Period to File Verified Answer. In case the respondent fails to file his/her



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City of Bacoor
OFFICE OF THE SANGGUNIANG PANLUNGSOD



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answer within the period provided in Section 10 because he/she is unable to timely secure the services of a counsel of his/her own choosing or because he/she is suffering from a debilitating illness that prevented him/her to file his/her answer within the period prescribed, he/she will be given a one-time extension of the period to file his/her answer equivalent to seven (7) working days. **Provided that:** this privilege will not be granted in favor of the respondent/s if: (a) no written request signed by the respondent addressed to the Presiding Officer of the Sangguniang Panlungsod is submitted by the respondent (or by his/her duly authorized representative) within the 15-day period specified in Section 10, (b) if the reason for the request is not among the reasons specified above, or (c) if the request is only intended to delay the proceedings.

Rule 5

Preliminary Investigation

Section 14. Preliminary Investigation. A preliminary investigation shall be conducted by the Committee on Rules within five (5) working days after receipt of the respondent's answer by the Sangguniang Panlungsod Secretariat, or after the expiration of the 15-day period granted to the respondent under Section 10, or after the expiration of the 7-day extension granted in favor of the respondent under Section 12. The preliminary investigation shall be conducted for not more than ten (10) working days. The Committee on Rules may seek the assistance of the City Legal Officer in the examination of the various pieces of evidence submitted by the complainant and his/her witnesses and by the respondent and his/her witnesses.

Section 15. Result of Preliminary Investigation. After the preliminary investigation, the Committee on Rules shall submit a committee report to the Presiding Officer of the Sangguniang Panlungsod and to the Sangguniang Panlungsod Secretary. The report shall be signed by all the members of the Committee who are in favor of the report. The report shall specify the recommendation of the Committee on Rules on whether to (a) dismiss the administrative action or to (b) subject the administrative action to a hearing before the members of the Sanggunian. The report shall specify the various reasons for the recommendations of the Committee on Rules as well as the legal basis for such recommendation.

Section 16. Action of the Sanggunian on the Recommendation to Dismiss the Complaint. The



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Approved by:

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City Mayor

Sangguniang Panlungsod shall dismiss the complaint based on the report of the Committee on Rules through a resolution passed by a majority vote of all its members. However, if majority of the members of the Sanggunian are not in favor of the recommendation of the Committee on Rules to dismiss the complaint, the Presiding Officer shall direct the Committee on Rules to conduct a preliminary conference to be attended by the contending parties.

Section 17. Effect of Dismissal of Complaint. If the complaint is dismissed, the parties shall be furnished with a copy of the resolution dismissing the complaint within five (5) working days. The dismissal of the complaint shall not prevent the complainant from filing another complaint that addressed the various reasons that caused the dismissal of the original complaint. **Provided that:** if the new complaint is a mere rehash of the allegations contained in the original complaint, the Sangguniang Panlungsod shall have the power to dismiss the new complaint by a way of a resolution passed by a majority vote of all its members.

Rule 6
Notification of Parties

Section 18. Service of Resolutions, Orders, Reports, and Notices. If the parties are residing within the City of Bacoor or the Province of Cavite, they shall be furnished through personal service with a certified true copy of the various resolutions, orders, reports, or notices of the Sangguniang Panlungsod by the Sangguniang Panlungsod Secretariat within five (5) working days after such resolutions, orders, reports, or notices has been submitted to the Secretariat. If either or both of the parties reside outside of the Province of Cavite, they shall be furnished with a certified true copy of the various orders, reports, or notices of the Sangguniang Panlungsod via registered mail or via email.

Rule 7
Preliminary Conference

Section 19. Preliminary Conference. After the preliminary investigation, the Committee on Rules shall order the parties to attend a preliminary conference with the assistance of their respective counsels, if any. In case the complainant is anonymous or if the complainant does not have a legal counsel, the respondent shall not be allowed to be assisted by counsel during the preliminary conference.



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During the preliminary conference, the Committee on Rules shall accomplish any, or all, of the following:

- Simplify the issues involved in the case;
- Allow the parties to mark their respective pieces of evidence and to identify their witnesses;
- Limit the number of issues, evidence and witnesses to be presented to those identified during the preliminary hearing;
- Determine if the parties agree on the resolution of the administrative action by the Sanggunian based on the complaint and the answer without having to conduct a hearing or series of hearings; and
- Give the parties the opportunity to arrive at an amicable settlement.

The preliminary conference shall only be held once and shall be concluded in one day. The parties and their counsels shall act with proper decorum during the conference and shall answer the questions of the members of the Committee on Rules honestly and concisely.

Everything mentioned and discussed during the preliminary conference shall form part of the records of the administrative action and shall be used by the Sanggunian in resolving the case if necessary.

All documentary evidence or exhibits shall be properly marked by letter (A, B, C, etc.), if presented by the complainant, and by numbers (1, 2, 3, etc.), if presented by the respondent. They shall be attached to the records or, if voluminous, kept in separate folders which shall also be attached to the records.

Section 20. Preliminary Conference Order.

After the preliminary conference, the Committee on Rules shall issue an order that will enumerate the issues to be tackled during the hearing/s, the names of the witnesses of the opposing parties, and the pieces of evidence to be presented by the parties. No issue, witness, or evidence other than those mentioned in the preliminary conference order shall be presented during the hearing/s.



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The order shall also mention whether the parties agreed to allow the Sanggunian to resolve the administrative action based on the complaint and the answer without having to conduct a hearing or series of hearings. In which case, the Sanggunian shall no longer schedule a hearing and shall proceed to promulgate a decision resolving the administrative action.

The order shall also mention the terms of the amicable settlement, if any, agreed upon by the parties. The members of the Committee on Rules, the opposing parties, and their respective counsels – if any – shall also be required to sign the order. Thereafter, the parties shall be given originally signed copies of the order.

Rule 8

Hearings on the Administrative Action

Section 21. Schedule of Hearings. In case the parties did not agree to allow the Sanggunian to resolve the administrative action or failed to arrive at an amicable settlement, the Sanggunian shall schedule the action for hearings. The schedule of hearing on any administrative action shall be set by the Chairperson of the Committee on Rules or, in the absence of the Chairperson of the said Committee, by the President Pro-Tempore of the Sangguniang Panlungsod. The elected SK official concerned, the complainant/s, and all persons required to attend the hearing shall be furnished with a written order of hearing by the Office of the Sangguniang Panlungsod Secretariat at least three (3) working days prior to the scheduled hearing. No hearing shall be scheduled during a non-working day. The first hearing shall be scheduled not later than seven (7) working days after receipt of both parties of the preliminary conference order.

A hearing shall be conducted on the action at least once a week until the parties rest their respective cases.

Section 22. Conduct of Hearings. Hearings on administrative actions covered by this Ordinance shall be conducted by the Sangguniang Panlungsod with the Chairperson of the Committee on Rules as presiding officer. All of the fourteen members of the Sanggunian must be present in all hearings on administrative actions filed against elected SK officials. Provided that: the City Vice Mayor shall be furnished with copies of all documents, evidence, reports, minutes and transcripts of the



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Committee on Rules, Laws, and Ordinances so that he/she will be properly apprised of what transpired during the hearings. In case the Chairperson of the Committee on Rules, Laws, and Ordinances is absent or indisposed, the President Pro-Tempore of the Sangguniang Panlungsod shall preside over the hearings.

Only members of the Sanggunian shall be allowed to ask questions to witnesses. No person shall be allowed to speak unless recognized and permitted by the Presiding Officer to do so. All witnesses shall be required to take an oath to tell the truth and nothing but the truth and to mention their name and address into the record.

The legal counsel of the opposing parties are allowed to assist their client/s in answering the questions propounded by the members of the Sanggunian but shall not be allowed to answer them on behalf of their client/s or of any witness.

The entire proceedings shall be recorded and the parties shall be given copies of audio and/or video recordings of the hearings upon written request.

The members of the Sanggunian shall, at all times, respect the dignity and rights of the witnesses being questioned. Consequently, the Presiding Officer shall have the power to prohibit any witness from answering any question propounded by a Sanggunian member that is confusing, irrelevant to the issues agreed upon by the parties, couched in abusive or demeaning language, or that tends to subject the witness to ridicule.

Section 23. Quorum. The presence of the majority of all the members of the Sanggunian shall constitute a quorum to conduct a hearing. If there is no quorum, the presiding officer shall have the power to compel any member of the Sanggunian to attend the hearing in order to constitute a quorum.

Section 24. Powers of the Presiding Officer. In presiding over the hearing, the Presiding Officer shall have the following powers:

1. To make and issue all orders, subpoenas, and notices of meetings and hearings authorized by the Sanggunian through this Ordinance;
2. To enforce the various regulations of the Sangguniang Panlungsod;



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3. To direct all necessary preparations for the proper, smooth and orderly conduct of the proceedings;
4. To rule on all questions, objections, motions, requests and manifestations raised by all parties during the proceedings, which ruling shall stand as the ruling of the Sanggunian, unless a member thereof shall ask and move, duly seconded, that a formal vote be taken thereon;
5. To cite any person in contempt of the Sangguniang Panlungsod through a Resolution passed by a majority vote of all the members present during a hearing constituting a quorum;
6. To summon any police officer assigned at the nearest Bacoor City police station and require him/her to maintain order during the proceedings; and
7. To preserve order and decorum during the proceeding and to exact from all present due to respect and proper deportment, prevent disturbance and disorder, and to order the hall cleared of any or all persons behaving improperly.

Section 25. Venue of Hearings and Virtual Hearings.

All hearings of the Sangguniang Panlungsod shall be conducted at the Session Hall of the Sanggunian or at any of its conference rooms. **Provided that:** the Sangguniang Panlungsod may hold its hearings via videoconference using any software or application that will make such virtual hearing possible and convenient during a pandemic, public rioting, public lawlessness, a natural calamity, or during the occurrence of any event that renders it impossible for the members of the Sanggunian to meet in person or that endangers the health or safety of the members and employees of the Sangguniang Panlungsod, of any of the parties, or of any witness. Such a virtual hearing shall also be allowed whenever a witness is physically incapable of appearing in person before the Sanggunian due to serious illness, pregnancy, or incarceration by order of a court of law.



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Rule 9

Resolution of Administrative Action

Section 26. Drafting of the Resolution. The Secretary of the Sangguniang Panlungsod shall draft the resolution resolving the administrative action based on the evidence and testimonies presented by the parties in every stage of the proceedings. The draft resolution shall be considered a confidential document and shall not be shown to any person other than to the members of the Sanggunian. Neither shall the draft resolution be made part of the Order of Business of the Sanggunian. The draft resolution shall concisely narrate the facts of the case and shall explain the legal bases used for the eventual decision of the Sanggunian. The draft resolution may be written in English, Filipino, or both.

Section 27. Submission of the Draft Resolution. The Secretary of the Sangguniang Panlungsod shall submit the draft resolution to the Sanggunian not later than twenty (20) working days after the parties rested their respective cases.

Section 28. First Reading of the Draft Resolution. The draft resolution shall undergo two readings. The first reading shall be conducted with the Secretary of the Sangguniang Panlungsod reading the contents of the draft resolution into the records of the case. At the end of the first reading, each member of the Sanggunian shall be given ten (10) minutes to question the Secretary of the Sangguniang Panlungsod on the contents of the draft resolution. The name of each member shall be called by the Presiding Officer (i.e., the Chairperson of the Committee on Rules or the President Pro Tempore) alphabetically and give them the chance to ask their questions. A member who fails to ask a question during his/her turn shall no longer be allowed to ask a question. The Presiding Officer shall be the last member of the Sanggunian who will question the Secretary of the Sangguniang Panlungsod. No member shall be given more than ten (10) minutes to ask questions.

After the last question have been answered by the Secretary of the Sangguniang Panlungsod, the Presiding Officer shall ask his/her colleagues if they wish to have the draft resolution amended. A majority vote of all the members shall result in the revision of the draft resolution. The Secretary of the Sangguniang Panlungsod shall be given five (5) working days to revise the resolution and to prepare it for second reading.



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City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

DISTRICT II

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HON. ALDE JOSELITO F. PAGULAYAN
City Councilor

HON. ROBERTO R. JAVIER
City Councilor

HON. REYNALDO D. PALABRICA
City Councilor - Liga ng Brgy. President

HON. MAC RAVEN ESPIRITU
City Councilor - SK FEDERATION PRESIDENT

Attested by:

ATTY. KHALIDA A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

ION. CATHERINE SARINO-EVARISTO
City Vice Mayor / Presiding Officer

Approved by:

ION. LAM MERCADO - REVILLA
City Mayor

Section 29. Confidentiality of First Reading Proceedings. The first reading proceedings shall be done in executive session. The Secretary of the Sangguniang Panlungsod shall be allowed to make an audio recording of the proceedings but only for reference purposes and not for public dissemination. No member of the Sanggunian shall be allowed to discuss what would transpire during the first reading proceedings.

Section 30. Second Reading of the Draft Resolution. The revised draft resolution shall be included in the Order of Business of the Sanggunian after it has been submitted by the Secretary of the Sangguniang Panlungsod. During the session, the title of the revised draft resolution shall be read by the Secretary of the Sangguniang Panlungsod. Immediately thereafter, the Presiding Officer (i.e., the City Vice Mayor) shall ask who among the members of the Sanggunian are in favor of the draft resolution and who are not. No member shall be given the opportunity to explain their vote. No member shall be allowed to abstain. The Secretary of the Sangguniang Panlungsod shall count the affirmative and negative votes and shall record how each Sanggunian member voted. In case the affirmative and negative votes are tied at seven (7) votes, the City Vice Mayor shall break the tie without explaining his/her vote.

The members of the Sanggunian shall then sign the revised resolution. The truthfulness, accuracy, and due execution of the resolution shall be certified by the City Vice Mayor and shall be attested by the Secretary of the Sangguniang Panlungsod. The contending parties, the City Mayor, the Punong Barangay of the barangay where the respondent was elected, the Commission on Elections (COMELEC), and the Department of Interior and Local Government (DILG) shall then be furnished with copies of the duly signed resolution pursuant to Section 16 of these Rules.

Rule 10

Suspension or Removal from Office of Elected SK Official

Section 31. Immediate Execution of Sanggunian Resolution. Considering that the decision of the Sanggunian is final and executory pursuant to Section 18 of RA 10742, the Punong Barangay of the barangay where the respondent was elected shall immediately cause the execution of the said resolution by formally informing the members of the Sangguniang Barangay and the Sangguniang Kabataan of his/her barangay about the decision of the Sangguniang Panlungsod.



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Sangguniang Panlungsod Secretary

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ION. CATHERINE SARINO-EVARISTO
City Vice Mayor / Presiding Officer

Approved by:

ION. LANI MERCADO - REVILLA
City Mayor

Section 32. Effect of Suspension of Elected SK Official. If the SK Chairperson of a barangay is suspended, the Punong Barangay shall have the power to appoint any of remaining members of the Sangguniang Kabataan – with the exception of the SK Secretary and SK Treasurer – to perform the duties of the SK Chairperson in an acting capacity during the period of the suspension of the SK Chairperson. If the Sangguniang Panlungsod orders the forfeiture of the salaries and other benefits of the SK Chairperson during his/her suspension – the said salaries and benefits shall be given to the acting SK Chairperson.

If a member of the Sangguniang Kabataan is suspended, the Punong Barangay shall appoint any resident of the barangay who is at least eighteen (18) years but not more than twenty-four (24) years of age on the day the suspension took effect, who is able to read and write Filipino or English as an acting member of the Sangguniang Kabataan for the period when the regular member of the SK has been suspended. Provided that: the person to be appointed by the Punong Barangay must not be related within the second civil degree of consanguinity or affinity to any incumbent elected national official or to any incumbent elected regional, provincial, city, municipal, or barangay official, in the City of Bacoor and must not have been convicted by final judgment of any crime involving moral turpitude. The salaries and benefits accruing to the suspended SK member shall be given to the person appointed by the Punong Barangay while the said SK member is suspended. Moreover, the person appointed by the Punong Barangay shall perform all of the duties of the suspended SK member under RA 10742.

Section 33. Effect of Removal from Office of Elected SK Chairperson. If the elected SK Chairperson is removed from office by the Sangguniang Panlungsod, the Sangguniang Kabataan member who obtained the highest number of votes in the election immediately preceding shall assume the office of the chairperson for the unexpired portion of his or her term. In case said member refuses to assume the position or fails to qualify, the Sangguniang Kabataan member obtaining the next highest number of votes shall assume the position of the chairperson for the unexpired portion of the term pursuant to Section 19 of RA 10742.

After the vacancy shall have been filled, the Sangguniang Kabataan chairperson shall, within thirty (30) days, call for a special Katipunan ng Kabataan assembly to elect a Sangguniang Kabataan member to complete the membership of said Sanggunian. **Provided that:** such special assembly is coordinated with the Office of the Local



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Attested by:

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Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE SARINO-EVARISTO
City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

Government Operations Officer and the COMELEC of the City of Bacoor. Such Sangguniang Kabataan member shall hold office for the unexpired portion of the term of the vacant seat. For this purpose, any citizen of the Philippines residing in the said barangay for at least six (6) months who attains the age of fifteen (15) years old at the time of the special election and who registers as member of the Katipunan ng Kabataan before the Sangguniang Kabataan secretary shall be entitled to vote in the said special election.

Section 34. Effect of Removal from Office of Elected SK Member. If an elected SK member is removed from office by the Sangguniang Panlungsod, the Punong Barangay of the barangay where the SK member was elected shall appoint any resident of the barangay for not less than one (1) year immediately preceding the day when the removal took effect, who is at least eighteen (18) years but not more than twenty-four (24) years of age on the day removal took effect, who is able to read and write Filipino or English as a replacement member of the Sangguniang Kabataan for the unexpired term of the elected member of the SK who had been removed from office. Provided that: the person to be appointed by the Punong Barangay must not be related within the second civil degree of consanguinity or affinity to any incumbent elected national official or to any incumbent elected regional, provincial, city, municipal, or barangay official, in the City of Bacoor and must not have been convicted by final judgment of any crime involving moral turpitude. The salaries and benefits accruing to the removed SK member shall be given to the person appointed by the Punong Barangay for the unexpired term of the said SK member who had been removed. Moreover, the person appointed by the Punong Barangay shall perform all of the duties of the removed SK member under RA 10742.

Rule 11

Penalties for Contempt of the Sangguniang Panlungsod

Section 35. Legal Basis for Imposition of Penalty for Contempt. The power to suspend and remove from office any elected SK official was granted by law to the Sangguniang Panlungsod. Pursuant to the doctrine set by the Supreme Court in COA vs. Province of Cebu (G.R. No.141386 29 November 2001) that "**every statute is understood, by implication, to contain all such provisions as may be necessary to effectuate its object and purpose, or to make effective rights, powers, privileges or jurisdiction which it grants, including all such collateral and subsidiary consequences as may fairly and logically be inferred from**



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City Councilor - SK FEDERATION PRESIDENT

Attested by:

ATTY. KHALIDA A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE SARINO-EVARISTO
City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

its terms", the Sangguniang Panlungsod believes that it can only effectively perform the power granted unto it by virtue of Section 18 of RA 10742 through the imposition of a penalty against any person that acted contumaciously against the Sanggunian. Without such power, anyone can ignore or disobey the lawful orders of the Sanggunian in the course of its investigation of any complaint that may be filed against an elected official of the Sangguniang Kabataan thereby rendering the commendable purpose of Section 18 of RA 10742 – which is to hold elected officials of the Sangguniang Kabataan accountable to their constituents – inutile and hollow.

Section 36. Grounds for Citation of a Person in Contempt. The Sangguniang Panlungsod, through a Resolution passed by a majority vote of all its members, may cite any natural or juridical person in contempt of the city council for any of the following grounds:

36.1. Unjustified refusal to obey a lawful order of the Sanggunian;

36.2. Unjustified refusal of a witness to answer any of the questions asked by a member of the Sanggunian;

36.3. Exhibition of rude or vulgar behavior during a conference or hearing called by the Sanggunian or any of its proceedings;

36.4. Unjustified refusal to comply with the provisions of these Rules; and

36.5. Violation of any provision of these Rules.

Section 37. Penalty. Any natural person cited for contempt shall pay a fine of Two Thousand Pesos (P2,000.00) and shall be detained at the Bacoor City Jail for not more than two (2) days for every occasion that he/she was cited in contempt. A fine of Two Thousand Pesos (P2,000.00) shall be imposed against the Manager, President, Supervisor, Owner, or Head of any juridical person that is cited in contempt by the Sanggunian.

Rule 12
Miscellaneous Provisions

Section 38. Repeal. All ordinances in conflict with this Ordinance are hereby repealed.

Section 39. Separability. In case any provision hereof is declared void by a court of law, the remaining



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Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

provisions of this Ordinance not affected by such declaration shall remain valid and enforceable.

Section 40. Effectivity. This Ordinance shall take effect after ten (10) days from the date a copy thereof is posted in a bulletin board at the entrance of the City Hall of Bacoor and in at least two (2) other conspicuous places in the City of Bacoor not later than five (5) days after the approval thereof. Moreover, this Ordinance shall be published at least once in a newspaper of general circulation within the City of Bacoor, Cavite. The Sangguniang Panlungsod Secretariat is hereby directed to submit certified true copies of this Ordinance to the University of the Philippines-Office of the National Administrative Register pursuant to Section 3, Book VII of the Administrative Code of 1987 (E.O. 292).

APPROVED by the 4th Sangguniang Panlungsod of the City of Bacoor, Cavite this 1st day of December 2020.

I hereby certify that the foregoing Ordinance was duly approved by the Sangguniang Panlungsod in accordance with law.

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA JR.
Secretary to the Sangguniang Panlungsod

Approved by:

HON. LANI MERCADO-REVILLA
City Mayor