

CITY ORDINANCE NO. 23-24 (SPECIAL)

Author: Committee of the Whole

ADOPTING THE RULES OF PROCEDURE IN THE CONDUCT OF ADMINISTRATIVE INVESTIGATIONS BY THE SANGGUNIANG PANLUNGSOD.

WHEREAS, Section 61 (c) of the Local Government Code of 1991 (RA 7160) states 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, as provided in Section 50 of the abovementioned Code, the Sanggunian may adopt rules and procedures as it may deem necessary that will govern its conduct in the performance of quasi-judicial functions;

NOW THEREFORE, on motion of SP Member Hernando M. Granados duly seconded by SP Member J-M Vergel M. Columna,

Be it enacted by the Sangguniang Panlungsod, that:

**RULE I
PRELIMINARY PROVISIONS**

Section 1. TITLE - This Ordinance shall be known as the "CONDUCT OF ADMINISTRATIVE INVESTIGATIONS ORDINANCE".

Section 2. COVERAGE - This Ordinance shall apply to administrative complaints filed against Barangay Officials within the territorial jurisdiction of the City of General Trias.

Section 3. INVESTIGATING AUTHORITY - The Sangguniang Panlungsod, in the exercise of its quasi-judicial function, shall act on all administrative complaints filed against Barangay Officials and shall hereinafter be referred to as the "Investigating Authority".

**RULE II
FILING OF COMPLAINT**

Section 4. VERIFIED COMPLAINT - A verified complaint together with supporting documents and affidavits of witnesses against Barangay Official shall be filed before the Sangguniang Panlungsod through the Sanggunian Secretary. The Sanggunian Secretary shall see to it that the complaint is sufficient in form and that there are sufficient number of copies of the complaint. Copies of the complaint shall be furnished to the Local Chief Executive, Presiding Officer of the Sangguniang Panlungsod, the Members of the Sangguniang Panlungsod and the Sanggunian Secretary.

However, the lack of verification in a letter-complaint may be waived, the defect not being fatal. Verification is a formal, not jurisdictional requisite. (Joson vs. Torres, G.R. No. 131255. May 20, 1998).

**RULE III
INCLUSION IN THE CALENDAR OF COMPLAINT AND ORDER FOR RESPONDENT TO ANSWER**

Section 5. INCLUSION OF COMPLAINT IN THE SANGGUNIAN CALENDAR - The Sanggunian Secretary after determining that the

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JESSE RAPHAEL R. GREPO
SP Member

FELIX A. GREPO
SP Member
(On Leave)


CLARISSSEL A. CAMPANA-MORAL
SP Member


KYLE JASSEL J. SALAZAR
SP Member


J-M VERGEL M. COLUMNA
SP Member


ISAGANI L. CULANDING
SP Member


JOWIE S. CARAMPOT
SP Member


KRISTINE JANE M. PERDITO-BARISON
SP Member


VIVENCIO Q. LOZARES, JR.
SP Member


RICHARD R. PARIN
SP Member

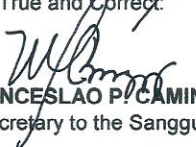

ALFREDO S. CHING
SP Member


HERNANDO M. GRANADOS
SP Member


IRENE O. HATID
SP Member /LNB President


REMEEL R. FERRER
SP Member/SKF President

Certified True and Correct:

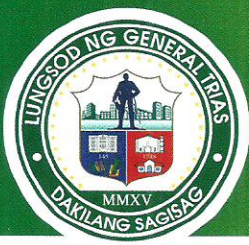

WENCESLAO P. CAMINGAY
Secretary to the Sanggunian

Attested:


JONAS GLYNN LABUGUEN
City Vice Mayor/Presiding Officer

Approved:


LUIS "JON-JON" A. FERRER IV
City Mayor



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

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complaint is sufficient in form shall calendar the same for business in the immediately following Regular Session for the consideration of the Sangguniang Panlungsod.

Section 6. PERIOD TO SUBMIT VERIFIED ANSWER - Within seven (7) days after the complaint is filed, the Sangguniang Panlungsod through the Presiding Officer shall require the respondent to submit his verified answer within fifteen (15) days from receipt thereof with the corresponding counter affidavits and documents, if any. Copies of the answer shall be given to the Local Chief Executive, Presiding Officer of the Sangguniang Panlungsod, the Members of the Sangguniang Panlungsod and the Sanggunian Secretary.

The unreasonable failure of respondent to file his verified answer within fifteen (15) days from receipt of the order directing him to file the same shall be considered a waiver of his right to present evidence on his behalf. The Sangguniang Panlungsod will then make a decision based on the complaint alone.

RULE IV
DETERMINATION OF PRIMA FACIE CASE AND
ENDORSEMENT OF COMPLAINT

Section 7. ENDORSEMENT TO THE COMMITTEE ON BARANGAY AFFAIRS - After an answer has been filed, the Sangguniang Panlungsod shall determine in its Regular Session immediately following the date of receipt of the answer whether there is prima facie case to warrant the commencement of an investigation. If no prima facie case exists, the Sangguniang Panlungsod shall, motu proprio, dismiss the complaint. If a prima facie case exists, the Sangguniang Panlungsod shall endorse the case to the Committee on Barangay Affairs for preliminary conference and formal investigation.

RULE V
PRELIMINARY CONFERENCE

Section 8. PRELIMINARY CONFERENCE - Within five (5) days from receipt by the Committee on Barangay Affairs of the endorsement from the Sangguniang Panlungsod, a Preliminary Conference shall be held. The Preliminary Conference shall consider the following:

- a. Simplification of issues;
- b. Stipulation or admission of facts and documents;
- c. Limitation of number of witnesses;
- d. Possibility of an amicable settlement or compromise;
- e. Schedule of formal investigation; and
- f. Such other matters that may aid in the prompt disposition of the case.

RULE VI
FORMAL INVESTIGATION

Section 9. CLARIFICATORY HEARING - Within five (5) days after the Preliminary Conference, the Chair of the Committee on Barangay Affairs shall set the case for Clarificatory Hearing/s in order for the parties to cross examine the witnesses and the Committee on Barangay Affairs to ask clarificatory questions, if any. The Chair of the Committee on Barangay Affairs may, at his/her discretion, allow the parties to submit rebuttal evidence/s.
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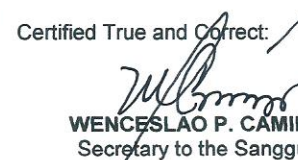

RICHARD R. PARIN
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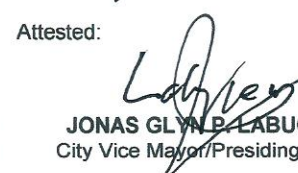

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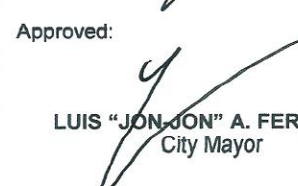

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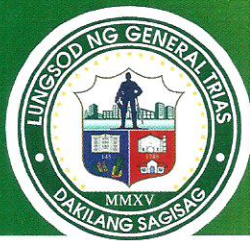

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SP Member /LNB President


REINEL R. FERRER
SP Member/SKF President

Certified True and Correct:

WENCESLAO P. CAMINGAY
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LUIS "JON-JON" A. FERRER IV
City Mayor



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Section 10. APPEARANCE OF PARTIES AND THEIR COUNSELS – The complainant and respondent shall be present during the formal investigation. The parties may be allowed to be assisted by counsel during formal investigation. In case the complainant does not appear in the first call of hearing, he or she shall be made to explain in writing for his or her failure to attend. If the Committee is satisfied with the justification given, the investigation shall proceed.

Failure of the complainant to appear in the hearing for two (2) consecutive times without cause, the Committee Chair shall outrightly declare the case dismissed.

Section 11. AFFIDAVITS AND COUNTER AFFIDAVITS WILL SERVE AS TESTIMONIES – The complaint as well as the attached affidavits submitted by the complainant shall serve as the testimony on direct examination. The counter affidavit and the attached affidavits of witnesses submitted by the respondent shall also serve as testimony on direct examination.

Section 12. FAILURE TO SUBMIT AFFIDAVITS AND COUNTER AFFIDAVITS – The failure of the parties to submit affidavits and counter affidavits as well as affidavits of witnesses and documentary exhibits shall be considered a waiver to present evidence on their behalf.

Section 13. SUBMISSION OF POSITION PAPERS – After the termination of the last clarificatory hearings, the parties may be allowed to file their respective Position Papers.

Section 14. RULING ON MOTION OR OBJECTION – The Chair of the Committee on Barangay Affairs shall rule on any motion or objection in the course of the formal investigation.

Section 15. OPPORTUNITY TO CONFRONT AND CROSS-EXAMINE WITNESSES – The parties shall be accorded the opportunity to confront and cross-examine witness against them in person or by counsel, and to require the attendance of witness and the production of documentary evidence in their favor through the compulsory process of subpoena duces tecum.

RULE VII **TERMINATION OF INVESTIGATION AND DECISION**

Section 16. TERMINATION OF INVESTIGATION AND DECISION – The formal investigation of the case shall be terminated within sixty (60) days from the start thereof. The Committee on Barangay Affairs shall submit a written report and recommendation on the result of the formal investigation to the Sangguniang Panlungsod within ten (10) days from termination thereof.

The Sangguniang Panlungsod may either: (a) adopt the written report and recommendation of the Committee on Barangay Affairs in toto; (b) reject the same and order the reinvestigation of the case by the Sangguniang Panlungsod en banc if it finds that the investigation conducted is partial or insufficient; or (c) adopt the same with amendments.

The Sangguniang Panlungsod shall render its decision within thirty (30) days from receipt of the written report and recommendation of the Committee on Barangay Affairs, stating
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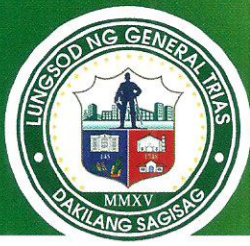

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City Mayor



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clearly and distinctly the facts and reasons for such decision. Copies of the decision shall be immediately furnished to the respondent and all interested parties. In case of the failure of the Sangguniang Panlungsod to render a decision within the period given, the written report and recommendation shall be the decision.

**RULE VIII
MISCELLANEOUS PROVISIONS**

Section 17. SEPARABILITY CLAUSE – Should any part or provision of this Ordinance be held contrary to law or invalid, other parts of provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 18. APPLICABILITY OF OTHER LAWS – All other related matters not specifically provided in this Ordinance shall be governed by the pertinent provisions of existing applicable laws, such as the Rules of Court or Local Government Code of 1991 (RA 7160) and its Implementing Rules and Regulations.

Section 19. EFFECTIVITY CLAUSE – This Ordinance shall take effect after posting of copies in three (3) conspicuous places in the City has been undertaken.

ENACTED under SECOND/FINAL READING on 27 JUNE 2023.

wpc/kva/jfa/dga


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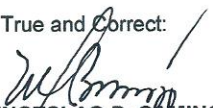

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