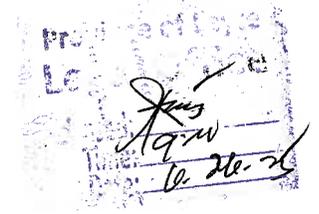


Item No.: 03
Date: 30 2025 JUL



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-



PROVINCIAL LEGAL OFFICE

Sangguniang Panlalawigan
Province of Leyte

RECEIVED

Date: JUN 26 2025
By: [Signature]

2nd INDORSEMENT

June 13, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 11 series of 2024 of the Sangguniang Bayan of La Paz, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 11 series of 2024 entitled: “**An Ordinance adopting the legal procedures in the conduct of administrative investigations, etc.**”

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Sections 83, 84 and 86¹ of the Local Government Code of 1991 (R.A 7160). Hence, recommending for the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer X

¹**Section 83. Grievance Procedure.** - In every local government unit, the local chief executive shall establish a procedure to inquire into, act upon, resolve or settle complaints and grievances presented by local government employees.

Section 84. Administrative Discipline. - Investigation and adjudication of administrative complaints against appointive local officials and employees as well as their suspension and removal shall be in accordance with the civil service law and rules and other pertinent laws. The results of such administrative investigations shall be reported to the Civil Service Commission.

Section 86. Administrative Investigation. - In any local government unit, administrative investigation may be conducted by a person or a committee duly authorized by the local chief executive. Said person or committee shall conduct hearings on the cases brought against appointive local officials and employees and submit their findings and recommendations to the local chief executive concerned within fifteen (15) days from the conclusion of the hearings. The administrative cases herein mentioned shall be decided within ninety (90) days from the time the respondent is formally notified of the charges.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-o0o-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
24 February 2025

Office of the
Legal Officer
Received: *[Signature]*
Time: *[Signature]*
Date: 2-24-25

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 11**, series of 2024 of the Municipality of **LA PAZ, LEYTE**, entitled: An Ordinance adopting the legal procedures in the conduct of administrative investigations against elective barangay officials of La Paz, Leyte.



FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



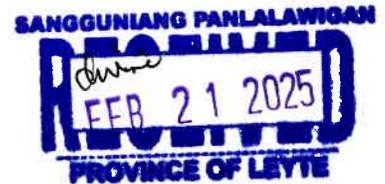
Republic of the Philippines
Province of Leyte
MUNICIPALITY OF LA PAZ
-oOo-



OFFICE OF THE SANGGUNIANG BAYAN

21 February 2025

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian
Sangguniang Panlalawigan
Province of Leyte
Legislative Bldg., Capitol Complex
Palo, Leyte



Madam:

Respectfully submitting herewith copies of the **MUNICIPAL ORDINANCE NO. 11, SERIES OF 2024 – AN ORDINANCE ADOPTING THE LEGAL PROCEDURES IN THE CONDUCT OF ADMINISTRATIVE INVESTIGATIONS AGAINST ELECTIVE BARANGAY OFFICIALS OF LA PAZ, LEYTE** for review and perusal of that office.

Please acknowledge receipt hereof and requesting the same be given due course and appropriate action.

Early action hereon will be highly appreciated.

Thank you.

Very truly yours,

ERWIN M. CERNAL
Secretary of the Sangguniang Bayan



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



OFFICE OF THE SANGGUNIANG BAYAN

21 February 2025

HON. LEONARDO "SANDY" JAVIER, JR.

Vice Governor and Presiding Officer

The Honorable Members

Sangguniang Panlalawigan

Province of Leyte

Legislative Bldg., Capitol Complex

Palo, Leyte

Dear Honorable Ladies and Gentlemen:

Respectfully submitting herewith copies of the **MUNICIPAL ORDINANCE NO. 11, SERIES OF 2024 – AN ORDINANCE ADOPTING THE LEGAL PROCEDURES IN THE CONDUCT OF ADMINISTRATIVE INVESTIGATIONS AGAINST ELECTIVE BARANGAY OFFICIALS OF LA PAZ, LEYTE** review and perusal of that office.

Please acknowledge receipt hereof and requesting the same be given due course and appropriate action.

Early action hereon will be highly appreciated.

Thank you.

Very truly yours,

ERWIN M. CERNAL

Secretary of the Sangguniang Bayan



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



OFFICE OF THE SANGGUNIANG BAYAN

SANGGUNIANG PANLALAWIGAN

Municipal Ordinance No. 11
Series of 2024



AN ORDINANCE ADOPTING THE LEGAL PROCEDURES IN THE CONDUCT OF ADMINISTRATIVE INVESTIGATIONS AGAINST ELECTIVE BARANGAY OFFICIALS OF LA PAZ, LEYTE

Author: HONORABLE OSCAR G. TAN-PIENGCO

Chairperson - Committee on Laws, Rules and Ethics, Good Government and Accountability

WHEREAS, Section 61, (C) of the Local Government code of 1991 (RA 7160) and section 125 (c) of the Implementing Rules of Regulations of the Local Government Code of 1991, administrative complaint against any elective barangay officials may be filed before the Sangguniang Bayan concerned;

WHEREAS, such mandate gives the power and authority to the Sangguniang Bayan the so called 'quasi-judicial functions' to conduct investigations on complaints against any elective Barangay Officials;

WHEREAS, for the purpose of this Ordinance, the following terms are hereby defined to facilitate better understanding and comprehension on how the embodied guidelines in conducting administrative investigations against erring barangay officials is effectively carried out;

WHEREFORE, BE IT ORDAINED by the Sangguniang Bayan of the Municipality of La Paz, Leyte, in session duly assembled, that:

RULE 1-PRELIMINARY PROVISIONS

Section 1. Title- This rule shall be known as the "Rules of Procedures in the Conduct of Administrative Investigation by the Sangguniang Bayan of La Paz, Leyte".

Section 2. Coverage-These Rules of Procedures shall apply to administrative cases filed against elective barangay officials within the territorial jurisdiction of the Municipality of La Paz, Leyte.

Section 3. Rules and Interpretation- In the interpretation of rules of procedures the Sangguniang Bayan shall not be strictly bound by the technical rules of evidence as found under the Rules of Court.

Section 4. Definition of Terms- The following words shall be interpreted when this ordinance is used:

- a. **Quasi-judicial functions** - is a non-judicial function that resembles a judicial function, such as deciding a dispute, investigating facts, and applying relevant law. Quasi-judicial functions are performed by public administrative officers or bodies that exercise a judicial-like discretion. It requires the body to objectively determine facts and draw conclusions from them. The actions taken as a result of a quasi-judicial function can remedy a situation or impose legal penalties.

- b. En banc – is a legal term that refers to a court session where all judges of a court hear a case, rather than a smaller panel or just one judge. The term comes from the French phrase "on the bench".
- c. Bill of particulars – is a written list of claims or defenses in a legal action. It can be used to clarify the details of a lawsuit and is a discovery tool that helps parties understand the other side's theory of the case.
- d. Motion to quash – is similar to a motion to dismiss, but a motion to quash asks the court to nullify a previous ruling, while a motion to dismiss asks the court to nullify a current filing.
- e. Motion for reconsideration – is a request to a judge to review and change a previous ruling or decision. It is a common post-trial motion that can be filed when someone is unhappy with a court order.
- f. Prima facie – is a Latin term that means "at first sight" or "based on first impression". It's used to describe evidence or arguments that are enough to establish a case unless proven false by additional evidence.
- g. Motu proprio – is a Latin phrase that means "on one's own impulse". It describes an official action taken without a formal request from another party. For example, a court may perform an act motu proprio on its own initiative.
- h. Preventive suspension – is an interim remedial measure to address the situation of an official who have been charged administratively or criminally, where the evidence preliminarily indicates the likelihood of or potential eventual guilt or liability.
- i. Exoneration – a person who has been convicted of a crime is officially cleared of the charges after new evidence of innocence is discovered. This can happen when a government official or agency declares the person factually innocent, or when the person receives a pardon, acquittal, or dismissal of charges.
- j. Emolument – is a noun that refers to compensation or perquisites that come from employment or office. It can also include benefits, fees, wages, and allowances. Emoluments are usually based on the length of activity or time spent and can vary depending on the type of service performed.
- k. Subpoena duces tecum – is a court order that requires a person to produce specific documents or evidence for a legal proceeding.
- l. Memorandum – is a written document that summarizes and analyzes relevant laws to support a conclusion on a legal issue.
- m. Probative value – evidence which is sufficiently useful to prove something important in a trial. It is one of the main elements of admitting evidence, as the admitted evidence must be relevant, tending to make the fact in issue more likely or less likely to happen, no matter how slight its probability is.

- n. Verified Complaint - is a complaint that has been formally confirmed as true and correct based on personal knowledge or authentic documents.
- o. Due Process - is a legal principle that requires fair and just treatment of individuals by the government, and that legal matters be resolved according to established rules and procedures.

Section 5. Composition- The investigating Authority shall be chaired by the Presiding Officer and its member thereof shall be composed by all members of the Sangguniang Bayan as a whole. The administrative investigation as contemplated in this rule shall be conducted in the Sangguniang Bayan session hall, municipality of La Paz, Leyte.

- a. In any case a member of the Sangguniang Bayan is related to the complainant and respondent up to second degree of consanguinity and affinity, he/she shall inhibit from the administrative investigation.

RULE II-FILING OF COMPLAINT

Section 6. Verified Complaint- An administrative case may be initiated by any private individual or any government officer or employee by filing a verified complaint against any elective barangay officials with the corresponding affidavit or affidavits to support complaints and documents. It shall be filed with the Sangguniang Bayan (SB), through the SB Secretary. The Secretary shall see to it that there are sufficient numbers of copies of the complaint. A copy of the complaint shall be furnished to the respondent, Municipal Mayor, Municipal Local Government Operation Officer, the Presiding Officer of the Sangguniang Bayan; the members of the Sangguniang Bayan and the Secretary of the Sangguniang Bayan. (DILG)

The complaint, accompanied by affidavits of witness or evidence in support of the charge, shall be addressed to the Sangguniang Bayan thru the Presiding Officer. It shall be drawn in clear, simple, and concise language in the methodical manner as to appraise the respondent of the nature of the charge against him and to enable him to prepare his defense. The party filing the complaint shall be called the 'complainant', while the official against whom the complaints is filled shall be called the 'respondent'

The complaint shall contain the following: a) full name and address of the complainant; b) full name and address of the person/s complained of as well as his/her/their position/s and office/s; and c) a narration of the relevant and material facts which shows the acts or omissions allegedly committed; d. certified true copies of documentary evidence and affidavit of his/her witnesses, if any; and e. verification. The absence of any of the aforementioned requirements may cause the dismissal of the complaint without prejudice to its refilling upon compliance with the above requirements.

Section 7. Anonymous complaint- No action shall be taken on anonymous complaint for non-compliance of the requirements.

RULE III-ENDORSEMENT/CALENDAR OF BUSINESS

Section 8. Endorsement of Complaint- The Secretary of the Sangguniang Bayan shall endorse the complaint to the Presiding Officer and calendar the same for business in Regular Session. Thereafter, the complainant shall be referred to the Sangguniang Bayan en banc.

RULE IV-ANSWER

Section 9. Form of Answer- Within seven (7) days after the complaint is filed, the Sangguniang Bayan through the presiding officer shall require the respondent to verified answer within (15) days from receipt of the complaint with the corresponding affidavit of witnesses or evidence in support of defense shall be furnished the compla

of the Municipal Mayor and in all cases the DILG. Unreasonable failure of respondent to the file his verified answer within fifteen (15) days from receipt of the complaint against him shall be considered as waiver of his right to present evidence in his behalf.

Section 10. Prohibited Pleadings/ Motion- The Sangguniang Bayan as a whole shall not entertain request for clarification, bills of particulars, motions to dismiss or motions to quash or motion for reconsideration. If any pleadings are interposed by the respondent, the same shall be considered an answer and shall be evaluated as such.

RULE V- EVALUATION/PRELIMINARY CONFERENCE

Section 11. Determination of prima Facie Case. The Sangguniang Bayan, as committee as a whole, shall determine whether or not there is prima facie case warrant the commencement of the investigation with or without the respondent filing his answer. If no prima case exists, the Sangguniang Bayan shall, motu proprio, dismiss the case.

Within ten (10) days upon receipt to the complainant's answer, the Sangguniang Bayan, as a committee of the whole, shall determine whether there is prima facie case to warrant the institution of formal administrative proceedings. If prima facia case exists, the Sangguniang Bayan shall calendar the case for the preliminary conference. It shall, within twenty (20) days, summon the parties to a preliminary conference to answer the following:

- a. Whether the parties desire a formal investigation or are willing to submit the case for the resolution on the basis of the evidence on record; and,
- b. If the parties desire a formal investigation, to consider the simplification of issue, the possibility of obtaining stipulation or admission of facts and of documents, specifically affidavits and depositions, to avoid necessary proof, the limitation of number of witnesses, and their names, schedule of formal investigation and such other matters as may aid the prompt disposition of the case.

The Sangguniang Bayan, as Committee of the whole shall encourage the parties and their counsels to enter at any stage of the proceedings, into amicable settlement, comprise and arbitration, the terms, and conditions of which shall be subject to the approval of the Sangguniang Bayan, as committee of the whole. After the preliminary conference, the Sangguniang Bayan, as Committee of the whole shall issue an order reciting the matters taken up there on, including the facts stipulated and the evidence marked. If any, such order shall limit the issues for hearing to those not disposed of by agreement or admission of the parties and shall schedule the formal investigation within ten (10) days from its issuance, unless a later date is mutually agreed in writing by the parties concerned.

The failure of the respondent to attend the preliminary conference constitutes a waiver to participate in the pre-hearing conference but may still participate in the formal investigation upon appropriate motion. No preliminary conference shall be conducted within ninety (90) days immediately prior to any local election.

RULE VI- PREVENTIVE SUSPENSION

Section 12. Preventive suspension- Preventive suspension may be imposed by the Municipal Mayor upon the recommendation of the Sangguniang Bayan at any time after the issues are joined, that is, after respondent has answered the complaint, when the evidence to guilt is strong and given the gravity of offense, there is a great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the record and other evidence.

No preventive suspension shall be impose within (90) days immediately prior to any local election. If the preventive suspension has been imposed the (90) day period immediately preceding a local election, it shall be deemed automatically lifted upon the start of aforesaid

period. Any single preventive suspension of barangay elective officials shall not extend beyond sixty (60) days: provided that, in the event that several administrative cases are filed against an elective official, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known as the time of the first suspension.

Upon expiration of the preventive suspension, the suspended elective barangay official shall be deemed reinstated in office without prejudice to the continuation of the proceedings against him within one hundred twenty days (120) from the time he is formally notified of the case against him. However, if the delay in the proceeding of the case is due to his fault, or request, other than the appeal duly filed, the duration of such delay shall not be included in computing the time of termination of the case.

Section 13. Salary of respondent pending suspension- The respondent, who is preventively suspended from the office, shall not receive salary or compensation but upon subsequent exoneration and reinstatement, he shall be paid his full salary or compensation, including such emoluments accruing during such suspension.

RULE VIII- FORMAL INVESTIGATION

Section 14. Procedural Due Process- The Respondent shall be accorded full opportunity to appear and defend himself in person or by a counsel, to confront and cross-examine the witnesses against him and to require the attendance of witnesses and the production of documents through the compulsory process of subpoena or deuces tecum.

At the start of the hearing, the Presiding Officer shall note the appearances of the parties and shall proceed with the reception of evidence for the complainant. If after being apprised of the right to counsel, respondent appears without the aid of a counsel, he/she be deemed to have waived his/her right thereto, before taking the testimony of a witness, the presiding Officer shall place him/her under oath and take his/her name, address, civil status, age, and complete name and address of employment.

Section 15. Power to take testimony- The Sangguniang Bayan, as committee of the whole is hereby authorized to take testimony or receive evidence relevant to the administrative proceeding, which authority shall include the power to administer oaths, summons witness, and require the production of documents by subpoena deuces tecum pursuant to book 1, chapter 9, Section 37 of the Administrative Code of 1987. Anyone who, without lawful excuse, fails to appear upon summons issued, refuses to make oath, give testimony or produce documents for inspection, when lawfully required, shall be subject to discipline as in case of contempt of court and, upon application by the Sangguniang Bayan, as committee of the whole, shall be dealt with by the judge of the proper Regional Trial Court in the manner provided for under Book VIII, Chapter 3 Section 13, in relation to Chapter 1 Section 2 (1), of the Administrative Code of 1987.

A sworn statement of the witness/es shall be notified by subpoena of the scheduled hearing at least five (5) days before the date thereof, stating the date, time, and place of hearing. If a party desires the attendance of a witness or the production of documents, he shall make formal request for the issuance of the necessary subpoena deuces tecum at least (3) days before the scheduled hearing.

The counter-affidavits submitted by the respondent shall serve as his testimony on direct examination subject to the cross examination by the complainant and clarificatory question by the members of the Sangguniang Bayan. The failure of the parties to submit affidavits and counter affidavits shall be considered a waive and the manifestation of the parties and counsel during an investigation shall be taken. A transcript of the proceeding shall be made and duly certified by the Secretary of the Sangguniang Bayan.

Section 16. Marking- All documentary evidence or exhibits shall be properly marked by letters (A.B.C. etc.) if presented by the complaint and by numbers (1.2.3.etc.) if presented by the respondent. These shall form part of the complete records of the case.

Section 17. Order of hearing- Unless otherwise directed by the Sangguniang Bayan, as Committee of the whole, the order of a hearing shall be as follows:

- a. The complainant shall produce the evidence of his part;
- b. The respondent shall then offer evidence in support of his defense; and
- c. The parties may then respectively offer rebutting evidence, unless the investigating Authority, for good reasons and in the furtherance of justice, permits them to offer evidence upon their original case.

Section 18. Order of examination- the order in which a witness may be examined shall be as follows:

- a. Direct examination by the proponent;
- b. Cross examination by the proponent;
- c. Re-direct examination by the proponent; and
- d. Re-cross examination by the proponent.

Section 19. Memoranda. -The Sangguniang Bayan, as Committee of the whole may allow the parties to submit their respective memoranda, together with their respective draft resolutions and orders for the consideration of the Sangguniang Bayan, as committee of the whole, within fifteen (15) days of the termination of the formal investigation.

RULE VIII- RULES OF EVIDENCE

Section 20. Rules of Evidence- In administrative disciplinary proceedings-

- a. The Sangguniang Bayan may admit and give probative value to evidence commonly accepted by reasonably prudent men in the conduct of their affairs;
- b. Documentary evidence may be received in the form of copies of except if the original is not readily available. Upon request, the parties shall be given opportunity to compare the copy with the original in the official custody of a public officer, a certified copy thereof may be accepted; and,
- c. The Sangguniang Bayan may take notice of judicially cognized facts and of generally technical or scientific facts within its specialized knowledge. The parties shall be notified and accorded an opportunity to contest the facts so noticed.

RULE IX-TERMINATION OF INVESTIGATION AND DECISION

Section 21. Termination if Investigation and Decision- Within thirty (30) days after the end of the investigation or after the lapse of the period of submission of memoranda or position papers by the parties, the Sangguniang Bayan concerned in a regular session, shall render a decision in writing stating clearly and distinctly the facts and reasons for such decision. Copies of such decision shall immediately be furnished to the respondent and all interested parties.

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 failure of attendance. If the Committee is satisfied with the justification given, the investigation shall go on. However, if the second call for investigation is made and again the complainant does not make it, the Presiding Officer shall outrightly declare the case dismissed. Furthermore, if the Sangguniang Bayan is not satisfied with the reason given by the complainant for his failure to appear on the first hearing call, the Presiding Officer shall outrightly declare the "CASE DISMISSED".

Section 22. Records Classification- Records in administrative disciplinary cases are classified as confidential in nature and any information as to the charges, accusation, or facts adduced may not be released, and such records may not be available, except to the proper authorities and upon request to the parties in interest or their authorities and upon request to the parties in interest or their authorized representative on the 'need to know' basis.

Section 23. Votes and Voting of the Sangguniang Bayan- Votes and Voting of the Sangguniang Bayan Internal Rules and Procedures shall apply in the rendition of decisions of all administrative cases. Decisions and voting made by the Sangguniang Bayan shall be done in close doors. The decision of the Sangguniang Bayan shall become final and executory after the lapse of thirty (30) days from the receipt of a copy thereof by the complainant or the respondent, as the case may be, unless a motion for reconsideration is filed within the said period. In exceptionally meritorious cases, only one motion for reconsideration by any one party shall be allowed which shall suspend the running of the thirty (30) days reglementary period.

Section 24. Appeal, where made- Decisions of the Sangguniang may, within thirty (30) days from receipt thereof, be appealed to the Sangguniang Panlalawigan whose decision shall be final and executory. An appeal shall not prevent a decision from having been placed under preventive suspension during the pendency of an appeal. In the event the appeal results to exoneration, the respondent shall be paid his salary and such other emoluments accruing during the pendency of the appeal.

RULE X- MISCELLANEOUS PROVISIONS

Section 25. Separability Clause- if, for any reason, provision, section, or part of the Ordinance is declared invalid or unconstitutional by a Court of competent jurisdiction/ authority, or suspended or revoked by the authorities concerned, such judgement shall not affect or impair the remaining provisions, sections or parts which shall constitute to be in full force and effect.

Section 26. Supplementary Rule- Any appropriate rules of procedures that are not indicated herein but are substantial to resolve all administrative cases shall be filled in with the provisions of the Local Government Code of 1991, Administrative Code of 1987, and pertinent provisions of existing applicable laws, such as the Rules of Court.

Section 27. Repealing Clause- All Ordinances and administrative regulations or part thereof which is inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

Section 28. Effectivity- This ordinance shall take effect fifteen (15) days following its posting in at least three (3) conspicuous places in the municipality and in the social media platforms of the Municipal Government of La Paz, Leyte.

ENACTED this 2nd day of December 2024.

I HEREBY CERTIFY to the correctness of the foregoing quoted Ordinance which was duly enacted by the Sangguniang Bayan during its regular session held on December 02, 2024.


ERWIN M. CERNAL
Secretary to the Sanggunian

ATTESTED BY:


LYNDO A. QUINA
Municipal Vice Mayor

APPROVED BY:


ANGEL A. SIA, JR.
Municipal Mayor



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



OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that **POSTING** in prominent places in the Municipal Hall and other conspicuous places in the locality was undertaken and copies of said ordinances was remain posted for three (3) consecutive weeks pursuant to Section 59 (b) of Republic Act 7190, in relation on the ordinance - **MUNICIPAL ORDINANCE NO. 11, SERIES OF 2024- AN ORDINANCE ADOPTING THE LEGAL PROCEDURES IN THE CONDUCT OF ADMINISTRATIVE INVESTIGATIONS AGAINST ELECTIVE BARANGAY OFFICIALS OF LA PAZ, LEYTE**

Subject ordinance is being forwarded to that Body for review in compliance with Section 56 of Republic Act 7160.

ISSUED this 21st day of February 2025 at the office of Sangguniang Bayan, La Paz, Leyte.

Very truly yours,

ERWIN M. CERNAL

Secretary of the Sangguniang Bayan