



REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLALAWIGAN OF LEYTE
PROVINCIAL CAPITOL, PALO, LEYTE



BLUE RIBBON COMMITTEE

COMMITTEE REPORT No. 6, Series of 2026
17 March 2026

Administrative Case: Empleo, Lacno, and Empleo vs. Tan, Aseo, Orfano, Cruz, Cabintoy, Cogay, Espinosa, Cubero, Capanas, Bulawit and Globa

I. INTRODUCTION

This Report is respectfully submitted by the Blue Ribbon Committee of the Sangguniang Panlalawigan of Leyte in connection with the administrative complaint for Abuse of Authority under Section 60(1)(e) of Republic Act No. 7160 filed by Leah O. Empleo, Emerita P. Lacno, and Jerry P. Empleo against Vice Mayor Miguel Jorge P. Tan and members of the Sangguniang Bayan of Kananga, Leyte, arising from the preventive suspension imposed upon the complainants in relation to a dispute involving municipal land acquisition and barangay site utilization.

The Committee reviewed the entire consolidated record, including pleadings, resolutions, financial documents, affidavits, ordinances, and legal correspondence.

II. STATEMENT OF FACTS

A. Institution of Administrative Charges

An administrative complaint alleging dishonesty, oppression, misconduct in office, gross negligence, dereliction of duty, and abuse of authority was filed before the Sangguniang Bayan of Kananga against the herein complainants, who were barangay officials.

Following preliminary proceedings:

- The Ad Hoc Committee recommended preventive suspension; and
- The Sangguniang Bayan adopted a resolution recommending sixty (60) days preventive suspension,
- Which was thereafter implemented by the Municipal Mayor through a Preventive Suspension Order.

The suspended officials subsequently appealed to the Provincial Governor, questioning the legality and motive of the suspension.

B. Underlying Municipal Land Transaction

Evidence in the record establishes that:

- The Municipality of Kananga purchased a 10,000-square-meter parcel of land for approximately ₱1,400,000.00;
- The purchase was supported by a supplemental appropriation ordinance, Sangguniang Bayan resolutions, disbursement voucher, journal entry, and treasury certification;
- The intended governmental purpose was the establishment of a barangay site/relocation area for Barangay Tubong.

C. Revocation and Demand to Vacate

Subsequent legal review by the Municipal Legal Office asserted that:

- The deed of donation and occupation of the property allegedly lacked proper barangay authorization;
- Portions of the property were subdivided and distributed to occupants;
- The Local Government Unit issued revocation/cancellation of donation and demand-to-vacate notices.

These actions gave rise to the broader administrative and political dispute between the parties.

III. ISSUES FOR RESOLUTION

1. Whether the preventive suspension complied with Section 63 of RA 7160 and applicable SB rules.
2. Whether respondents committed Abuse of Authority under Section 60(1)(e) of RA 7160.
3. Whether the surrounding land dispute negates or supports administrative liability.

IV. DISCUSSION

A. Nature of Preventive Suspension

Preventive suspension is a precautionary administrative measure, not a penalty. It is valid when statutory requisites appear present and when imposed pursuant to lawful authority.

B. Documentary Legality of Government Action

Across the record, the Committee finds:

- Existence of valid appropriation ordinances and SB authorizations;
- Actual municipal disbursement and accounting entries confirming lawful purchase;
- Treasury and budget certifications supporting financial regularity;
- Formal resolutions and mayoral order implementing preventive suspension;
- Legal basis for revocation and eviction arising from alleged misuse of the land.

Collectively, these indicate colorable legality and good-faith governmental action.

C. Allegations of Abuse of Authority

Complainants rely on:

- Alleged political motivation;
- Claimed weakness of evidence in the underlying administrative case;
- Dismissal of a related criminal complaint.

However, the Committee notes:

- Assertions of bad faith are largely conclusory;
- No independent substantial evidence of arbitrariness or malice appears in the full record.

V. FINDINGS OF THE COMMITTEE

After full evaluation of the entire documentary record, the Committee finds that:

1. Preventive suspension was imposed pursuant to statutory authority and formal SB action;

2. Government acts relating to land purchase, appropriation, and revocation were documented and legally supported;
3. The controversy is fundamentally a property-use and governance dispute, not proof of oppression;
4. Bad faith, arbitrariness, or manifest partiality were not established by substantial evidence.

VI. CONCLUSION OF LAW

Under Section 60(1)(e) of RA 7160, administrative liability for Abuse of Authority requires:

- Clear arbitrariness;
- Bad faith or malice;
- Proof by substantial evidence.

These elements are not present in the consolidated record.

VII. RECOMMENDATION / DRAFT DECISION

DISMISSAL OF THE ADMINISTRATIVE COMPLAINT

WHEREFORE, premises considered, the Blue Ribbon Committee hereby **RECOMMENDS** the **DISMISSAL** of the administrative complaint against respondents **for failure to establish Abuse of Authority by substantial evidence**.

The preventive suspension and related governmental acts are declared **lawful exercises of authority under Republic Act No. 7160**, undertaken in **good faith** and supported by **documentary and statutory basis**.

VIII. RESPECTFUL SUBMISSION

Submitted to the **Sangguniang Panlalawigan of Leyte** for appropriate deliberation and final action.


ATTY. MILDRED JOY QUE, CPA
Chairperson, Blue Ribbon Committee
Sangguniang Panlalawigan, Province of Leyte

With our concurrence:


HON. ATTY. RONNAL CHRISTIAN M. REPOSAR
Vice- Chairperson


HON. ALAN P. ANG
Member


HON. ATTY. CARLO P. LORETO
Member


HON. FLAVIANO C. CENTINO, JR.
Member

REPUBLIC OF THE PHILIPPINES

PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN

DECISION

Administrative Case:

Leah O. Empleo, Emerita P. Lacno, and Jerry P. Empleo
Complainants,

-versus-

Miguel Jorge P. Tan, et al.
Respondents.

I. NATURE OF THE CASE

This resolves an administrative complaint for Abuse of Authority under Section 60(1)(e) of Republic Act No. 7160 (Local Government Code of 1991) filed by complainants against respondents arising from the preventive suspension imposed upon the complainants by the Sangguniang Bayan of Kananga and implemented by the Municipal Mayor.

The Sangguniang Panlalawigan reviewed the entire consolidated record consisting of 318 pages, including pleadings, resolutions, ordinances, financial documents, judicial affidavits, legal correspondence, and the Final Report and Recommendation of the Blue Ribbon Committee.

II. ANTECEDENT FACTS

An administrative complaint alleging dishonesty, oppression, misconduct in office, gross negligence, dereliction of duty, and abuse of authority was instituted before the Sangguniang Bayan of Kananga against herein complainants, who were barangay officials.

After preliminary proceedings:

1. An Ad Hoc Committee recommended preventive suspension;
2. The Sangguniang Bayan adopted a resolution recommending sixty (60) days preventive suspension; and
3. The Municipal Mayor issued a Preventive Suspension Order implementing the same.

Complainants thereafter appealed to the Provincial Governor, asserting illegality and political motivation behind the suspension.

The controversy stemmed from a dispute involving the municipal acquisition of a 10,000-square-meter parcel of land in Barangay Tubong intended for use as a barangay site or relocation area, supported by:

- a supplemental appropriation ordinance;
- Sangguniang Bayan resolutions authorizing purchase and intended use;
- disbursement voucher, journal entry, and treasury certification confirming payment; and
- budgetary and accounting records evidencing lawful municipal expenditure.

Subsequently, the Municipal Legal Office questioned the validity of the deed of donation and occupation of the property, resulting in:

- revocation or cancellation of the donation; and
- issuance of demand-to-vacate notices to occupants.

These events precipitated the present administrative controversy.

III. ISSUES FOR RESOLUTION

The Sangguniang Panlalawigan resolves the following:

1. Whether the preventive suspension was imposed in accordance with Section 63 of RA 7160 and applicable procedural rules.
2. Whether respondents are administratively liable for Abuse of Authority under Section 60(1)(e) of RA 7160.

IV. DISCUSSION

A. Nature of Preventive Suspension

Preventive suspension is a precautionary administrative measure designed to prevent possible influence over witnesses, records, or the course of investigation. It is not a penalty, and when imposed pursuant to statutory authority and formal legislative action, it constitutes a lawful exercise of discretion absent proof of arbitrariness, bad faith, or manifest partiality.

B. Evaluation of the Evidence on Record

The consolidated record establishes that:

- The land acquisition was supported by valid appropriation ordinances and Sangguniang Bayan authorization;
- Actual municipal disbursement and accounting entries confirm lawful expenditure of public funds;
- Treasury and budget certifications demonstrate financial regularity;
- Preventive suspension was implemented through formal legislative resolution and mayoral order; and
- Subsequent revocation and eviction measures were grounded on legal findings concerning alleged misuse or unauthorized occupation of the property.

These circumstances collectively demonstrate colorable legality and good-faith governmental action, rather than arbitrary or malicious conduct.

C. On the Alleged Abuse of Authority

Complainants rely primarily on:

- alleged political motivation;
- the supposed weakness of the underlying administrative case; and
- the dismissal of a related criminal complaint.

However, the Sangguniang Panlalawigan finds that:

- allegations of bad faith are conclusory and unsupported by independent substantial evidence;
 - dismissal of a criminal complaint does not determine administrative liability, given the different standards of proof; and
 - respondents acted within the bounds of lawful discretionary authority under RA 7160.
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V. FINDINGS OF FACT

After careful consideration of the entire record, the Sangguniang Panlalawigan finds that:

1. The preventive suspension was imposed pursuant to statutory authority and formal legislative action;
 2. Government acts relating to land acquisition, appropriation, accounting, and revocation were documented and legally supported;
 3. The controversy is fundamentally a property-use and governance dispute, not proof of oppression or arbitrariness; and
 4. Bad faith, arbitrariness, or manifest partiality were not established by substantial evidence.
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VI. CONCLUSION OF LAW

Under Section 60(1)(e) of Republic Act No. 7160, administrative liability for Abuse of Authority requires clear arbitrariness, bad faith, or malice proven by substantial evidence.

These requisites are absent in the present case.

VII. DISPOSITIVE PORTION

WHEREFORE, premises considered, the **Sangguniang Panlalawigan of Leyte** hereby:

1. **DISMISSES** the administrative complaint against respondents for **failure to establish Abuse of Authority by substantial evidence**;
2. **DECLARES** that the preventive suspension and related governmental acts were **lawful exercises of authority under Republic Act No. 7160**, undertaken in **good faith** and supported by **documentary and statutory basis**; and
3. **ORDERS** the **termination of the administrative proceedings** in this case.

SO DECIDED.

VIII. ADOPTION AND SIGNATURES

Adopted by the **Sangguniang Panlalawigan of Leyte** during its regular session held at the **Provincial Capitol, Palo, Leyte**, this ___ day of _____ 2026.

HON. _____
Vice Governor / Presiding Officer

ATTESTED:

Secretary to the Sangguniang Panlalawigan

CERTIFIED CORRECT:

Records Officer

END OF DECISION