Republic of the Philippines
PROVINCE OF LEYTE

Item No.: 02
Date: 28 2023 NOV

NOV 17 2023

PROVINCIAL LEGAL OFFICE

November 17, 2023

TO: **OFFICE OF THE SANGGUNIANG PANLALAWIGAN**
Province of Leyte

THRU: **FLORINDA JILL S. UYVICO**
Secretary to the Sanggunian

TRANSMITTAL

Respectfully transmitting herewith attached Findings and Recommendation of this Office *In Re: Referral Of Hon. Noel Sia's Letter Of Protest Dated December 10, 2021 On The Mdc Meeting For The Approval Of The Municipal Investment Plan For Cy 2022 Of La Paz, Leyte For Investigation By The Provincial Legal Office, Pursuant To Sangguniang Panlalawigan Resolution No. 2021-675.*

RHEA LINA U. ENAGE
Attorney IV

Republic of the Philippines
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

***IN RE*: REFERRAL OF HON. NOEL SIA'S LETTER OF PROTEST DATED DECEMBER 10, 2021 ON THE MDC MEETING FOR THE APPROVAL OF THE MUNICIPAL INVESTMENT PLAN FOR CY 2022 OF LA PAZ, LEYTE FOR INVESTIGATION BY THE PROVINCIAL LEGAL OFFICE, PURSUANT TO SANGGUNIANG PANLALAWIGAN RESOLUTION NO. 2021-675.**

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FINDINGS AND RECOMMENDATIONS

This resolves the matters referred to in Sangguniang Panlalawigan No. 2021-675 dated December 15, 2021 referring to this Office the Letter dated December 10, 2021 of Hon. Noel M. Sia (hereafter "Hon. Sia"), President of the Liga ng mga Barangay of La Paz, Leyte, relative to the latter's protest during the MDC Meeting for the approval of the Municipal Investment Plan for CY 2022 of La Paz, Leyte, for investigation of this Office.

The Letter dated December 10, 2021 of Hon. Noel M. Sia to the then Vice-Governor Atty. Carlo P. Loreto alleged that the proper Parliamentary Procedure was not observed during the MDC meeting held last November 23, 2021 for the approval of the Municipal Annual Investment Plan (AIP) for CY 2022 by reason of the following:

1. A roll call, which is the basic principle for a quorum to be established, did not occur during the said MDC Meeting;

2. Concerns and objections of some Punong Barangays [were] not acknowledged by the Presiding Officer, who continued to ignore the same, and proceeded to approve the said Annual Budget, thereby abusing his authority;

3. The Punong Barangays were not included in the planning of the Municipal Annual Investment Plan; and

4. His Motion to divide the house for the approval of the Municipal Annual Investment Plan for CY 2022 was not recognized.

On January 18, 2022 this Office requested the Municipal Mayor of La Paz, Leyte, Hon. Angel A. Sia, Jr. (*hereafter the "Honorable Mayor")* to file a Comment within fifteen (15) days from receipt thereof.

On February 7, 2022, the Honorable Mayor complied with such request and filed a comment with this Office. The Comment of the Honorable Mayor alleges that:

1. The Minutes of the November 23, 2021 MDC Meeting is prima facie evidence of the facts stated therein;

2. There is no law, rule, order, or regulation requiring the conduct of roll calls before a quorum may be declared;

3. The Presiding Officer did not act in abuse of authority;

4. The Punong Barangays were involved in the process of creating the Municipal Annual Investment Plan (through their participation in the formulation of the Comprehensive Development Plan);

5. Complainant (Hon. Sia) acted in bad faith when he intentionally did not register/sign the attendance sheet for the November 23, 2021 meeting; and

6. Complainant failed to substantiate his claims.

RECOMMENDATION

This Office is to scrutinize whether or not irregularities in the parliamentary procedure attended the MDC meeting held last November 23, 2021 for the approval of the Municipal Annual Investment Plan (AIP) for CY 2022.

In formulating this recommendation, this Office is guided that in administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion.[1]

Perusal of both the Letter protest dated December 10, 2021 and the Comment of the Honorable Mayor dated February 7, 2022, the matters alleged in the letter protest as well as the comment addressing each allegations contained thereon and the documents attached in support of their

[1] *Villa-Ignacio v. Barreras-Sulit, G.R. No. 222469, September 21, 2022.*

claims and allegations were considered in this Resolution.

Initially, the record shows that a copy of the Minutes of the Meeting held on November 23, 2021 (the "Minutes") is available and is considered as the best evidence and reference of all the occurrences during the said meeting. In reference thereof, it can be established that a quorum has been declared prior to the same being called to order[2]. It likewise showed that concerns of various attendees were acknowledged and responded to by the Presiding Officer. On page 5 thereof, it can be further established that the Chairman asked the body for further questions from the presentation but no questions were raised. The alleged objections supposedly put forth by several Punong Barangays were not included in the Minutes and thereby not on record.

As to the allegations of the Complainant that such objections were ignored by the Honorable Mayor, this Office, upon perusal of the letter protest was not able to find any supporting document or any proof to substantiate his allegations, hence, cannot rule on the same for lack of factual and legal basis. Complainant in this case, has the burden to prove the truthfulness or veracity of his allegations through submission of evidence in accordance with the standard of substantial evidence.

In conclusion, this Office is of the opinion that the Complainant failed to substantiate his allegations in his Letter dated December 10, 2021. To reiterate, it is the Minutes that is the best evidence of everything that transpired during the Meeting on November 23, 2021. To contest the contents of the Minutes likewise requires substantial evidence for basic is the rule in evidence that he who alleges must prove his allegations.[3]

WHEREFORE, foregoing premises considered, this Office hereby recommends to **TERMINATE** the Investigation against the Honorable Mayor Angel A. Sia Jr. and consequently **DISMISS** the Complaint lodged by Hon. Noel M. Sia for lack of substantial evidence.

SO RESPECTFULLY SUBMITTED FOR CONSIDERATION.

JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

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[2] *Par. 2 of the Minutes of the Fourth Regular Meeting of the Municipal Development Council (MDC) dated November 23, 2021;*
[3] *Catalan v. Atty. Tamunda, A.C. No. 12092, June 10, 2020.*

PGO Routing/Transmittal S p

TO: Legal Offic
DATE: 2/10/2022
Document DTS No. 02202-2

TN RESOLUTION

FYI/Referrence ✓
Prepare Reply
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Confirm/Calendar

Disseminate
Others

PGADH

Remarks:

Republic of the Philippines
Province of Leyte
PROVINCIAL LEGAL OFFICE
Provincial Capitol
Tacloban City

In Re: Referral of Hon. Noel Sia's Letter of Protest dated December 10, 2021 on the MDC Meeting for the approval of the Municipal Investment Plan for CY 2022 of La Paz, Leyte, for investigation by the Provincial Legal Office, pursuant to Sangguniang Panlalawigan Resolution No. 2021-675.

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COMMENTS

The undersigned, unto this Honorable Office, most respectfully files the foregoing Comment and avers that:

1. On 21 January 2022, the Office of the Municipal Mayor of La Paz, Leyte received a request[1] to file a Comment or other appropriate pleading within fifteen (15) days from receipt, or until February 5, 2022, on the referral for investigation to the Provincial Legal Office of the letter dated December 10, 2021 of Hon. Noel M. Sia, President of the Liga ng mga Barangay of La Paz, Leyte on the latter's protest during the MDC Meeting for the approval of the Municipal Investment Plan for CY 2022 of La Paz, Leyte, as per Sangguniang Panlalawigan Resolution No. 2021-675[2]. Considering that February 5, 2022 falls on a Saturday, the same is being timely filed on the next working day, Monday, February 7, 2022.

2. Attached to said request is a copy of the abovementioned Resolution, and a copy of the letter dated December 10, 2021 by Noel M. Sia alleging the proper Parliamentary Procedure was not observed by reason of the following:

[1] Letter from the Provincial Legal Office dated 18 January 2022

i. A roll call which is the basic principle for a quorum to be established was not done;

ii. Concerns and objections of some Punong Barangays were not acknowledged by the Presiding Officer, continued to ignore the same, and proceeded to approve the Annual Budget, thereby abusing his authority.

iii. The Punong Barangays were not included in the planning of the Municipal Annual Investment Plan;

iv. His motion to divide the house for the approval of the Municipal Annual Investment Plan for CY 2022 was also not recognized;

3. The abovementioned allegations are all DENIED, and are nothing but mere fabrications of the complainant. In fact, there is nothing in the ***Minutes***[3] of the November 23, 2021 Municipal Development Council (MDC) Meeting which expressly or tacitly support the above accusations.

The Minutes of the November 23, 2021 MDC Meeting is prima facie evidence of the facts stated therein.

4. The Minutes of the November 23, 2021 MDC meeting is categorized as a public document under Section 19 (a) of Rule 132 of the Revised Rules on Evidence which states that, "*The written official acts, or records of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines or a foreign country.*"[4]

5. In this regard, *documents, consisting of entries in the public performance of duty by a public officer* ***are prima facie evidence of the facts stated therein***[5]. In the case of Tan

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[3] Minutes of the Fourth Regular Meeting of the Municipal Development Council (MDC) held on November 23, 2021 at the Don Eulogio C. Lopez Memorial Gymnasium, La Paz, Leyte, is herein attached as **"Annex 1".**

[4] Section 19(a), Rule 132 of the Revised Rules on Evidence

[5] Section 23, Rule 132 of the Revised Rules on Evidence

vs. Hosana[6], prima facie evidence was defined as, *"evidence good and sufficient on its face. Such evidence as, in the judgment of the law, is sufficient to establish a given fact, or the group or chain of facts constituting the party's claim or defense and which if not rebutted or contradicted, will remain sufficient."* Complainant's assertions inconsistent with the Minutes of the MDC Meeting on November 23, 2021 are clearly nothing but bare assertions. Complainant claimed that irregularities were committed during the MDC meeting without substantiating the same with any kind of proof that could rebut or contradict the contents of the Minutes. Accordingly, the public and this good Office can rely on the said document as a true and faithful record of what transpired during the November 23, 2021 MDC Meeting.

There is no law, rule, order, or regulation requiring the conduct of roll calls before a quorum may be declared.

6. There is no law, rule, or order governing MDCs requiring roll calls as a condition precedent before a quorum may be established. Title Six of the Local Government Code of 1991 on Local Development Councils is even silent on the matter. In fact, Section 110 on Meeting and Quorum merely provides that:

   "The local development council shall meet at least once every six (6) months or as often as may be necessary."

7. Even section 53(a) on Quorum during local legislative sessions simply states that:

   "A majority of all the members xxx shall constitute a quorum to transact official business. ***Should a question of quorum be raised during a session, the presiding officer shall immediately proceed to call the roll of the members and thereafter announce the results****."*

[6] G.R. No. 190846, February 03, 2016

8. One of the fundamental principles of Parliamentary Law is that a quorum must be present before a group can act. This, however, does not include the indispensability of roll calls—contrary to the claim that it is necessary for a quorum to be established. The declaration of a quorum sans a roll call is not beyond belief. For as long as one can count and the number and identity of regular members or expected attendees are known, the presence of a quorum can easily be determined and/or established. Having only 42 regular members excluding the undersigned, it is not rocket science to be able to tell if a quorum was present.

9. It is apparent from the **attendance sheet**[7] of the November 23, 2021 meeting, that out of 42 of the MDC's regular members (excluding the Mayor)—35 Punong Barangays and 7 representatives of Civil Society Organizations (CSOs)—there were 24 who signed the same. Such number of attendees is more than enough to legally transact official business and to push through with the meeting. As a matter of fact, as per the attendance sheet, there were more than 24 regular members who were physically present but were not in the attendance sheet as some of the Punong Barangays did not sign the same or register.

10. Moreover, if any member of the MDC or the complainant himself was doubtful as to the existence of a quorum, a question on the same should have immediately been raised in order to prompt the Presiding officer to do a roll call. This, however, was not done.

The Presiding Officer did not act in abuse of authority.

11. Complainant is imputing abuse of authority on the Presiding Officer for purportedly ignoring concerns and objections of some Punong Barangays and continuously doing the same before eventually proceeding with the approval of the 2022 Annual Budget. However, the Minutes

[7] Attendance Sheet, November 23, 2021, is herein attached as **"ANNEX 2"**.

of the November 23, 2021 meeting reveals otherwise. A plain reading thereof shows that the Presiding Officer would ever so often ask if there were any concerns, queries, motions, and/or objections from the body. As a matter of fact, concerns and queries of some Punong Barangays (*Relano, Regaton, Lumen, and Cartel*) who were present, but conversely did not sign the attendance sheet, were in the Minutes.

12. Assuming that there were concerns, objections, and/or motions that were not acknowledged, the same would nonetheless be reflected in the Minutes. However, no such matter was recorded therein because the claims are false. There is no truth to the allegation that the Presiding Officer continuously ignored the concerns and objections of some Punong Barangays and that despite this, subsequently proceeded with the approval of the 2022 Annual Budget.

13. Anent the allegation of the non-recognition of Hon. Noel Sia's "motion" to divide the house for the approval of the Municipal Annual Investment Plan/Program (AIP) for CY 2022, the undersigned could not recognize the same because **there was no "motion" to divide**. Instead, right after the approval of the AIP, the Liga President suddenly shouted "divide the house" to the undersigned's bewilderment. The body was asked after the presentation if there were any objections to the AIP. The Liga President nor any member of the MDC did not raise any protestations. After the approval of the AIP, the Presiding Officer once again asked for any objections, but no one said a thing.

14. Assuming, without admitting, that there was indeed a motion, and not a mere yapping to divide the house, the Presiding Officer could no longer take cognizance of the same because the MDC had then officially decided in favor of the approval of the AIP. The Liga President had ample opportunity to move for a division of the house, but he did nothing when he still could.

The Punong Barangays were involved in the process of creating the Municipal Annual Investment Program.

15. Complainant asserts that Punong Barangays were excluded in the creation of the Annual Investment Plan (AIP) yet interestingly, objections or concerns were not raised during the presentation of the meeting's agenda or even while the 2022 AIP was being presented. If there was any truth to his averment, it would be tantamount to neglect of duty on the part of the Punong Barangays for failing to act in the best interest of their respective barangays which they represent in the MDC.

16. Apart from that, the Punong Barangays were actively involved in the formulation of the Comprehensive Development Plan (CDP)—the multi-sectoral plan formulated at the city/municipal level embodying the vision, sectoral goals, objectives, and development strategies and policies.[8] Considering that the AIP was taken from the CDP which the Punong Barangays had a hand in its creation, it cannot be said that they were not, in any way, involved, in the planning of the AIP.

Complainant acted in bad faith when he intentionally did not register/ sign the attendance sheet for the November 23, 2021 meeting.

17. As shown in the **pictures**[9] taken for documentation on the November 23, 2021 meeting, Hon. Noel M. Sia[10] (1), was present. However, he did not register or sign the Attendance Sheet together with ten others who were also physically present, namely: Milagros F. Relano [11](2), Manuel Daclizon[12] (3), Wilma Rigaton[13] (4), Ruben Lumen[14] (5), Joel Dagohoy[15]

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[8] Part 4.5, Joint Memorandum Circular No. 1 Series of 2016, November 18, 2016.
[9] Pictures of the November 23, 2021 MDC Meeting are herein attached as **"ANNEX 3 and series".**
[10] Identified as 1 in Annex 3 and series
[11] Identified as 2 in Annex 3 and series
[12] Identified as 3 in Annex 3 and series
[13] Identified as 4 in Annex 3 and series

(6), Maricel Quiña[16] (7), Julius Modesto[17] (8), Edgar Lopez[18] (9), Eduardo Yu[19] (10), and Gina Cartel[20] (11). The undersigned cannot cite any justifiable reason why the aforenamed public officials failed to sign the attendance sheet, for it is customary to register first or to sign the attendance sheet prior to the commencement of every meeting. This leads the undersigned to believe that the complainant including the others intentionally did not have their presence recorded on paper in an attempt to make it appear that a quorum was not formed.

18. Assuming that the complainant was not able to register because he was absent, he would have no personal knowledge of the events that transpired during the meeting, thereby making his allegations all the more baseless.

Complainant failed to substantiate his claims.

19. Accusation is not synonymous with guilt. There must always be sufficient evidence to support the charge. This brings to the fore the application of the age-old but familiar rule that **he who alleges must prove his allegations**.[21] In contrast, the complainant never substantiated his claims, not even with a supporting testimony of a member who was present during the meeting nor a copy of any documents. He merely wrote a letter expressing his protest on the November 23, 2021 MDC meeting hinged on unsupported allegations.

20. While technicalities may be dispensed with in administrative proceedings, "this does not mean that the rules on proving allegations are entirely dispensed with. **Bare allegations are not enough; these must be**

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[16] Identified as 7 in Annex 3 and series
[17] Identified as 8 in Annex 3 and series
[18] Identified as 9 in Annex 3 and series
[19] Identified as 10 in Annex 3 and series
[20] Identified as 11 in Annex 3 and series
[21] Spouses Wilfredo Boyboy and Lydia Boyboy vs. Atty. Victoriano Yabut, Jr., A.C. No.5225, April 29, 2003.

supported by substantial evidence at the very least."[22] The complainant not only failed to support his allegations with substantial evidence, but completely failed to attach any kind of evidence to substantiate his assertions.

There being no basis for complainant's allegations, it is respectfully prayed that the same be DISMISSED.

21. While the Sangguniang Panlalawigan resolved[23] the matter to this good Office for investigation, it does not follow that there is good ground to support the complainant's protestations. In fact, the Sangguniang Bayan of La Paz, Leyte had just approved the 2022 Annual Budget—a clear showing that the said body is of the impression that the 2022 Annual Budget along with the Local Development Fund and the Annual Investment Plan were regularly approved by the MDC.

22. Indubitably, pushing through with a full-blown investigation based on the unfounded and unsubstantiated allegations of Hon. Noel M. Sia would unnecessarily burden this good Office, and is a waste of time, effort, and public resources.

23. The undersigned reserves the right to file a supplemental affidavit, affidavits of his witnesses, and additional documentary evidence.

24. In view of the foregoing, it is respectfully prayed for that this Comment be NOTED and CONSIDERED, the investigation against the undersigned be TERMINATED, and the Complaint filed against the undersigned Respondent be DISMISSED. All other reliefs just and equitable under the foregoing circumstances are likewise prayed for.

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[22] Michaelina Ramos Balasbas vs Patricia Monayao, G.R. No. 190254, February 17, 2014.
[23] Resolution No. 2021-675

RESPECTFULLY SUBMITTED. 07 February 2022.

ANGEL A. SIA, JR.
Municipal Mayor
La Paz, Leyte

Copy furnished: by registered mail

Noel M. Sia
Punong Barangay
Poblacion District IV
La Paz Leyte

Registry Receipt Number: RE 504 026 126 77
Date: FEB. 07, 2022

EXPLANATION AS TO MODE OF SERVICE

A copy of the foregoing Comment was served upon the Complainant by way of registered mail by reason of the distance between the offices of the counsel and the adverse parties, and for lack of messenger personnel to effect personal service. A copy thereof will be filed and served by courier to ensure prompt receipt.

ANGEL A. SIA, JR.

VERIFICATION

I, **ANGEL A. SIA, JR.**, of legal age, and a resident of La Paz, Leyte, after having been duly sworn to in accordance with law hereby depose and state that:

(a) I am the Respondent in the matter referred to the Provincial Legal Office for investigation as per the Sangguniang Panlalawigan Resolution No. 2021-675 relative to Hon. Noel Sia's protest of the MDC Meeting for the approval of the Municipal Annual Investment Plan for CY 2022 of La, Paz Leyte;

(b) The allegations in the **Comment** are true and correct based on my personal knowledge, or based on authentic documents;

(c) This **Comment** is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and

(d) The factual allegations herein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.

IN WITNESS WHEREOF, we have hereunto affixed our signatures this day of FEB 07 2022, in the City of Tacloban, Leyte, Philippines.

ANGEL A. SIA, JR
Affiant
H02-71-005469
Valid Until 1/6/23

SUBSCRIBED AND SWORN TO Before me a Notary Public for and in the City of Tacloban, Philippines this day of FEB 07 2022, affiant showing to me his competent proof of identity, and swore before me that he has fully understood the contents and allegations in the foregoing instrument and that the same is his free and voluntary act and deed.

Witness my hand and seal in the date and place above-written.

Doc. No. 352;
Page No. 72;
Book No. II;
Series of 2022.

ATTY. DIVINE GRACE A. TAN
Notary Public until December 31, 2022
Commission No. 2021-02-35
For TACLOBAN CITY
EASTERN VISAYAS LAW CENTER
Community Center, Real St. Cor. Calanipawan Road
Sagkahan Tacloban City
Roll No. 75347
IBP OR No. 172043/01/05/2022/Leyte
PTR No. 8209285/01/03/2022/Tacloban City

Republika han Pilipinas
Probinsiya han Leyte
BUNGTO HAN LA PAZ

ANNEX "1"

MUNICIPAL DEVELOPMENT COUNCIL

MINUTES OF THE FOURTH REGULAR MEETING OF THE MUNICIPAL DEVELOPMENT COUNCIL (MDC) HELD ON NOVEMBER 23, 2021 AT THE DON EULOGIO C. LOPEZ MEMORIAL GYMNASIUM, LA PAZ, LEYTE

PRESENT. (See attached attendance.)

1 The meeting started with preliminaries.

2 With the presence of majority of its members, the chairman declared quorum.

3 The meeting was called to order at 9:30 in the morning. This was presided over by the Chairman, Angel Aras Sia, Jr. The Chairman acknowledge the presence of the member of the council and other guests.

4 For the opening statement, Municipal Mayor Angel Aras Sia Jr., gave emphasis on the importance of having cooperation and coordination among the MDC members in ensuring appropriate actions/plan for the development of the Municipality.

5 The Chairman asked the body if the secretariat will proceed with the reading of the minutes of the previous meeting.

6 The body agreed to read the minutes, so the MDC Secretariat read the minutes of the previous meeting. After reading the minutes of the previous meeting, the Chairman asked the body if there are issues arising from the minutes.

7 Hon. Milagros Relano asked the chairman regarding the dissemination of the communication. She requested to send the communication three days before the meeting

8 The chairman acknowledges her concern and assure that the secretariat will take appropriate actions to this.

9 The chairman asked the body if there is a motion for the approval of the minutes.

10 Hon. Jose Dela Cruz, Punong Barangay of Piliway moved for the approval of the minutes of the previous meeting, duly seconded by Hon. Ruben Lumen, Punong Barangay of Umba. The Chairman asked the body if there are objections for the approval of the minutes. There having none, the minutes of the previous meeting was approved.

11 The chairman asked the MDC secretariat to present the meeting agenda. The agenda was presented as follows:

12 **2022 Annual Budget**

- **20% Local Development Fund**
- **2020 Annual Investment Program**

13 The chairman asked the body if there is a motion for the approval of the agenda. Hon. Edelberto Cordial, Punong Barangay of Santa Ana moved for the approval of the agenda. This was duly seconded by Hon. Edward Radam, Punong Barangay of Poblacion District I. The chairman asked the body if there are objections for the approval of the agenda. There having none, the agenda was approved.

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The Municipal Budget Officer was asked to present the Municipal Annual Budget for 2022. It was presented as follows:

Available Fund for Appropriation:

FUND SOURCE		
National Tax Allotment (NTA)		123,126,340.00
Local Estimated Revenue		9,000,000.00
	TOTAL	**132,126,340.00**

Proposed Expenditures:

BUDGET ITEMS	
Mandatory Appropriation	
20% I DF	24,625,268.00
5% LDRR	6,606,317.00
5% GAD	5,821,317.00
I CPC	902,500.00
Aid to Brgy	70,000.00
Sr. Citizen & PWD	1,413,000.00
Other Special Purpose Appropriation	
Covid-19 Program	2,000,000.00
HRD Prog	245,000.00
Peace & Security Prog	150,000.00
Prog. For Illegal Drugs	100,000.00
Local Youth & Dev. Prog	600,000.00
Local Nut. Prog	339,500.00
Program to combat AIDS	50,000.00
CBMS	900,046.52
Annual Cultural Prog	187,000.00

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AICS		500,000.00
Personal Services (PS)		52,802,521.58
Terminal Leave Benefit		2,693,608.82
MOOE		28,288,261.08
Capital Outlay		3,832,000.00
	TOTAL	132,126,340.00

14 The chairman asked the body if there is a motion to approve the Annual Municipal Budget for 2022 in the amount of One Hundred Thirty-Two Million One Hundred Twenty-Six Thousand Three Hundred Forty Pesos (P132,126,340.00) and endorse the same to Sangguniang Bayan. Hon. Edward Radam, Punong Barangay of Poblacion District I, moved to approve the Municipal Annual Budget 2022, duly seconded by CSO Representative Cresente D. Esmale. The chairman asked if there are objections. There having none, the motion was approved.

The 20% LDF was presented by the secretarial as follows:

No.	PPA	AMOUNT
1	Upgrading of Electrical System of the LGU Compound	3,500,000.00
2	Road concreting of San Victoray- Bongtod- Bag. West Pansud Tabang Road	4,925,268.00
3	Loan Amortization for La Paz Shopping Square	2,700,000.00
4	Const. of Reservior at Brgy. Tarugan	2,000,000.00
5	Road Concreting of Buracan- Cogon-Caabangan Road	2,000,000.00
6	Proc. Of Lot for Agricultural Reasearch Center	1,500,000.00
7	Road Concreting of Pob. Dist. I- Canbañez Road	1,500,000.00
8	Expansion of LAPWAS Distribution Line to Brgy. Sta. Elena, San Victoray and Bag. East	1,000,000.00
9	Proc. Of One (1) Unit Brand New Backhoe	5,500,000.00
	TOTAL	24,625,268.00

15 After the presentation, the Chairman asked the body if there are queries from the presentation.

16 Hon. Ruben Lumen, raised his hand and asked why there is no budget for the repair and maintenance of the water system in Barangay Limbo.

17 Hon. Wilma Regaton mentioned about the water reservoir and requested to conduct a study regarding the water source in Barangay Tarugan. The possible depletion and loss of water

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2/4/2022
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was her concern. According to the LAPWAS-In-Charge, Mr. Rodrigo Boco, the storage capacity of the constructed reservoir in Barangay Tarugan enables water to be captured in greater quantities than would otherwise be possible. The reservoir will collect water when it is plentiful and save it when in times of shortage.

Hon. Meldita Cuayzon, asked for additional budget for the Road Concreting of Buracan-Cogon-Caabangan Road.

Hon. Gina Cartel and Hon. Milagros Relano stated their concern regarding the Sanitary Landfill of the Municipality.

The chairman acknowledges their concerns and assured that the Municipality will consider and take appropriate actions to this.

The chairman asked if there is a motion to approve the 20% LDF for 2022 and endorsing the same to the Sanggunlang Bayan for adaption. Hon. Edward P. Radam, Punong Barangay of District I moved for the approval of 20% LDF in the Amount of Twenty-four Million Six Hundred Twenty-five Thousand Two Hundred Sixty-eight (P 24,625,268.00) and endorsing the same to the Sanggunlang Bayan for adoption. It was duly seconded by Hon. Hon. Edgardo A Badlon, Punong Barangay of Barangay Cogon. The Chairman asked the body if there are objections. There having none, the motion was approved.

The presentation of 2022 Annual Investment Program (AIP) followed:

BUDGET ITEMS	
Mandatory Appropriation	
20% I DF	24,625,268.00
5% LDRR	6,606,317.00
5% GAD	5,821,317.00
LCPC	902,500.00
Aid to Brgy	70,000.00
Sr. Citizen & PWD	1,413,000.00
Other Special Purpose Appropriation	
Covid-19 Program	2,000,000.00
HRD Prog	245,000.00
Peace & Security Prog	150,000.00
Prog. For Illegal Drugs	100,000.00
Local Youth & Dev. Prog	600,000.00

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Local Nut. Prog		339,500.00
Program to combat AIDS		50,000.00
CBMS		900,046.52
Annual Cultural Prog		187,000.00
AICS		500,000.00
Personal Services (PS)		52,802,521.58
Terminal Leave Benefit		2,003,608.82
MOOE		28,288,261.08
Capital Outlay		3,832,000.00
From Other Sources		753,148,571.57
	TOTAL	**885,274,911.57**

12. After the presentation, the chairman asked the body if there are queries from the presentation. There having none, the chairman asked if there is a motion to approve the 2022 Annual Investment Program (AIP). Hon. Eleuterio L. Magayones, Punong Barangay of Barangay Pansud moved for the approval of 2022 Annual Investment Program (AIP) in the amount Eight Hundred Eighty-five Million Two Hundred Seventy-four Thousand Nine Hundred Eleven Pesos and 57/100 (Php 885,274,911.57) and to endorse the same to Sangguniang Bayan for adaption. This was duly seconded by Hon. Edward P. Radam, Punong Barangay of Poblacion District I.

13. The chairman asked the body if there are objections. There having none, the chairman asked if there is a motion to adjourn the meeting. Hon. Edward P. Radam moved to adjourn the meeting. Having no more business to treat, the meeting adjourned at exactly 11:30 in the morning.

I HEREBY CERTIFY the correctness of the foregoing quoted minutes.

ENP JAMES CHRISTIAN T. BAUTISTA
MIPDC, Head MDC Secretariat

ANGEL ARAS SIA, JR.
Municipal Mayor

CERTIFIED TRUE COPY
2/4/2022
Lic. No. 0001741

Republika han Pilipinas
Probinsiya han Leyte
BUNGTO HAN LA PAZ

ANNEX "2"

OFFICE OF THE MAYOR

MUNICIPAL DEVELOPMENT COUNCIL MEETING

Attendance Sheet
Don Eulogio Lopez Memorial Gymnasium, La Paz, Leyte
November 23, 2021 @ 8:00 A.M.

NO.	NAME	DESIGNATION	SIGNATURE
1	JASMIN C LIMATIQUE	PUNONG BARANGAY	
2	CESELTE D. ESMALE	CSO	
3	NELSON T LUYA	CSO	
4	[illegible]	P/C	
5	GLEN C. MORALES	CSO	
6	JONALYN C BAÑO	PB	
7	EUFEMERIO L. MARAÑON	PB	
8	[illegible]	MBO	
9	PMC APOLINARIO BANTILLA	DCOP	
10	Dionah Francee P. Alba	MAdd.	
11	[illegible] T. Esmale	MT	
12	Edilberto P. Cardiño	P-B	
13	EVELYNA C. DAEP	CSO	
14	Florentina M. Montalbo	CSO	
15	ALDWIN L. PEDRADO	PRE-DESIGNATE	
16	Geraldine P. Piano	HR- Designate	
17	DANILO M LUYA	PB	
18	MARLON L. ESUCOPON	MCR	
19	[illegible]	CSO	
20	EVELYN M. OBIMA	P.B.	
21	JOSEPH S. GALLO	P.B.	
22	EMELIO G. BOCO	P B	
23	[illegible]		
24	EDGARDO L. GARCIA	P. B	
25	[illegible]	P.B	

CERTIFIED TRUE COPY

Republikahan Pilipinas
Probinsiya han Leyte
BUNGTO HAN LA PAZ

OFFICE OF THE MAYOR

MUNICIPAL DEVELOPMENT COUNCIL MEETING

Attendance Sheet
Don Eulogio Lopez Memorial Gymnasium, La Paz, Leyte
July 9, 2021 @ 1.00 P.M.

NO.	NAME	DESIGNATION	SIGNATURE
26	JOSE A. DE LA CRUZ	P.B.	[signature]
27	MELDITA A. CHAYZON	P. B	[signature]
28	MARILYN M. RELLAMA	P B	[signature]
29	CHARO B. TABUSO	MSWDO	[signature]
30	EDWARD P. RAPADA	P. B.	[signature]
31	IRENE T. [illegible]	MASSO	[signature]
32	Virginia L. Nitura	P.B.	Virginia L. Nitura
33	Rosemary M. Tabon	P. B.	[signature]
34	ROEL B. ARGANES	P.B	[signature]
35	James Christian T. Bautista	MPDC	[signature]
36	Rodrigo Y. Pal	[illegible] / Lupon	[signature]
37	IMELDA LAIDY G. TERADO	TOURISM OFFICER- DES	[signature]
38	ANGEL A. GIA JR.	MUN. MAYOR	[signature]
39			
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50			

CERTIFIED TRUE COPY
2/9/2022

MDC MEETING PICTURES
NOVEMBER 23, 2021 @ DELM

ANNEX "3"


RESBAKUNA
KASANGGA NG


RESBAKUNA
KASANGGA NG


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2.
10


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3

Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City
-oOo-

PROVINCIAL LEGAL OFFICE

January 18, 2022

Hon. ANGEL A. SIA, Jr.
Municipal Mayor
La Paz, Leyte

Dear Mayor Sia, Jr.

This refers to the Sangguniang Panlalawigan Resolution No. 2021-675 dated December 15, 2021 referring to this Office the Letter dated December 10, 2021, of Hon. Noel M. Sia, President, Liga ng mga Barangay, La Paz, Leyte, relative to the latter's protest during the MDC Meeting for the approval of the Municipal Annual Investment Plan for CY 2022 of La Paz, Leyte, for investigation.

Copy of the SP Resolution No. 2021-675 and Letter dated December 10, 2021 are hereto attached for your ready reference.

In the interest of due process, may we respectfully request your kind Office to file a Comment or other appropriate pleading within fifteen (15) days from receipt thereof?

Thank you very much!

JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

REGISTRY RECEIPT
Post Office
RE 538 895 038 ZZ
Lett
Post
20
Preserve this receipt for reference in case of inquiry
01192022
Postmaster/Teller

PLO

Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City
-oOo-

Province of Leyte
Legal Office
Received: [illegible]
Time: [illegible]
Date: 01/[illegible]/2022

RELEASED
01-017
1-17-2022

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 118th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEGISLATIVE BUILDING, CAPITOL GROUNDS TACLOBAN CITY ON 15 DECEMBER 2021.

RESOLUTION NO. 2021-675

A RESOLUTION REFERRING TO THE PROVINCIAL LEGAL OFFICE THE LETTER DATED DECEMBER 10, 2021 OF HONORABLE NOEL M. SIA, LIGA PRESIDENT OF LA PAZ, LEYTE RELATIVE TO HIS PROTEST DURING THE MDC MEETING FOR THE APPROVAL OF THE MUNICIPAL ANNUAL INVESTMENT PLAN FOR CY 2022 OF THE SAID MUNICIPALITY FOR INVESTIGATION.

WHEREAS, submitted to the Sangguniang Panlalawigan is a letter dated December 10, 2021 of the Honorable Noel M. Sia, Liga President of La Paz, Leyte relative to his protest during the MDC Meeting for the approval of the Municipal Annual Investment Plan for CY 2022 of the said municipality;

WHEREAS, the August Body, deemed it proper to refer said document to the Provincial Legal Office for investigation and recommendation;

NOW, THEREFORE, on motion presented by Honorable Mesias P. Arevalo, duly seconded by Honorable Raissa J. Villasin and Honorable Ranulfo S. Abellanosa, be it

RESOLVED, as it is hereby resolved, to **REFER TO THE PROVINCIAL LEGAL OFFICE THE LETTER DATED DECEMBER 10, 2021 OF HONORABLE NOEL M. SIA, LIGA PRESIDENT OF LA PAZ, LEYTE RELATIVE TO HIS PROTEST DURING THE MDC MEETING FOR THE APPROVAL OF THE MUNICIPAL ANNUAL INVESTMENT PLAN FOR CY 2022 OF THE SAID MUNICIPALITY FOR INVESTIGATION.**

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

ATTESTED:

ATTY. CARLO P. LORETO
Vice-Governor
Presiding Officer

Republic of the Philippines
Office of the Vice Governor
Sangguniang Panlalawigan
Kindly cite reference code for official transactions:
VG-CPL-2021-0004616

Copy furnished:

1. *Provincial Legal Office*
   Province of Leyte
2. *Hon. Noel M. Sia*
   Liga President
   La Paz, Leyte
3. *Annabelle V. De Asis*
   DILG Provincial Director
   Kanhuraw Hill
   Tacloban City
4. *Sec. Eduardo M. Año*
   DILG Secretary
   Napolcom Center
   EDSA Cor .Quezon Avenue
   West Triangle, Quezon City
5. *Jaime L. Mabilin*
   Director IV PCC
   Bahay Ugnayan
   Jose P. Laurel St.
   Malacañang, Manila

FJSU:ASS
Naomi12/22/2021

Naomi

M NO. 22
ATE 15 DEC 2021

Republic of the Philippines
Province of Leyte
Municipality of La Paz
LIGA NG MGA BARANGAY LA PAZ CHAPTER
-oOo-

OFFICE OF THE LIGA PRESIDENT

pls. include in our agenda Thanks

RECEIVED
13 DEC 2021
2PM
PROVINCE OF LEYTE

ATTY. CARLO
12-13-21
1:26

December 10, 2021

ATTY. CARLO P. LORETO
Vice-Governor
Leyte Provincial Capitol
Tacloban City, Philippines

Sir;

As the Liga President of the Municipality of La Paz, Leyte, it is my responsibility to answer the concerns of my fellow Punong Barangays.

Being said that, I would like to file a protest regarding the MDC Meeting held last November 23, 2021 for the approval of the Municipal Annual Investment Plan (AIP) for CY 2022 of our Municipality since the proper Parliamentary Procedure was not followed due to several violations that happened during the said MDC Meeting.

First, a Roll Call which is the basic principle for a quorum to be established did not occur during the said MDC Meeting.

Second, that concerns and objections of some Punong Barangays was not acknowledged by the Presiding Officer which is the Local Chief Executive.

Third, that if the Proper Parliamentary Procedure will be followed, We, the Punong Barangays of our Municipality should be included in the planning of the Municipal Annual Investment Plan.

Fourth, that my motion as the Liga President to divide the house for the approval of the Municipal Annual Investment Plan for CY 2022 was also not recognized.

Lastly, the Presiding Officer continued to ignore some of the Punong Barangays despite their concerns and objections and proceeded to approve the said Annual Budget which can be considered as Abuse of Authority.

Relative thereto, may I request then for an investigation on this complaint to justify the actions of our Local Chief Executive.

Hoping for your immediate action to this matter.

Thank you and more power!

Very truly yours,

HON. NOEL M. SIA
Liga President
0917-3252130

Copy furnished:

ANNABELLE V. DE ASIS
DILG Provincial Director
Kanhuraw Hill
Tacloban City

EDUARDO M. AÑO
DILG Secretary
Napolcom Center
EDSA cor. Quezon Ave.
West Triangle, Quezon City

JAIME L. MABILIN
Director IV PCC
Bahay Ugnayan
Jose P. Laurel St.
Malacañang, Manila

PLD

Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City
-oOo-

Province of Leyte
Legal Office
Received: Myra Niad
Time: 2:40 PM
Date: 01/6/22

SP
RELEASED
No. 01-003
DATE 1-13-22
BY

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 120th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEGISLATIVE BUILDING, CAPITOL GROUNDS, TACLOBAN CITY ON 07 JANUARY 2022

RESOLUTION NO. 2022-010

A RESOLUTION REFERRING TO THE SP BLUE RIBBON COMMITTEE, TO THE SP COMMITTEE ON RULES LAWS AND PRIVILEGES, AND TO THE PROVINCIAL LEGAL OFFICE, THE LETTER-COMPLAINT OF HONORABLE NOEL M. SIA AGAINST THE LOCAL CHIEF EXECUTIVE OF LA PAZ, LEYTE, HONORABLE ANGEL A. SIA, JR.

WHEREAS, submitted to the Sangguniang Panlalawigan is a Letter-Complaint against the Local Chief Executive of La Paz, Leyte, Honorable Angel A. Sia, Jr. for violation of Section 318 of the Local Government Code from Honorable Noel Sia, President of the Liga ng mga Barangay La Paz Chapter and Member, Sangguniang Bayan of La Paz, Leyte;

WHEREAS, the August Body, deemed it appropriate to REFER said Complaint to the SP Blue Ribbon Committee, to the SP Committee on Rules, Laws and Privileges and to the Provincial Legal Office for review and appropriate action;

NOW, THEREFORE, on motion presented by Honorable Raissa J. Villasin, duly seconded by Honorable Ranulfo S. Abellanosa, be it

RESOLVED, as it is hereby resolved, to **REFER TO THE SP BLUE RIBBON COMMITTEE, TO THE SP COMMITTEE ON RULES LAWS AND PRIVILEGES, AND TO THE PROVINCIAL LEGAL OFFICE, THE LETTER-COMPLAINT OF HONORABLE NOEL M. SIA AGAINST THE LOCAL CHIEF EXECUTIVE OF LA PAZ, LEYTE, HONORABLE ANGEL A. SIA, JR.**

RESOLVED FURTHER TO FURNISH COPY OF THE COMPLAINT TO HONORABLE MAYOR ANGEL A. SIA, JR. FOR HIM TO ANSWER WITHIN FIFTEEN (15) DAYS UPON RECEIPT OF THIS RESOLUTION.

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

ATTESTED:

ATTY. CARLO P. LORETO
Vice-Governor
Presiding Officer

-over-

Nam

Copy furnished:

1. *Atty. Carlo P. Loreto*
   Chairman – SP Blue Ribbon Committee

2. *Atty. Anna Victoria Veloso-Tuazon*
   Chairman – SP Committee on Rules, Laws and Privileges

3. *Provincial Legal Office*
   Province of Leyte

4. *Jaime L. Mabilin*
   Presidential Complaint Center
   Director IV
   Bahay Ugnayan, Jose P. Laurel Street
   Malacañang, Manila

5. *Secretary Eduardo M. Año*
   Department of Interior and Local Government
   DILG – NAPOLCOM Center
   Edsa Cor. Quezon Avenue West Triangle
   Quezon City

6. *Hon. Angel A. Sia, Jr.*
   Municipal Mayor
   La Paz, Leyte

7. *Hon. Noel M. Sia*
   President, Liga ng mga Barangay – La Paz Chapter
   Sangguniang Bayan Member
   La Paz, Leyte

FJSU: ASS
Naomi01/10/2022

(14) ..14

ITEM NO. 14
DATE 17 JAN. 2022

December 13, 2021

To : **Hon. ATTY. CARLO LORETO**
Vice-Governor, Province of Leyte

SUBJECT : Letter-Complaint against the Local Chief Executive of La Paz, Leyte, **Hon. ANGEL A. SIA JR.**, for violation of Sec.318 of the Local Government Code (LGC).

GREETINGS!

In behalf of the good people of La Paz, Leyte, I am writing this letter to formally make a complaint against our Local Chief Executive, Hon. Angel A. Sia Jr., for his gross negligence and dereliction of duty in not submitting to the Sangguniang Bayan for Budget Legislation, the Annual Budget for the Fiscal Year 2022 in violation of Sec. 318 of the Local Government Code (LGC).

PRELIMINARY STATEMENT

It shall be the duty of the Local Chief Executive upon receipt of the statements of income and expenditures from the treasurer, to give budget proposals for the heads of departments and offices together with the estimates of income and budgetary ceilings from the local finance committee, and to prepare and submit the Annual Budget for the Next Fiscal Year which shall not later than the sixteenth (16th) of October of the current fiscal year.

Failure to submit the said Annual Budget on the date prescribed shall subject the Local Chief Executive to such criminal and administrative penalties as provided by the Local Government Code.

Likewise, upon submission of the Local Chief Executive of the Annual Budget for the ensuing Fiscal Year, the Sangguniang Bayan concerned shall enact, through an ordinance, the Annual Budget of the Local Government unit on or before the end of the current Fiscal Year.

Said duty of the Local Chief Executive and the Sangguniang concerned is in line with the provisions of ***Sections 318 and 319 of the Local Government Code.***

The process of Preparation and Budget Legislation is distinctly separate from the other but they overlap in the implementation of the budget during the budget year.

STATEMENT OF FACTS

Complainant is a resident of Brgy. Poblacion, District IV and an elected Brgy. Official of Brgy. Poblacion, District IV, Lapaz, Leyte and member of the Sangguniang Bayan of La Paz, Leyte being the Liga ng mga Barangay President.

Respondent on the other hand is the elected Local Chief Executive of La Paz, Leyte.

All parties have capacity to sue and be sued.

Respondent being the Local Chief Executive has the duty to prepare and submit to the Sangguniang Bayan the Annual Budget for Fiscal Year 2022 not later than the sixteenth (16th) of October 2021. However, respondent without any valid reason, willfully neglected his mandated duty as he deliberately failed to prepare and submit to the Sanggunian the Annual Budget for Fiscal Year 2022 within the prescribed date as provided by law for Budget Legislation. A Copy of Certification issued by the Sangguniang bayan of Lapaz, Leyte and duly signed by Municipal Vice-Mayor Hon. Lyndo A. Quiña is hereby attached and made as an integral part of this letter-complaint as **ANNEX "A"**.

That despite repeated demand from the Sangguniang Bayan for him to submit the Annual Budget, respondent did not take the matter seriously as No Annual Budget is submitted to the Sangguniang Bayan as of to date hence, the filing of this complaint.

ISSUE

Whether or not respondent shall be subject to criminal and administrative penalties as provided by the Local Government Code for failure to submit the Annual Budget for Fiscal Year 2022 within the period prescribed by law?

ARGUMENT

Clearly the act of the Local Chief Executive of La Paz, Leyte in willfully and deliberately neglecting his duties in submitting

budget proposals for the heads of departments and offices together with the estimates of income and budgetary ceilings from the local finance committee, and to prepare and submit the Annual Budget for the Next Fiscal Year constitutes a gross violation of the Local Government Code of 1991 and which will give rise to criminal and administrative penalties.

First, as particularly stated on ***Sec. 18 of the Republic Act 7160 or the Local Government Code of 1991.***

> *"Section 318. Preparation of the Budget by the Local Chief Executive-*
>
> *Upon* ***receipt of the statements of income and expenditures*** *from the treasurer, the budget proposals of the heads of departments and offices, and the estimates of income and budgetary ceilings from the local finance committee, the* ***local chief executive shall prepare the executive budget for the ensuing fiscal year in accordance with the provisions of this Title.***
>
> *The* ***local chief executive shall submit the said executive budget to the sanggunian concerned not later than the sixteenth (16th) of October of the current fiscal year. Failure to submit such budget on the date prescribed herein shall subject the local chief executive to such criminal and administrative penalties*** *as provided for under this Code and other applicable laws."* (Emphasis Ours.)

From the plain language of the above-cited law, respondent should be held criminally and administratively liable since Section 318 of the Local Government Code of 1991 needs no further elucidation as it clearly states the duties and responsibilities of the Local Chief Executives and at the same time the corresponding penalties therewith.

Based on the latin maxim of statutory interpretation of ***"interpretatio cessat in claris"*** or there is no need for interpretation when the text is clear and further provided by another principle which is ***"Verba Legis Non-Est Recedendum*** or from the words of the law, there must be no departure, has to be kept in mind".

Under these two principles, the duties and responsibilities together with the corresponding penalties embodied under Section 318 of the Local Government Code of 1991 should be treated without any further interpretation.

Second, respondent's omission in preparing and submission to the Sanggunian the Annual Budget for the Fiscal year 2022 within the prescribed period is a clear and deliberate failure of the duty and trust reposed on him by the constituents of Municipality of La Paz, Leyte and is tantamount to gross negligence which is a ground for disciplinary actions as provided by ***Section 60 of Republic act 7160,*** to wit:

> *"Section 60. grounds for Disciplinary Actions- An elective local official may be disciplined, suspended, or removed from office on any of the following grounds:*
>
> *a. Disloyalty to the Republic of the Philippines;*
> *b. Culpable violation of the Constitution;*
> ***c. Dishonesty, oppression, misconduct in office, gross negligence, or dereliction of duty;***
> *d. Commission of any offense involving moral turpitude or an offense punishable by at least prision mayor;*
> *e. Abuse of authority;*
> *f. Unauthorized absence for fifteen consecutive working days, except in the case of members of the Sangguniang Panlalawigan, Sangguniang Panglungsod, Sangguniang Bayan and Sangguniang Barangay;*
> *g. Application for, or acquisition of foreign citizenship or residence or the status of an immigrant of another country; and*
> *h. Such other grounds as may be provided in this Code and other laws."* (Emphasis Ours.)

Third, the prescribed period provided by Section 18 of the Local Government Code of 1991 for the submission of the Local Chief Executive of the Annual Budget is not only a mandate as a duty being a Local Chief Executive, but also to protect and preserve the procedural process for the Sanggunian concerned in order for them to be given ample time and opportunity to thoroughly examine and evaluate the proposed budget, to give comment for adjustment/s if needed, and to enact, through an

ordinance, the Annual Budget of the Local Government Unit on or before the end of the current fiscal year.

However, due to the deliberate and utter disobedience from his duties and responsibilities, respondent failed to file an Annual Budget for the Fiscal year 2022 and deprived the Sangguniang Bayan of La Paz, Leyte of such opportunity in examining and determining the needed budget for the benefit of the constituents of La Paz, Leyte.

Lastly, the act of the respondent clearly indicate that respondent is trying to circumvent the law into his own hands. Assuming arguendo that respondent will submit the proposed budget before the end of 2021, the Sangguniang Bayan of La Paz, Leyte are at the verge of failing our mandated duty to examine and evaluate the same and the Sangguniang Bayan will be forced to approved the respondent's proposed Annual Budget just to meet the said deadline.

Lastly, under Article XI, Section 1 of the 1987 Constitution, **"Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives."**

The fundamental notion that one's tenure in government springs exclusively from the trust reposed by the public means that continuance in office is contingent upon the extent to which one is able to maintain that trust. As discussed in *Pineda vs. Claudio:*

> *"We must keep in mind that the Article on the Civil Service, like other provisions of the Constitution, was inserted primarily to assure a government, both efficient and adequate to fulfill the ends for which it has been established. That is a truism. It is not subject to dispute. It is in that sense that a public office is a public trust.*
>
> *Everyone in the public service cannot and must not lose sight of that fact. While his right as an individual although employed by the government is not to be arbitrarily disregarded, he cannot and should not remain unaware that the only justification for his continuance in such service is his ability to contribute to the public welfare."*

No one has a vested right to public office. One can continue to hold public office only for as long as he or she proves worthy of public trust.

Consistent with the dignity of public office, our civil service system maintains that misconduct tainted with "any of the additional elements of corruption, willful intent to violate the law, or disregard established rules" is grave. This gravity means that misconduct was committed with such depravity that it justifies not only putting an end to an individual's current engagement as a public servant, but also the foreclosure of any further opportunity at occupying public office.

Here, respondent's willful and deliberate failure to prepare and submit to the Sanggunian the Annual Budget for the next fiscal year constitutes a breach of trust thereby depriving the Sanggunian to conduct examinations and determine the much-required budget to the detriment of the populace of La Paz, Leyte.

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed unto this Honorable Office that after due notice and hearing, and during the pendency of this complaint, to subject respondent any criminal and administrative penalties and to direct the respondent to submit urgently the proposed Annual Budget.

And all other remedies which are just and equitable.

Tacloban City, December 13, 2021

NOEL M. SIA
Complainant

REPUBLIC OF THE PHILIPPINES)
AT THE CITY OF TACLOBAN : S.S.
PROVINCE OF LEYTE)

VERIFICATION AND CERTIFICATION

I, **NOEL M. SIA**, of legal age, Filipino citizen, married, and a resident of La Paz, Leyte, under oath, hereby depose and say:

1. I have caused the foregoing Verified Complaint and its attachment to be prepared and file.

2. I have read and fully understood all the allegations therein contained and that the same are all true and correct according to our own personal knowledge and belief, and based on genuine and authentic documents.

3. I did not file this Verified Complaint to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and

4. The factual allegations therein have evidentiary support as identified, marked and attached documentary evidence found in this Verified Complaint and will likewise have evidentiary support after reasonable opportunity for discovery. after a reasonable opportunity for discovery.

I FURTHER CERTIFY: that -

I have not heretofore commenced any other action or proceedings involving the same issues in the Supreme Court, the Court of Appeals, or any other tribunal or agency; that to the best of our knowledge, no such action or proceedings is pending in the Supreme Court, the Court of Appeals, or any other agency involving the same parties and subject property and that if we should thereafter learn that a similar action or proceedings has been filed or is pending or terminated before the Supreme Court, the Court of Appeals, or any other tribunal or agency, we undertake to report that fact to this Honorable Court within five (5) days from such knowledge.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 13th day of December, 2021 at Tacloban City.

NOEL M. SIA
Affiant

SUBSCRIBED AND SWORN to before me, a Notary Public for and within the jurisdiction of the Regional Trial Court of Tacloban City, this 13th day of December, 2021 at Tacloban City, by affiant, **NOEL M. SIA** exhibiting to me his Drivers License with ID No. N02-89-104168 as competent evidence of his identity and such person is known to me be the same person who personally signed before me the foregoing Verification and Certification Against Forum Shopping and acknowledge that he freely and voluntarily executed the same.

Doc. No. 299;
Page No. 90;
Book No. I;
Series of 2021.

ATTY. KIEFER CLINT L. PETILLA
NOTARY PUBLIC UNTIL DEC. 31/2022
NO. 2021-07-92
IBP No. 155442 / 1/27/2021
PTR No. 5863801/1/04/2021
ROLL No. 76038; TIN 767-994-701
RM. 218, 2F MELECIO TAN BLDG.,
COR. ZAMORA & SALAZAR ST. TACLOBAN CITY

COPY FURNISHED:

Hon. Angel A. Sia Jr.
Municpal Mayor
Municipality of La Paz
Province of Leyte

JAIME L. MABILIN
Presidential Complaint Center
Director IV
Bahay Ugnayan, Jose P. Laurel Street
Malacañang, Manila

Secretary EDUARDO M. AÑO
Department of the Interior and Local Government
DILG-NAPOLCOM Center
Edsa Cor. Quezon Avenue West Triangle
Quezon City

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF LA PAZ
-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

This is to **CERTIFY** that the proposed **ANNUAL BUDGET FOR FISCAL YEAR 2022** of the Local Government Unit of La Paz, Leyte has not yet been forwarded to this office up until now for the approval of the Sangguniang Bayan members.

Given this upon request of Honorable Noel M. Sia, Liga ng mga Barangay President, for whatever legal purpose it may serve.

Issued this 29th day of November 2021.

ERWIN M. CERNAL
Board Secretary V
(Secretary to the Sanggunian)

Noted by:

HON. LYNDO A. QUIÑA
Municipal Vice Mayor

Received:

Noel M. Sia
11-29-21