

Item No.: 38

Date: 11 2025 FEB



Republic of the Philippines  
**PROVINCE OF LEYTE**  
**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**  
Palo, Leyte  
-OO-



**ROLANDO D. ANZALE,**

A. C. Case No. **BRC-SP2023-002**

*Complainant,*

**For: Violation of Sec. 5 of Rep. Act No. 6713 otherwise known as An Act Establishing A Code of Conduct And Ethical Standards for Public Official and Employees**

- versus -

**HON. HOMOBONO U. BARDILLON, LGU-Dagami, Vice Mayor**

*Respondent.*

X- - - - -X

**RESOLUTION**

**FOR THE COMPLAINANT:**

1. On September 5, 2023, this Office received an endorsement from the Office of the Ombudsman Cebu City, with attached Complaint-Affidavit of Mr. Rolando Anzale against the Municipal Vice Mayor/Presiding Officer of Sangguniang Bayan of Dagami, Leyte, Hon. Homobono U. Bardillon for Violation of Sec. 5 of Rep. Act No. 6713 otherwise known as An Act Establishing A Code of Conduct And Ethical Standards for Public Official and Employees.
2. Said complaint is rooted from the alleged failure of the respondent to respond and/or reply to his letter request dated May 10, 2023, duly received by the office of the respondent on May 17, 2023.
3. Said letter request (which will hereinafter referred to as "subject letter"), pertains to the Complainant's request for Special Permit for Cockfighting for dates May 24-26, 2023 in Commemoration of the Town Fiesta of Dagami, Leyte on May 27, 2023. The subject letter was originally addressed to the Municipal Mayor and was forwarded to the office of the herein respondent for the latter to hold a regular/or special session for the purpose.

4. In his complaint, he alleged that he is the owner-proprietor of the Dagami Recreational Center (cockpit), located in Brgy. Cansamada East, Dagami, Leyte having acquired the same through purchase from the previous owner. After said acquisition, he continued the operation of the said cockpit.

5. In relation thereto, he also expressed that he temporarily stopped the operation of the said cockpit pending submission of all necessary documents in compliance to the issuance of a legislative franchise in his favor.

6. Thus, pending issuance of his legislative franchise, in order to carry out a cockfighting event on May 27, 2023, he wrote the subject letter which was duly received on May 17, 2023, by the office of the respondent.

7. The complainant further alleged that despite receipt of his letter and considering the dates requested in the permit, the office of the herein respondent did not act on it, thus, the complainant was not able to get a special permit to hold a cockfighting event on May 24-26, 2023.

8. The complainant continued by alleging that even after 15 working days no answer was made to the subject letter. Hence, the complaint and the filing of this instant administrative case.

#### **FOR THE RESPONDENT:**

9. In response to said complaint, the respondent filed its verified Answer which was duly received on November 20, 2023. His Answer vehemently denied the allegations in the complaint and in his defense alleged contentions summarized as follows:

9.1 The letter was addressed to the office of the Municipal Mayor and not the Office of the Municipal Vice-Mayor, hence, the latter believes that he is not obliged to respond to the complainant. In relation thereto, the respondent also emphasizes that the transmittal or endorsement letter received by the office of the respondent embodies a request from the municipal mayor to hold a regular/special session for the purpose and that nowhere in said endorsement was it said to inform Mr. Anzale of his office's actions.

9.2 Upon receipt of the subject letter from the office of the Municipal Mayor, since the Sangguniang Bayan (SB) was well aware of the pending application of Mr. Anzale for legislative franchise to operate cockpit in the municipality, the SB decided to put on hold, in the interim, the regular/special session as requested by the Municipal Mayor relative to the issuance of a special permit considering that Mr. Anzale has yet to be granted or issued a legislative franchise to operate a licensed cockpit or gallera. Respondent believes that under pertinent law, the complainant is not yet entitled to be granted or issued a license or permit for the conduct of any kind of cockfighting activities whether on a regular basis or on

special events citing DILG opinion No. 131 s. 2022 and DILG opinion No. 60 s. of 2019.

9.3 The respondent also mentioned that in response to the endorsement of the Municipal Mayor, the SB calendared the application of the complainant for a legislative franchise for its second and third/final reading on May 23, 2023. Due to the findings of several deficiencies and inefficiencies in application for a legislative franchise, as noted by the Committee on Games and Amusement, the SB decided to calendar the same to the 21<sup>st</sup> Regular Session on May 29, 2023, as one of its unfinished business.

9.4 On May 29, 2023, a report was submitted by the Committee on Games and Amusement to defer indefinitely the third and final reading and dismissed the franchise application of Mr. Anzale due to several deficiencies observed.

9.5 On even date, the SB issued a letter to the complainant informing the complainant of the dismissal of his application for franchise to operate a cockpit.

9.6 Moreover, the respondent also intimated in their reply that in as much as they wanted to assist the Office of the Municipal Mayor in the request of the complainant for the Special Permit embodied in the subject letter, being aware that the complainant doesn't have yet the legislative franchise, they believe that he cannot be issued a special permit.

9.7 On June 16, 2023, the SB sent a response to the follow-up letter of the Office of the Mayor relative to the subject letter which informs the latter that the office of the respondent decided not to entertain the said request considering that the complainant is still disqualified to be issued such special permit and citing in said letter response the basis for its action. Hence, the respondent prays for the dismissal of the complaint for utter lack of merit.

#### **ISSUE TO BE RESOLVED:**

Whether or not the respondent is liable for a violation of Sec. 5 of Rep. Act No. 6713 otherwise known as An Act Establishing A Code of Conduct And Ethical Standards for Public Officials and Employees.

#### ***RESOLUTION and DISCUSSION:***

***Section 5. Duties of Public Officials and Employees.*** — *In the performance of their duties, all public officials and employees are under obligation to:*

*(a) Act promptly on letters and requests. — All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams, or other means of communications sent by the public. The reply must contain the action taken on the request.*

Section 3 (b), Rule VI of the Rules Implementing The Code Of Conduct And Ethical Standards For Public Officials And Employees (Republic Act No. 6713) provides for the guidelines on how the officer or employee in charge should act on letters and requests. Said provisions are hereto quoted as follows for immediate reference:

*Section 3. In case of written requests, petitions, or motions, sent by means of letters, telegrams, or the like, the official or employee in charge shall act on the same within fifteen (15) working days from receipt thereof, provided that:*

*(a) If the communication is within the jurisdiction of the office or agency, the official or employee must:*

*(1) Write a note or letter of acknowledgement where the matter is merely routinary or the action desired may be acted upon in the ordinary course of business of the department, office, or agency, specifying the date when the matter will be disposed of and the name of the official or employee in charge thereof.*

*(2) Where the matter is non-routinary or the issues involved are not simple or ordinary, write a note or letter of acknowledgement, informing the interested party, petitioner, or correspondent of the action to be taken or when such requests, petitions, or motions can be acted upon. Where there is a need to submit additional information, requirements, or documents, the note or letter of acknowledgment shall so state, specifying the reasonable period of time within which they should be submitted, and the name of the particular official or employee in charge thereof. When all the documents or requirements have been submitted to the satisfaction of the department, or office of the agency concerned, the particular official or employee in charge shall inform the interested party, petitioner, or correspondent of the action to be taken and when such action or disposition can be expected, barring unforeseen circumstances.*

*(b) If communication is outside its jurisdiction, the official or employee must:*

*(1) Refer the letter, petition, telegram, or verbal request to the proper department, office, or agency.*

*(2) Acknowledge the communication by means of note or letter, informing the interested party, petitioner, or correspondent of the action taken and attaching a copy of the letter of referral to the proper department, office, or agency.*

*The department, office, and agency to which the letter, petition, telegram, or verbal request was referred for appropriate action must*

*take action in accordance with subsection (a), pars. 1 & 2 hereof.*

*The period of fifteen (15) days herein provided shall be counted from the date of receipt of the written or verbal communication by the department, office, or agency concerned.*

From a perusal of the above-cited provisions, it can be established that, the concerned official or employee is required to respond to the request within fifteen days but not necessarily to complete the action or resolve completely the issues involved.<sup>1</sup>

Applying the facts hereto, we consider it noteworthy that initially, this complaint is filed against the Vice Mayor who is likewise the presiding officer of the Sangguniang Bayan (SB) or municipal council, but without impleading the municipal council as a whole. Per letter endorsement from the Office of the Mayor, the same is addressed to the Honorable Members of the SB, hence, this August Body considers that there is a failure to implead indispensable parties as the allegations pertain to the inaction of the SB as a body and not by the herein respondent alone. Secondly, the subject letter was initially addressed to the Office of the Municipal Mayor. To be candid, a plain application of Section 5 of R.A. 6713 would dictate that the office of the main recipient had the first opportunity to respond to the subject letter such as the fact of its endorsement to the office of the SB. The respondent, on the other hand, could have done the same and informed the Office of the Municipal Mayor of the actions taken within the same period from the endorsement for the latter to have informed the interested party accordingly. The Office of the Municipal Mayor could have likewise been impleaded as a party to the herein case.

Accordingly, this August Body likewise gave consideration to the matter involved in the subject letter, particularly the request for the issuance of a Special Permit to conduct cockfighting activities on May 24-26, 2023. To note, based on the factual antecedents, the request was made prior to the issuance of a Legislative Franchise.

✓ Under R.A. 7160, otherwise known as the Local Government Code of 1991, the SB is authorized to issue a license or permit for the conduct of cockfight but only when the same shall be conducted in a licensed cockpit of gallera.<sup>2</sup> Thus, pending the issuance of a legislative franchise and/or the licensing of the cockpit, the request for any other permits to conduct cockfighting activity shall be considered as premature.

Consequently, this office finds the contention of the SB to be well founded since no license can be issued to conduct a cockfighting activity as the same shall be ineffective and in flagrant violation of the provisions of PD 449 and R.A. 7160 which provides that cockfighting shall be allowed only in licensed cockpits<sup>3</sup>. The approval of the legislative franchise in favor of the

<sup>1</sup> DILG Legal Opinion No. 45 S. 2015, November 11, 2015;

<sup>2</sup> DILG Legal Opinion No. 60 S. 2019, Sep 16, 2019;

<sup>3</sup> DILG Legal Opinion No. 131 s.2022, October 17, 2022; Section 5(d) and (e), PD 449;

complainant is a precondition to the issuance of the requested permit. Hence, the SB cannot effectively act on the subject letter pending approval of the legislative franchise.

It is likewise essential for this August Body to consider whether or not the inaction or failure to of the office of the Municipal Mayor or the SB to respond to the subject letter, would deny or affect the rights of the complainant or would cause great prejudice to his interests. We resolve in the negative. Without the requisite legislative franchise and/or license to operate a cockpit, the complainant cannot conduct cockfighting activity nor any permit be issued. The request made for a Special Permit was indeed premature.

Nevertheless, in compliance with Sec. 5 of Rep. Act No. 6713 in relation to Section 3 (b), Rule VI of the Implementing Rules thereof, which is the subject of this case, the subject letter should have been responded to either by the Office of the Mayor or the Office of the SB. Let it be noted that public office is a public trust, which means that public officials shall act with integrity, loyalty and efficiency to ensure that our constituency are served. In this case, the office of the Sangguniang Bayan headed by herein respondent could have actually and easily inform the office of the Municipal Mayor that they could not act on its endorsement letter which embodies a request to hold a regular/special session for request of the complainant for special permit to hold a cockfighting event on May 24-26, 2023, because complainant has still a pending application for a cockfighting legislative franchise.

### **DISPOSITION**

**WHEREFORE**, premises considered, this Office recommends that the office of the respondent be reminded regarding the essential role of public officers to comply with Sec. 5 of Rep. Act No. 6713 in relation to Section 3 (b), Rule VI of the Implementing Rules thereof with a warning that a repetition of the same will be dealt with more severely.

**So ordered.**

Palo, Leyte, January 21, 2025.

  
**HON. ATTY. RONNAN CHRISTIAN M. REPOSAR**  
Chairperson

  
**HON. ATTY. CARLO P. LORETO**  
Vice Chairperson

*(on the result. Please see concurring opinion.)*

**HON. TRINIDAD G. APOSTOL**

Member



**HON. VINCENT L. RAMA**

Member

**HON. MA. CORAZON E. REMANDABAN**

Member