

Item No.: 06  
Date: 01 2026 JUL

REPUBLIC OF THE PHILIPPINES  
SANGGUNIANG PANLALAWIGAN OF LEYTE  
Provincial Capitol, Palo, Leyte

Sangguniang Panlalawigan  
Province of Leyte  
**RECEIVED**  
Date: JUN 26 2026  
By: Fenni Vi

**HON. BASILIO D. CALDA**  
Punong Barangay, Brgy.  
Cabuloran, Dagami, Leyte,  
*Respondent-Appellant,*

Administrative Case No. \_\_\_\_\_

-versus-

**LEYMART L. VILLASANTE,**  
**REYMART D. NEVALIZA,**  
**ANACITA M. PALACIO,**  
**ALFONSO S. ENERO, and**  
**MARITES O. AURILLO,**  
*Complainants-Appellees,*

X-----X

**APPELLANT'S BRIEF**

In compliance with the Order of this Honorable Body  
dated April 15, 2026, Appellant - Punong Barangay  
HON. BASILIO CALDA, by himself, respectfully submits  
this **APPELLANT'S BRIEF**.

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## **SUMMARY OF FACTS**

This case stems from five (5) separate Complaints filed by five (5) barangay officials against Punong Barangay Calda, herein appellant. Their Complaints are actually similar with each other for Grave Misconduct, Abuse of Authority and Neglect of Duty for an alleged delay in the release and withholding of honorarium, illegal termination, and deliberate failure to attend sessions.

Appellant then answered all these five (5) cases separately with the corresponding supporting documents. SB Dagami then resolved to merge the five (5) cases as it contained similar allegations and the same relief sought. The case was then scheduled for pre-trial conference for three (3) times, and in all those instances, appellant was present with his counsel. In the third, scheduled pre-trial conference - February 6, 2025, a pre-trial conference was conducted but no pre-trial conference order was issued.

Thereafter, a sham pre-trial was conducted yet again on June 24, 2025 without herein plaintiff being notified of such scheduled pre-trial conference and the same being conducted despite a pre-trial was already conducted and the same was conducted only on June 24, 2025 way outside the allowable period of time conduct such pre-trial conference. At this point, the rules of the SB Dagami was violated as it mandates them to conduct the pre-trial conference within twenty (20) days from receipt of the Verified Answer.

With his absence on the scheduled pre-trial conference last June 24, 2025, the Sangguniang Bayan of Dagami construed it as a waiver on appellant's part to present any evidence and witnesses and proceeded in rendering a Decision. The Decision was penned by SB member Atty. Lorenzo who is the opposing counsel in a case filed against herein Appellant. The Decision was then merely adopted by the SB in a Resolution.

In the attached records of the deliberation in coming up with the Decision and in the Decision itself, there was no discussion how the SB found herein appellant liable for the cases filed against him. In fact, in the minutes of the alleged deliberation, they merely voted if herein appellant was guilty or not of the allegations against him. There was no discussion as to the evidence of the parties and the weight they carry in deciding the case. Worst, SB Dagami decided to impose five different penalties for the five (5) Complaints when these cases were already consolidated into one case.

Hence, being deprived of this right to due process and for lack of substantial evidence to prove his administrative liability, he filed this Appeal.

## ASSIGNMENT OF ERRORS

The SB Dagami committed the following reversible errors:

- I. SB Dagami failed to follow and comply with Resolution No. 2022-41, Rule 3, Section 1, which provides that: "Within Seven (7) days after the complaint is filed, the Disciplining Authority shall issue an order requiring the respondent to submit his VERIFIED ANSWER to the complaint together with the supporting Affidavits and annexes within Fifteen (15) days from his receipt thereof.;
- II. SB Dagami failed to follow and comply with Resolution No. 2022-41, Rule 4, Section 4, which provides that: "After the preliminary conference, the Disciplining Authority shall issue an order reciting the matters taken up thereon, including the facts stipulated and the evidences marked, if any. Such order shall limit the issues for hearing to those not disposed of by agreement of 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.";
- III. SB Dagami failed to follow and comply with Resolution No. 2022-41, Rule 4, Section 1, which provides that: "Within Twenty (20) from the receipt of the answer the Disciplining Authority shall commence the investigation;
- IV. SB Dagami failed to comply Rule 18, Section 3, of the Rules of Procedures which provides: Notice of pre-trial. — The notice of pre-trial shall be served on counsel, or on the party who has no counsel. The counsel served with such notice is charged with the duty of notifying the party represented by him;
- V. SB Dagami violated Appellant's rights to due process;
- VI. SB rendered a Decision without bases on the imposes penalty of suspension and that said penalty of suspension is already tantamount to dismissal as it will cover all the unexpired portion of appellant's term as Punong Barangay;
- VII. SB Dagami's Decision was penned and prepared by SB Member Atty. Loreno who is impartial towards appellant being the counsel of the opposing parties of appellant in a separate case before the Ombudsman; and

- VIII. SB Dagami rendered a Decision without considering the documents submitted by appellant due to his alleged absence during the sham pre-trial conference on June 24, 2025;
- IX. SB Dagami rendered a Decision finding respondent guilty of Grave Misconduct, Abuse of Authority and Neglect of Duty without even discussing what specific acts committed constitutes the administrative offense charged of;

## **ISSUES**

- I. Whether or not SB Dagami is compliant with Resolution No. 2022-41 which is their substantive and procedural rules for administrative cases filed against barangay elective officials;***
- II. Whether or not Respondent-Appellant's rights to due process was violated;***
- III. Whether or not there is substantial evidence to hold respondent-appellant administratively liable for Grave Misconduct, Abuse of Authority and Neglect of Duty; and***
- IV. Whether or not SB Dagami erred in imposing five (5) separate penalties with a total twenty-six (26) months impliedly dismissing him from service.***

## **ARGUMENTS & DISCUSSIONS**

### **I. SB Dagami VIOLATED AND DID NOT COMPLY with Resolution No. 2022-41.**

The Office of the Sangguniang Bayan of Dagami, Leyte, in the exercise of its quasi-judicial function, adopted RESOLUTION NO. 2022-41, which sets forth the substantive and procedural rules for administrative cases filed against elective barangay officials. This Resolution No. 2022-41 has been adopted and used by SB Dagami in this case filed against herein respondent-appellant. Despite the rules are clear and well-provided for in such Resolution, SB Dagami failed to comply and worse, they violated their own rules which are as follows:

- a) ***First Violation.*** Resolution No. 2022-41, **Rule 3, Section 1**, provides that: ***“Within Seven (7) days after the complaint is filed, the Disciplining Authority shall issue an order requiring the respondent to submit his VERIFIED ANSWER to the complaint together with the supporting Affidavits and annexes within Fifteen (15) days from his receipt thereof.”***

In this case, SB Dagami issued a Summon on November 22, 2024, for all five cases directing herein Appellant to file his **Written Answer within ten days** from Receipt of the Summons.

Instead of directing herein appellant to file his Verified Answer within 15 days, respondent was directed to submit a Written Answer within 10 days, clearly in violation of the Rules.

- b) ***Second Violation.*** Resolution No. 2022-41, **Rule 4, Section 4**, provides that: ***“After the preliminary conference, the Disciplining Authority shall issue an order reciting the matters taken up thereon, including the facts stipulated and the evidences marked, if any. Such order shall limit the issues for hearing to those not disposed of by agreement of 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.”***

In this case, SB Dagami issued a Notice of Preliminary Conference scheduled on **January 16, 2025 at 10:00 o'clock in the morning**. No Preliminary Conference was conducted despite the presence of Respondent-Appellant

and his counsel. SB Dagami issued another Notice of Preliminary Conference scheduled on **January 17, 2025 at 10:00 o'clock in the morning.** Again, no Preliminary Conference was conducted despite the presence of Respondent-Appellant and his counsel. Complainants were present but they requested for a rescheduling of Preliminary Conference to February 6, 2025. Despite objection from Respondent and his counsel considering that the Complainants should have engaged the services of a lawyer prior to January 16 and that a lawyer is not mandatorily required to appear with them, SB Dagami granted their request and scheduled another Preliminary Conference on February 6, 2025. 4. On February 6, 2025, Respondent-Appellant and his lawyer was present. Complainants were present and the latter's lawyer belatedly came. Nonetheless, Pre-trial Conference ensued. Herein respondent manifested through counsel of its desire to conduct formal investigation. No Minutes were issued on that scheduled pre-Trial.

There were no Minutes and no Pre-Trial Order issued for the scheduled Pre-Trial Conference on January 16, January 17 and February 6, 2025, which is clearly in violation of the Rules.

For easy reference, the Notice of Preliminary Conference for January 16, January 17 and February 6, 2025 is attached herein.

- c) ***Third Violation.*** Resolution No. 2022-41, **Rule 4, Section 1**, provides that: **"Within Twenty (20) days from the receipt of the answer the Disciplining Authority shall commence the investigation of the case."**

In this case, Verified Answer was filed before the SB on December 27, 2024 and hence, in compliance with this Rule, the Preliminary Investigation or the Preliminary Conference should have been scheduled not later than January 16, 2025. SB Dagami's failure to conduct the necessary pre-trial conference not later than January 16, 2025, is clearly a violation of the rules and should have caused the dismissal of the case.

Jurisprudence and statutory construction teach us that the word "shall" connotes mandatory character; it indicates a word of command, and one which has always or which must be given a compulsory meaning, and it is generally

imperative or mandatory in nature.<sup>1</sup>

- d) ***Fourth Violation.*** Resolution No. 2022-41, **Rule 4, Section 4**, provides that: ***“After the preliminary conference, the Disciplining Authority shall issue an order reciting the matters taken up thereon, including the facts stipulated and the evidences marked, if any. Such order shall limit the issues for hearing to those not disposed of by agreement of 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.”***

In this case, SB Dagami allegedly conducted a Pre-Trial Conference on June 24, 2025. However, there are no records that SB Dagami issued a Pre-Trial Order which is clearly in violation of the Rules.

- e) ***Fifth Violation.*** Resolution No. 2022-41, **Rule 11, Section 2**, provides that: ***“Within ten (10) days after the receipt of the notice of appeal filed by the respondent, the Secretary shall elevate the entire record of the case to the Sangguniang Panlalawigan without need of further orders from the Sangguniang Bayan.”***

On August 28, 2025, SB Dagami rendered a Decision which was received by Appellant on September 1, 2025. Within the reglementary period, Appellant filed his Notice of Appeal with this Honorable Office and with the Office of the Sangguniang Bayan of Dagami on September 29, 2025.

Despite receiving the Notice of Appeal on September of 2025, SB Dagami refused and failed to forward the records of the case to the Sangguniang Panlalawigan. Also, they refused to provide and act upon the request of the respondent to get certified true copies of the records of the case which is why the latter sought the assistance of the DILG to acquire copies of the records of the case. The DILG assisted herein respondent and made an indorsement of respondent's request to the SB Dagami on October 27, 2025 - but still they refused to act on his

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<sup>1</sup> G.R. No. 190385, UCPB GENERAL INSURANCE COMPANY, INC. PETITIONER, VS. HUGHES ELECTRONICS CORPORATION, RESPONDENT, November 16, 2016.  
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request and they still failed to forward the records to the Sangguniang Panlalawigan. A copy of the letter of respondent and the indorsement of the DILIG is attached herein as evidence for easy reference.

Clearly, SB Dagami violated the Rules.

- f) ***Sixth Violation.*** Resolution No. 2022-41, **Rule 9, Section 1**, provides that: ***“Within thirty (30) days of receipt of the report of the Secretary to the Sanggunian and the transmittal record, the Disciplinary Authority shall render a decision in writing stating clearly and distinctly the facts and reasons for such decision shall immediately be furnished both the respondent and the complainant and all interested parties.”***

On August 28, 2025, SB Dagami rendered a Decision which was received by Appellant on September 1, 2025. Within the reglementary period, Appellant filed his Notice of Appeal with this Honorable Office and with the Office of the Sanagguniang Bayan of Dagami on September 29, 2025.

## II. ***Respondent-Appellant’s rights to due process was violated.***

One of the main reasons why the Decision was adverse against herein appellant is the alleged fact that he failed to appear during the pre-trial conference on June 24, 2025. Page 11-12 of the Decision stated:

***“Even if the respondent argued that the replacement of the barangay secretary was approved by the majority of the Sanggunian, the same was not supported by evidence. The respondent’s failure to attend the Pre-Trial Conference constitutes a waiver on his part to formally offer his evidence, to simplify the issues, and obtain stipulation of facts.”***

Based on such statement, it can be inferred, that no pieces of evidence - even those attached and submitted with the Verified Answers, was used in deciding this case.

Firstly, offering of evidence is not done during Pre-Trial Conference. Secondly, this Pre-trial conference conducted on June 24, 2025 was a sham pre-trial. Records will show that Pre-Trial was scheduled on January 16, 17 and February 6, 2025 and SB Dagami willfully omitted and concealed the what transpired during those

scheduled hearings. Lastly, this is a clear manifestation of bias on the part of the SB as in this instance they did not consider the evidence of respondent while on Page 13 of the Decision stated:

*“With respect to Mr. Nevaliza, **Respondent alleged in his Answer the following which is considered as admission on his part**, to wit; (a) it is Mr. Nevaliza’s duties and responsibilities to keep the minutes of the sessions; (b) he issued a Show Cause Order against Mr. nevaliza..xxx.. The respondents is therefore estopped from questioning the validity of the appointment of Mr. Nevaliza.”*

This statement now shows that the SB Dagami in rendering Decision favorably uses claims by Respondent when favorable to Complainants and when the statement is used as a defense, it has to be formally offered before being considered by the SB Dagami.

Crystal clear, the Constitutional Right of the respondent to due process was violated. The observance of fairness in the conduct of any investigation is at the very heart of procedural due process. The essence of due process is to be heard, and, as applied to administrative proceedings, this means a fair and reasonable opportunity to explain one’s side, or an opportunity to seek a reconsideration of the action or ruling complained of.<sup>2</sup>

In this case at bar, Respondent-Appellant was not given the opportunity to be heard. They made it appear that Respondent-Appellant failed to appear during the Pre-Trial and in effect, therefore have waived his opportunity to be heard, when in truth and in fact, Respondent-Appellant was never notified of such scheduled conference.

Clearly, SB Dagami violated respondent-appellant’s right to due process and therefore, their Decision is void.

In Taroma v. Sayo, the Court explained: "For the guidance of the bench and bar, therefore, the Court in reaffirming the ruling that notice of pre-trial must be served separately upon the party and his counsel of record, restates that while service of such notice to party may be made directly to the party, it is best that the trial courts uniformly serve such notice to party through or care of his counsel at counsel’s address with the express imposition upon counsel of the obligation of notifying the party of the date, time and place of the pre-trial conference and assuring that the party either appear thereat or deliver counsel a written authority to represent the party with power to compromise the case,

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<sup>2</sup> G.R. No. 187854, RAY PETER O. VIVO, Petitioner, vs. PHILIPPINE AMUSEMENT AND GAME CORPORATION (PAGCOR), Respondent, November 12, 2013.

with the warning that a party who fails to do so may be non-suited or declared in default." (emphasis supplied)

Hence, before being declared non-suited or considered in default, parties and their counsel must be shown to have been served with notice of the pretrial conference.<sup>10</sup> Moreover, if served only on the counsel, the notice must expressly direct him or her to inform the client of the date, the time and the place of the pretrial conference. The absence of such notice renders the proceedings void, and the judgment rendered therein cannot acquire finality and may be attacked directly or collaterally.<sup>3</sup>

Furthermore, Section 3 of Rule 18 of the Rules of Court provides: Notice of pre-trial. — The notice of pre-trial shall be served on counsel, or on the party who has no counsel. The counsel served with such notice is charged with the duty of notifying the party represented by him.<sup>4</sup>

In this case, no Minutes of the conducted Preliminary Conference on June 24, 2025 is attached to the records of the case. However, there is "Minutes of pre-Trial Conference" attached to the records but without the date when it was conducted. In this Minutes, Hon. Dumduma stated: "It appears that the defendant and his counsel are not present. In accordance with Rule 18, Section 5 of the Rules of Civil Procedure, failure to appear on the part of the defendant and his counsel shall allow the plaintiff to present evidence ex parte within ten (10) calendar days from the termination of the pre-trial. The court may then render judgment based on the evidence presented. We shall now proceed with the pre-trial in the absence of the defendant."

There was no showing that they ascertained whether respondent-appellant was duly notified. To my mind, they scheduled different dates for Pre-Trial Conference as it was scheduled on January 16, January 17 and February 6, 2025, but since I was attending they neither proceeded nor took records of this schedules, and when I was unable to attend the June 24, 2025 alleged Pre-trial conference, they rushed to declare me in default to prohibit me from presenting my witnessed and evidence and to prohibit me from participating in the case.

III. ***There is no substantial evidence to hold respondent-appellant administratively liable for Grave Misconduct, Abuse of Authority and Neglect of Duty.***

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<sup>3</sup> G.R. No. 135384, MARIANO DE GUIA and APOLONIA DE GUIA, petitioners, vs. CIRIACO, LEON, VICTORINA, TOMASA and PABLO, all surnamed DE GUIA, respondents, April 4, 2001.

<sup>4</sup> Section 3, Rule 18, Rules of Procedures.

The accusations of the Complainants can be summarized as follows:

- 1. LEYMART VILLASANTE**  
Grave Misconduct and Abuse of Authority

  - Unreasonable delay in the release of Sangguniang Kabataan Fund
  - Unreasonable Withholding of the mid-year bonus
  - Unjustified non-release of honorarium for August to November 2024
  - Deliberate failure to attend regular and special sessions
  
- 2. ALFONSO ENERO**  
Grave Misconduct, Abuse of Authority and Neglect of Duty

Not received honorarium from January 2024
  
- 3. ANACITA M. PALACIO**  
Grave Misconduct and Abuse of Authority

  - Illegal termination
  - Unreceived honorarium for January and February 2024
  
- 4. REYMART NEVALIZA**  
(Barangay Secretary)  
Neglect of Duty, Grave Misconduct and Abuse of Authority

  - PB was absent or would walk out
  - Allegedly instructed him not to open the barangay hall
  - Laptops and printers were allegedly brought to PB's residence
  - Alleged illegal dismissal as he received a text informing him not to report
  - Withholding of honorarium
  
- 5. MARITES O. AURILLO**  
Grave Misconduct and Abuse of Authority

  - Not received honorarium for August 2024 and delayed honorarium since January 2024

- a. As to **Villasante's** accusations, he presented no proof of withholding and refusal to release the honorariums, mid-year bonus and SK funds. He presented an Affidavit of the

Barangay Treasurer - Arguta but the same should not be given any credibility as the same is self-serving and as the Barangay Treasurer, she is the one responsible for the funds of the barangay. Complainant Villasante should have filed the case against the Barangay Treasurer as she is the person mandated by law to encash and release funds being the custodian of barangay funds.

Furthermore, Article 1169 of the Civil Code provides: “Those obliged to deliver or to do something **incur in delay from the time the obligee judicially or extrajudicially demands from them the fulfillment of their obligation.**”

In this case, there was no demand made by Villasante against herein respondent-appellant.

The evidence attached to the Complaint by Villasante (Attached PBCs, Deposit Slips, Bank Statements) even points out that respondent-appellant was never remised of his duty facilitating the release of the funds out to the Complainant.

- b. As to **Enero’s** accusations, based on his attached Certification of Assumption, Oath of office, Certificate of Completion he was appointed as chief tanod only on April 15, 2024. He presented an Affidavit of the Barangay Treasurer - Arguta but the same should not be given any credibility as the same is self-serving and as the Barangay Treasurer, she is the one responsible for the funds of the barangay. Complainant Villasante should have filed the case against the Barangay Treasurer as she is the person mandated by law to encash and release funds being the custodian of barangay funds.

Furthermore, Article 1169 of the Civil Code provides: “Those obliged to deliver or to do something **incur in delay from the time the obligee judicially or extrajudicially demands from them the fulfillment of their obligation.**”

In this case, there was no demand made by Enero against herein respondent-appellant.

- c. As to Palacio’s accusations, she presented no proof of withholding and refusal to release her honorarium. Article 1169 of the Civil Code provides: “Those obliged to deliver or to do something **incur in delay from the time the obligee judicially or extrajudicially demands from them the fulfillment of their obligation.** In this case, there was no demand made by Palacio against herein respondent-

appellant.

As for her alleged illegal termination, she herself presented a valid Termination Order. She was asked to explain her misdoings but she did not file her explanation.

"(b) For efficient, effective and economical governance, the purpose of which is the general welfare of the barangay and its inhabitants pursuant to Section 16 of this Code, the punong barangay shall:

- "x x x x x x x x

- "(5) Upon approval by a majority of all the members of the sangguniang barangay, appoint or replace the barangay treasurer, the barangay secretary, and other appointive barangay officials;"

- The term "replace" would obviously embrace not only the appointment of the replacement but also the prior removal of, or the vacation by, the official currently occupying the appointive position concerned. "To replace" is to take the place of, to serve as a substitute for or successor of, to put in place of, or to fill the post of an incumbent.[1] In order to provide a replacement to an office, the prior holder must have first been removed or the office must have, otherwise, been previously rendered vacant."<sup>5</sup>

In this case, she was validly terminated with the approval of the majority of all the members of the sangguniang barangay. The approval, as already explained earlier was attached to the Verified Answer but the same was not considered by the SB Dagami as the same was not offered formally due to the alleged absence of the respondent during the Pre-Trial Conference - which is legally erroneous.

d. As to **Nevaliza's** accusations he presented no proof of withholding and refusal to release his honorarium. Article 1169 of the Civil Code provides: "Those obliged to deliver or to do something incur in delay from the time the obligee judicially or extrajudicially demands from them the fulfillment of their obligation. In this case, there was no demand made by Nevaliza against herein respondent-appellant.

Nevaliza made several accusations but presented no proof thereof aside from his self-serving testimony. These testimonies are mere allegations that the rules do not consider

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<sup>5</sup> G.R. No. 132413, RAMON ALQUIZOLA, SR., MARISSA C. DOROMAL AND ADELO SECO, PETITIONERS, VS. GALLARDO OCOL, CAMILO P. PENACO, SATURNINO MENDOZA, RAFAEL R. ARDIENTE, VICENTE C. CASERES, RICARDO B. ZOSA III AND SIRAD M. UMPA, RESPONDENTS August 27, 1999.  
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as equivalent to proof. It must be noted that he who alleges must prove the same with the requisite quantum of evidence, short of which, the judgment stands.<sup>6</sup>

- e. As to **Aurillo's** accusations she presented no proof of withholding and refusal to release her honorarium. Article 1169 of the Civil Code provides: "Those obliged to deliver or to do something incur in delay from the time the obligee judicially or extrajudicially demands from them the fulfillment of their obligation. In this case, there was no demand made by Aurillo against herein respondent-appellant.

Aurillo made several accusations but presented no proof thereof aside from his self-serving testimony. These testimonies are mere allegations that the rules do not consider as equivalent to proof. It must be noted that he who alleges must prove the same with the requisite quantum of evidence, short of which, the judgment stands.<sup>7</sup>

IV. ***SB Dagami erred in imposing five (5) different penalties.***

The dispositive portion of the Joint Decision being appealed, it states that:

"For the Complaint of **Grave Misconduct**, this Body imposes the penalty of suspension in the following manner, to wit:

- a. For the Complaint of Mr. Villasante - **six (6) months** to the Respondent;
- b. For the Complaint of Mr. Nevaliza - **five (5) months** to the Respondent;
- c. For the Complaint of Ms. Palacio - **five (5) months** to the Respondent;
- d. For the Complaint of Mr. Enero - **five (5) months** to the Respondent;
- e. For the Complaint of Ms. Aurillo - **five (5) months** to the Respondent;"

Firstly, the penalty to be imposed should one penalty considering that these cases was already consolidated. In fact, the Decision stated in page 10 that SB Dagami "**consolidated the five (5) cases, having determined that they involve a common question of law and fact**".

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<sup>6</sup> G.R. No. 241074, PETER Q. MARISTELA, PETITIONER, VS. JOSE MARIA M. MIRASOL, RESPONDENT, August 22, 2022.

<sup>7</sup> G.R. No. 241074, PETER Q. MARISTELA, PETITIONER, VS. JOSE MARIA M. MIRASOL, RESPONDENT, August 22, 2022.

For this reason alone, the penalty to be imposed should only be one and this is with regards to the administrative charge of Grave Misconduct.

Secondly, respondent was found guilty of the administrative case of Grave Misconduct - an admin liability which according to law should have a penalty of dismissal from service and not merely suspension.\

Thirdly, there were no discussions nor explanations as how the number of months of suspension were determined and how the same was arrived at which is required under the Rules. Hence, it is very clear, that SB Dagami gravely erred in imposing the penalty against herein respondent.

### **PRAYER**

WHEREFORE it is most respectfully prayed that this APPEAL be GRANTED and that the **UNDATED DECISION** of the **SANGGUNIANG BAYAN OF DAGAMI, LEYTE SUSPENDING RESPONDENT-APPELLANT FOR A PERIOD OF TWENTY-SIX (26) MONTHS** be **REVERSED** and **SET ASIDE**.

Respondent-Appellant further prays for such other relief as this Honorable Court may deem just and equitable in the premises.

Most Respectfully Submitted.

May 20, 2026. Dagami, Leyte for Palo, Leyte.

  
**HON. BASILIO D. CALDA**  
*Respondent-Appellant*

Copy furnished by registered mail:

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Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF DAGAMI  
\*

Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 1<sup>ST</sup> SPECIAL SESSION OF THE SANGGUNIANG BAYAN OF DAGAMI, LEYTE, HELD AT THE MUNICIPAL SESSION HALL ON 09 SEPTEMBER, 2022 AT 9:00 O'CLOCK IN THE MORNING.

Present:

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| Hon. Homobono U. Bardillon         | - Mun. Vice-Mayor/Presiding Officer |
| Hon. Judy M. Dumduma, Jr.          | - Sangguniang Bayan Member          |
| Hon. Rolando A. Bud-oy             | - do-                               |
| Hon. Andres Bryan M. Bayona        | - do-                               |
| Hon. Jose Jingle N. Sudario        | - do-                               |
| Hon. Caridad B. Cabidog            | - do-                               |
| Hon. Jetromus Jose S. Bardillon    | - do-                               |
| Hon. Susan O. Mendoza              | - do-                               |
| Hon. Reynaldo O. Treceñe           | - do-                               |
| Hon. Reo O. Gabriente              | - ABC President/Ex-Officio Member   |
| Hon. Mary Ahlyssa Ashley A. Gerona | - SK Fed. Pres./Ex-Officio Member   |

Absent:

NONE

**RESOLUTION NO. 2022-41**

**A RESOLUTION ADOPTING THE SUBSTANTIVE AND PROCEDURAL RULES TO BE OBSERVED IN ADMINISTRATIVE CASES FILED AGAINST ELECTIVE BARANGAY OFFICIALS BEFORE THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF DAGAMI, PROVINCE OF LEYTE IN ITS CAPACITY AS A QUASI-JUDICIAL BODY PURSUANT TO SECTION 61-68 OF THE LOCAL GOVERNMENT CODE OF 1991**

**WHEREAS**, jurisdiction to hear and decide administrative cases against elective barangay officials has been vested by Section 61 of the Local Government Code of 1991 in the Sanggunian of Cities and Municipalities;

**WHEREAS**, the Sangguniang Bayan, in the exercise of its quasi-judicial function shall adopt a set of rules, both substantive and procedural, with the inclusion of the provisions of the R.A. 7160, its implementing rules and regulations, jurisprudence, and issuances of the Department of Interior and Local Government on administrative cases as a matter of due process and in order to inform and guide the parties as to the manner of their respective cases.

**WHEREFORE**, on the motion of **HON. JUDY M. DUMDUMA, JR.**, duly seconded by all Members present.

**BE IT RESOLVED, AS IT IS HEREBY RESOLVED**, by the Sangguniang Bayan to ADOPT, as it is hereby ADOPTS, the following substantive and procedural rules to be observed in administrative cases filed against elective barangay officials before the Sangguniang Bayan in its capacity as a quasi-judicial body pursuant to Sections 60-68 of the Local Government of 1991; and the established issuances and jurisprudence on the matter.

**RULE 1  
PRELIMINARY PROVISIONS**

**Section 1. Title-** These rules shall be known as the 2022 Rules of Procedure of the Sangguniang Bayan of the Municipality of Dagami, Province of Leyte in the conduct of administrative proceedings in the exercise of its quasi-judicial functions.

**Section 2. Coverage-** These rules and procedures shall apply to administrative disciplinary cases filed against all elective barangay officials of Dagami, Leyte.

HON. JUDY M. DUMDUMA, JR.  
SB Member

HON. ROLANDO A. BUD-OY  
SB Member

HON. ANDRES-BRYAN M. BAYONA  
SB Member

HON. JOSE JINGLE N. SUDARIO  
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SK Fed. Pres./Ex-Officio Member

HON. HOMOBONO U. BARDILLON  
Mun. Vice-Mayor/Presiding Officer

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FROM THE ORIGINAL

FLOR G. YAP

SECRETARY TO THE SANGGUNIANG

FLOR G. YAP  
SB Secretary

(Cont. Resolution No. 2022-41 of 1<sup>st</sup> SB Special Session, held on Sept. 09, 2022, etc.)

**Section 3. Construction-** These shall be liberally construed in order to promote public interest and to assist parties in obtaining just speedy and inexpensive determination of their pending administrative case(s) filed before the Sangguniang Bayan of Dagami, Leyte.

**Section 4. Jurisdiction-** Jurisdiction over administrative cases against elective barangay officials is vested with the Sangguniang Bayan without prejudice however to the concurrent jurisdiction of the Office of the Ombudsman. The Sanggunian shall hereafter be referred to as the "Disciplinary Authority."

**Section 5. Nature of the Proceedings -** Proceeding before the Sangguniang Bayan shall be summary in nature, without adhering to legal technicalities obtaining in the courts of law.

**Section 6. Parties-** Then person filing the complaint shall be called the Complainant and the person against whom the complaint is filed shall be called the Respondent.

**Section 7. Engagement of Counsels-** Appearance by counsel is at the discretion of the parties who may or may not hire a lawyer for the prosecution or defense of their respective cases. Provided, however, that the appearance or non-appearance of a lawyer during the hearing shall not interrupt the flow of the case considering the time frame by which the Sanggunian is mandated to dispose of the cases before it.

**RULE 2  
COMPLAINT**

**Section 1. How Initiated-** An administrative complaint may be initiated by any private individual or any government officer or employee by filing a verified complaint against any elective barangay officials of the Municipality of Dagami, Leyte accompanied by sworn statements of witnesses and supporting documents, if any. The complainant shall specify any of the following grounds which may be relied upon, to wit;

- a) Disloyalty to the Republic of the Philippines;
- b) Culpable Violation of the Constitution;
- c) Dishonesty, oppression, misconduct in office, gross negligence, dereliction of duty;
- d) Commission of any offense involving moral turpitude or an offense punishable by at least prison mayor (imprisonment of 6 years and 1 day to 12 years). The offense involving moral turpitude must be linked to the performance of official duties of respondent and conviction by final judgment shall be a condition precedent for the filing of any administrative case involving this ground. (Palma vs. Fortich, 147 SCRA 379, Mondano vs. Silvosa, 97 Phil. 144-145, DILG Opinion No. 11, s. 2006, February 20, 2006);
- e) Abuse of Authority;
- f) Unauthorized absence for fifteen (15) consecutive working days;
- g) Application for, or acquisition of, foreign citizenship or residence or status of an immigrant of another country; and
- h) Such other grounds as may be provided in the Local Government Code of 1991.

**Section 1 (a). Definition of Terms/ Offenses:**

- a) **Disloyalty to the Republic of the Philippines** - Any act or omission which among others, may be considered as crimes against national security.
- b) **Culpable Violation of the Constitution-** It implies or covers acts of deliberate intent and to a certain degree of perversity so as to defy knowingly what the constitution provides. It includes a violation serious enough to warrant betrayal of public trust such as a violation of a constitutional oath of office.
- c) **ADMINISTRATIVE OFFENSES** - Every act or conduct or omission which amounts to, or constitutes any of the grounds for disciplinary action (Salalima vs Guingona, 257 SCRA 55). The grounds for administrative action under Sec. 60, R.A. 7160 may still be charged against a respondent even if committed during a prior term as re-election or election to another public office is not a mode of condoning an administrative offense. (Morales vs CA and Binay, G.R. No. 217126-27, Nov. 10, 2015).

  
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SB Secretary

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- d) **DISHONESTY**- Any act related to or connected with the performance of public or official duties which has a disposition to lie, cheat or exhibit untrustworthiness or lack of integrity. (Black's Law Dictionary. 5th Ed.)
- e) **OPPRESSION**- An act of cruelty, severity, unlawful exaction, domination, or excessive use of authority. (Ochate vs Deling, 105 Phil. 390).
- f) **MISCONDUCT IN OFFICE** - One that affects the performance of duties as a public officer, and not such as affects his character as a private individual. (Lacson vs Roque 92 Phil 465).
- g) **GROSS NEGLIGENCE** - The want of even slight care and diligence. Such entire want of care as to raise a presumption that the person at fault is conscious of the probable consequences of carelessness, and is indifferent, or worse, to the danger of injury to or property of others. Such negligence as amounts to a reckless disregard for the safety of person or property. (Ameda vs Rio J Olabarrieta Inc. 95 Phil 37).
- h) **DERELICTION OF DUTY** - It generally refers to a failure to conform to rules of one's job, which will vary by tasks involved. It is a failure or refusal to perform an assigned task/job.
- i) **ABUSE OF AUTHORITY**- It is a denial of justice when discretion, by virtue of one's position, has not been justly and properly exercised. It signifies the use of that discretion in such a way as to deprive a person of his right or of the remedy to protect or enforce such right. (DILG Opinion No. 11, s. 2006, Feb. 20, 2006).

**Section 2. Form of Complaint**- The complaint shall be addressed to the Sangguniang Bayan. It shall be drawn in clear, simple, and concise language and in a methodical manner as to appraise the respondent of the nature of the charge filed against him and to enable him to prepare his defense.

**Section 3. Where Filed** - The complaint shall be filed with the Office of the Secretary to the Sanggunian.

**Section 4. Number of Copies** - The complainant shall file two (2) original copies of the complaint and supporting affidavit and eleven (11) machine copies of the same. The number of annexes shall not be less than fifteen.

**RULE 3  
ANSWER**

**Section 1. Notice** - Within Seven (7) days after the complaint is filed, the Disciplinary Authority shall issue an order requiring the respondent to submit his verified answer to the complaint together with the supporting affidavits and annexes within Fifteen (15) days from his receipt thereof. The order shall be signed by the Presiding Officer of the Sangguniang Bayan and sent through by registered mail by the Secretary of the Sangguniang Bayan without need of referral to the body for such action.

**Section 2. Form of Answer** - The answer, accompanied by affidavit of witnesses or evidences in support of the defenses, shall be addressed to the Sangguniang Bayan.

**Section 3. Motion to Dismiss** - A motion to dismiss an administrative complaint in lieu of an answer is an improper pleading considering that the Sanggunian is entrusted the duty of determining whether the offense is proper for investigation. All possible grounds for dismissal of the complaint shall be considered a matter of defense which will be subject to consideration by the Sanggunian in rendering a decision. (Section 62 (d) of RA 7160, DILG Opinion No. 11, s. 2006, Feb. 20, 2006)

**Section 4. Number of Copies** - The respondent shall file two (2) original copies of the complaint and supporting affidavit and eleven (11) machine copies of the same. The number of annexes shall not be less than fifteen.

**Section 5. Failure to Answer** - Unreasonable failure of respondent to file his verified answer within 15 days from receipt of the complaint against him shall be considered as waiver of his right to present evidence in his behalf.

  
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**RULE 4  
PRELIMINARY INVESTIGATION**

**Section 1. Commencement** - Within Twenty (20) days from the receipt of the answer the Disciplinary Authority shall commence the investigation of the case.

**Section 2. Evaluation** - Within the period mentioned in the preceding section, the Disciplinary Authority shall determine whether there is a prima facie case to warrant the institution of formal administrative proceedings, it shall immediately issue an order dismissing the complaint.

**Section 3. Dismissal Motu Proprio** - If the Disciplinary Authority determines that there is no prima facie case to warrant the institution of formal administrative proceedings, it shall immediately issue an order dismissing the complaint.

**Section 4. Preliminary Conference** - If the Disciplinary Authority determines that there is a prima facie case to warrant the institution of formal administrative proceedings, it shall within the same period prescribed under the preceding Section, 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 resolution on the basis of the evidence on record;
- b. If the parties desire a formal investigation, to consider the simplification of issues, the possibility of obtaining stipulation or admission of facts and of documents, specifically affidavits and depositions, to avoid unnecessary proof, the limitation of number of witnesses, and such other matters as may aid the prompt disposition of the case.

The Disciplinary Authority shall encourage the parties and their counsels to enter in any stage of the proceedings, into amicable settlement, compromise and arbitration, the terms and conditions of which shall be subject to its approval.

After the preliminary conference, the Disciplinary Authority shall issue an order reciting the matters taken up thereon, including the facts stipulated and the evidences marked, if, any. Such order shall limit the issues for hearing to those not disposed of by agreement of 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.

**Section 5. Venue of Hearing** - The preliminary investigation shall be conducted in the place where the Office of the Sangguniang Bayan is located.


**Section 6. 90-Day Ban** - No preliminary investigation shall be conducted within Ninety (90) days immediately prior to any election.

**RULE 5  
PREVENTIVE SUSPENSION**


**Section 1. Power to Suspend** - Preventive suspension may be recommended by Disciplinary Authority to be imposed by the Municipal Mayor who shall immediately implement the preventive suspension upon actual receipt of the resolution recommending the preventive suspension.

**Section 2. 90-Day Ban** - No preventive suspension shall be imposed within 90 days immediately prior to any local election. If the preventive suspension has been imposed prior to the 90-day period immediately preceding a local election, it shall be deemed automatically lifted upon the start of aforesaid period.

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Mun. Vice-Mayor/Presiding Officer

  
FLOR G. YAP  
SECRETARY TO THE SANGGUNIANG BAYAN

  
FLOR G. YAP  
SB Secretary

  
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(Cont. Resolution No. 2022-41 of 1<sup>st</sup> SB Special Session, held on Sept. 09, 2022, etc.)

**Section 3. Grounds** - Preventive suspension may be imposed at any time after the issues are joined, that is, after the respondent has answered the complaint when the evidence of guilt is strong and given the gravity of the offense, there is a great probability that the continuance in office of the respondents could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.

**Section 4. Duration** - Any simple preventive suspension of local 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 at the time of the first suspension.

**Section 5. Automatic Reinstatement** - Upon the expiration of the preventive suspension the suspended elective local official shall be deemed reinstated in office without prejudice to the continuation of the proceedings against him, which shall be terminated within One Hundred Twenty (120) days from the time he was 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 counted in computing the time termination of the proceedings.

**RULE 6  
FORMAL INVESTIGATION**

**Section 1. Procedural Due Process** - The respondent shall be accorded full opportunity to appear and defend himself in person or by 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 ad testificandum or duces tecum.

**Section 2. Who Conducts the Hearing** - The formal administrative investigation shall be conducted by the Disciplinary Authority, in a plenary session presided over by the regular presiding officer. All members of the Sanggunian, acting as jurors, may propound questions relative to the case against any of the parties during the hearing or the investigation.

**Section 3. Power to Take Testimony or Receive Evidence** - The Disciplinary Authority is hereby authorized to take testimony or receive evidence relevant to the administrative proceedings, which authority shall include the power to administer oaths, summon witnesses, and require the production of documents by subpoena duces tecum pursuant to Book I, Chapter 37 of the Administrative Code of 1987.

Anyone who, without lawful excuse, fails to appear summons issued under the authority of the preceding paragraph or who, appearing before the Disciplinary Authority exercising the power therein defined, refuses to take 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 Investigating Authority, shall be dealt with by the judge of the proper regional trial court in the manner provided for under Book VII, Chapter 3, Section 13, in relation to Chapter 1, Section 2 (1) of the Administrative Code of 1987.

**Section 4. Venue of Hearing** - The formal investigation shall be conducted in the place where the Sangguniang Bayan is located.

**Section 5. Request for Subpoena** - If a party desires the attendance of a witness or the production of documents, he should make a formal request for the issuance of the necessary subpoena ad testificandum or subpoena duces tecum at least three (3) days before the scheduled hearing.

**Section 6. Postponement** - Postponement of investigation shall be discouraged and shall be allowed only in meritorious cases, like illness of the parties or counsels and other similar cases. No postponement for a period longer than seven (7) days shall be allowed, and in no case shall the total number of postponements for one party be more than Twenty (20) days.

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SB Member

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**Section 7. Record of the Proceedings** - The testimony of each witness and the manifestation of the parties and counsels during the investigation shall be taken by the Sangguniang Bayan Secretary. A transcript of proceedings made by the Sangguniang Bayan Secretary and duly certified by him/her shall be prima facie a correct statement of such proceedings.

**Section 8. Order of Hearing** - Unless otherwise directed by the Disciplinary Authority, the order of a hearing shall be as follows:

- a. The Complainant shall produce the evidence on 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 Disciplinary Authority for good reasons and in the furtherance of justice, permits them to offer evidence upon their original case.

**Section 9. Order of Examination** - The order in which a witness may be examined shall be as follows:

- 1. Direct examination by the proponent;
- 2. Cross-examination by the opponent;
- 3. Re-direct examination by the proponent; and
- 4. Re-cross examination by the opponent.

**Section 10. Termination of Formal Examination** - The formal investigation of the case shall be terminated by the Disciplinary Authority within Ninety (90) days from the start thereof unless the delay is for causes beyond its control.

**Section 11. Memoranda** - The Disciplinary Authority may allow the parties to submit their respective memoranda, together with their respective draft resolution and orders for consideration of the Disciplinary Authority, within Fifteen (15) days after the termination of formal investigation.

**RULE 7  
EVIDENCES**

**Section 1. Rules of Evidence:**

- 1. The Disciplinary Authority may admit or give probative value to substantial evidence or such evidence which a reasonable mind might accept as adequate to support a conclusion;
- 2. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, the parties shall be given the opportunity to compare the copy with the original. If the original is in the official custody of a public officer, a certified copy thereof may be accepted; and
- 3. The Disciplinary Authority may take notice of judicially cognizable facts within its specialized knowledge. The parties shall be notified and afforded an opportunity to contest the facts so noticed.

**Section 2. Marking** - All documentary evidences of exhibits shall be marked by letters (A, B, C, etc.) if presented by the complainant, and by numbers (1,2,3, etc.) if presented by respondents.

**RULE 8  
REPORT OF THE SECRETARY TO THE SANGGUNIANG BAYAN**

**Section 1. Transmission of Records to Disciplining Authority** - The Secretary to the Sanggunian shall forward to the Disciplinary Authority the following documents:

- a. The complete record of each page consecutively numbered and initiated by the custodian of records;

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FLOR G. YAP

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SB-Secretary

SECRETARY TO THE SANGGUNIANG BAYAN

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(Cont. Resolution No. 2022-41 of 1<sup>st</sup> SB Special Session, held on Sept. 09, 2022, etc.)

- b. a summary of proceeding thereon from the filing of the complaint to the transmittal of the records in chronological order indicating the action taken on the incidents involved; and
- c. a list of all pleadings, motions, manifestations, annexes, and other papers or documents filed by the contending parties, as well as the corresponding orders or resolutions.

The Transcript of the proceedings shall be paged consecutively and in chronological order, sewn on the left-hand side, or properly indexed, showing the page on which, the testimony of each witness begins.

**Section 2. Records Classification** - Records in administrative disciplinary cases are classified as confidential in nature and any information as to the charges, accusations, 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 and or their authorized representatives on the need-to-know basis pursuant to Memorandum Circular No. 78 dated August 14, 1964, as amended by Memorandum Circular No. 196 dated July 19, 1968, prescribing rules governing security of classified matter in government offices.

**RULE 9  
DECISION**

**Section 1. Rendition of Decision** - Within Thirty (30) days of receipt of the report of the Secretary to the Sanggunian and the transmittal record, the Disciplinary Authority shall render a decision in writing stating clearly and distinctly the facts and reasons for such decision shall immediately be furnished both the respondent and the complainant and all interested parties.

**Section 2. Finality of Decision** - The decision of the Disciplinary Authority shall become final and executory after the lapse of Thirty (30) days from the receipt of the copy thereof by the complainant or the respondent, as the case may be.

**Section 3. Decisions of the Sanggunian** - Decisions of the Sanggunian in administrative cases shall not require the approval of the mayor. (Sec. 66 R.A. 7160 and DILG Opinion No. 19, series of 2002, January 24, 2002)

**Section 4. Motion for Reconsideration** - No motion for reconsideration shall be allowed to the parties.

**RULE 10  
PENALTY**

**Section 1. Penalty** - A respondent found guilty of any of the offenses enumerated in Rule 2 thereof may be meted the penalty of reprimand, suspension, or removal depending on the gravity of evidence presented and the aggravating or mitigating circumstances that may be considered by the Disciplinary Authority.



**Section 2. Suspension** - The penalty of suspension shall not exceed the unexpired term of the respondent or a period of six (6) months for every administrative offense, nor shall be said penalty be a bar to the candidacy of the respondent so suspended as long as he meets the qualifications required for the office.

**Section 3. Removal** - An elective local official may be removed from office on the grounds enumerated in Rule 2 hereof by order of the proper court or the Disciplinary Authority whichever first acquires jurisdiction to the exclusion of the other.

The penalty of removal from office as a result of an administrative investigation shall be considered a bar to the candidacy of the respondent for any elective position.

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Mun. Vice-Mayor/Presiding Officer

  
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SECRETARY TO THE SANGGUNIANG  
  
FLOR G. YAP  
SB Secretary

  
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HON. LETROMIN JOSE S. BARDILLON  
SB Member

  
HON. SUSANO MENDOZA  
SB Member

  
HON. REYNALDO O. TRECHE  
SB Member

  
HON. RED O. SAGARANTE  
AFC Pres./Ex-Oficio Member

  
HON. MARY AHLYSSA ASHLEY A. GERONA  
SK Fed. Pres./Ex-Oficio Member

(Cont. Resolution No. 2022-41 of 1<sup>st</sup> SB Special Session, held on Sept. 09, 2022, etc.)

**RULE 11  
APPEAL**

**Section 1. Administrative Appeal** - The decision of the Disciplinary Authority may within Thirty (30) days from receipt thereof by the respondent, be appealed to the Sangguniang Panlalawigan.

**Section 2. Period of Appeal** - Within Ten (10) days after the receipt of the notice of appeal filed by the respondent, the Secretary shall elevate the entire record of the case to the Sangguniang Panlalawigan without need of further orders from the Sangguniang Bayan.

**Section 3. Execution Pending Appeal** - An appeal shall not prevent a decision from becoming final or executory. The respondent shall be considered as having been placed under preventive suspension during the pendency of an appeal. In the event the appeal results in an exoneration the respondent shall be paid his salary and such other emoluments accruing during the pendency of the appeal.

**RULE 12  
MAINTAINANCE OF DOCKET BOOKS**

**Section 1.** The Sanggunian shall keep a docket for administrative cases where all complaints shall be properly entered and given their corresponding number in the order of receipt. The docket shall likewise contain in chronological order every pleading, notice, order, resolution, and other incidents of the case in summary form from receipt of the complaint to the service of decision.

**RESOLVED FINALLY** to furnish copies of this resolution to all parties in administrative cases filed before the Sanggunian.

**UNANIMOUSLY CARRIED.**

**WE HEREBY CERTIFY** to the correctness of the foregoing resolution.

  
**FLOR G. YAP**  
SB Secretary

ATTESTED:

  
**HON. HOMOBONO U. BARDILLON**  
Municipal Vice-Mayor/Presiding Officer

  
**HON. JUDY M. DUMDUMA, JR.**  
SB Member

  
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SK Fed. Pres./Ex-Officio Member


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**FLOR G. YAP**  
SECRETARY TO THE SANGGUNIANG

(Cont. Resolution No. 2021-41 of 1<sup>st</sup> SB Special Session, held on Sept. 09, 2022, etc.)

  
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APPROVED:

  
HON. ANGELITA M. DELUSA  
Municipal Mayor

HON. ROLANDO A. BUD-OY  
SB Member

  
HON. ANDRES BRYAN M. BAYONA  
SB Member

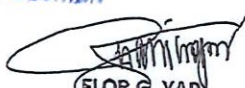
  
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HON. E. CABIDOG  
SB Member

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HON. HOMOBONO U. BARDILLON  
Mun. Vice-Mayor/Presiding Officer

  
FLOR G. YAP  
SB Secretary



Republic of the Philippines  
Province of Leyte  
**MUNICIPALITY OF DAGAMI**



\*

**Hon. Basilio D. Calda**  
Brgy. Chairman  
Brgy. Cabuloran, Dagami, Leyte  
6515

Respondent.

**NOTICE OF PRELIMINARY CONFERENCE**


Please be informed that a preliminary conference has been scheduled for the above-captioned case.

Date: January 16, 2025  
Time: 10:00 o'clock in the Morning  
Venue: 2<sup>nd</sup> floor Legislative building  
SB Session Hall  
Dagami, Leyte

Attendance Requirement:


- . Both parties are required to attend the preliminary conference in person.
- . Please bring all relevant documents, evidence, and a list of witnesses you intend to present.

Thank you for your attention to this matter.

  
**Hon. Homobono U. Bardillon**  
Mun. Vice-Mayor/Presiding Officer  
Dagami, Leyte.

Jan 16, 2025

Received Herein:

  
BERNART S. NIRAUZA

01-14-2025

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**Marivic N. Arguta**  
Brgy. Treasurer  
Brgy. Cabuloran, Dagami, Leyte  
6515

Complainant,

-versus-

**Hon. Basilio D. Calda**  
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**Hon. Ley Mark L. Villasante**  
SK Chairman  
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Complainant,

for: Grave Misconduct,  
Abuse of Authority and  
Neglect of Duty

-versus-

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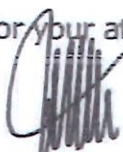
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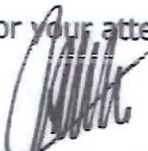
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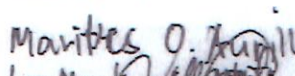
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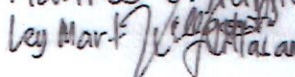
  
ALFONSO ENERO - 0-1-14

  
REMARK A. NEVALIZA - 01-14-2025

  
MARIBEL N. ARGENTA - 01-14-2025

  
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MARIBEL O. ARGENTA - 01-14, 2025

  
LEY MAR-F. ARGENTA - 01-14-2025

(Cont. Resolution No. 2022-41 of 1<sup>st</sup> SB Special Session, held on Sept. 09, 2022, etc.)

- d) **DISHONESTY**- Any act related to or connected with the performance of public or official duties which has a disposition to lie, cheat or exhibit untrustworthiness or lack of integrity. (Black's Law Dictionary. 5th Ed.)
- e) **OPPRESSION**- An act of cruelty, severity, unlawful exaction, domination, or excessive use of authority. (Ochate vs Deling, 105 Phil. 390).
- f) **MISCONDUCT IN OFFICE** - One that affects the performance of duties as a public officer, and not such as affects his character as a private individual. (Lacson vs Roque 92 Phil 465).
- g) **GROSS NEGLIGENCE** - The want of even slight care and diligence. Such entire want of care as to raise a presumption that the person at fault is conscious of the probable consequences of carelessness, and is indifferent, or worse, to the danger of injury to or property of others. Such negligence as amounts to a reckless disregard for the safety of person or property. (Ameda vs Rio J Olabarrieta Inc. 95 Phil 37).
- h) **DERELICTION OF DUTY** - It generally refers to a failure to conform to rules of one's job, which will vary by tasks involved. It is a failure or refusal to perform an assigned task/job.
- i) **ABUSE OF AUTHORITY**- It is a denial of justice when discretion, by virtue of one's position, has not been justly and properly exercised. It signifies the use of that discretion in such a way as to deprive a person of his right or of the remedy to protect or enforce such right. (DILG Opinion No. 11, s. 2006, Feb. 20, 2006).

**Section 2. Form of Complaint**- The complaint shall be addressed to the Sangguniang Bayan. It shall be drawn in clear, simple, and concise language and in a methodical manner as to appraise the respondent of the nature of the charge filed against him and to enable him to prepare his defense.

**Section 3. Where Filed** - The complaint shall be filed with the Office of the Secretary to the Sanggunian.

**Section 4. Number of Copies** - The complainant shall file two (2) original copies of the complaint and supporting affidavit and eleven (11) machine copies of the same. The number of annexes shall not be less than fifteen.

**RULE 3  
ANSWER**

**Section 1. Notice** - Within Seven (7) days after the complaint is filed, the Disciplinary Authority shall issue an order requiring the respondent to submit his verified answer to the complaint together with the supporting affidavits and annexes within Fifteen (15) days from his receipt thereof. The order shall be signed by the Presiding Officer of the Sangguniang Bayan and sent through by registered mail by the Secretary of the Sangguniang Bayan without need of referral to the body for such action.


**Section 2. Form of Answer** - The answer, accompanied by affidavit of witnesses or evidences in support of the defenses, shall be addressed to the Sangguniang Bayan.


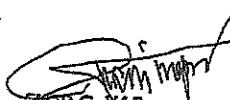
**Section 3. Motion to Dismiss** - A motion to dismiss an administrative complaint in lieu of an answer is an improper pleading considering that the Sanggunian is entrusted the duty of determining whether the offense is proper for investigation. All possible grounds for dismissal of the complaint shall be considered a matter of defense which will be subject to consideration by the Sanggunian in rendering a decision. (Section 62 (d) of RA 7160, DILG Opinion No. 11, s. 2006, Feb. 20, 2006)


**Section 4. Number of Copies** - The respondent shall file two (2) original copies of the complaint and supporting affidavit and eleven (11) machine copies of the same. The number of annexes shall not be less than fifteen.

**Section 5. Failure to Answer** - Unreasonable failure of respondent to file his verified answer within 15 days from receipt of the complaint against him shall be considered as waiver of his right to present evidence in his behalf.

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Mun. Vice-Mayor/Presiding Officer


   
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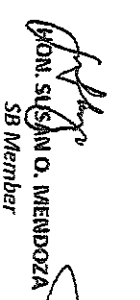
  
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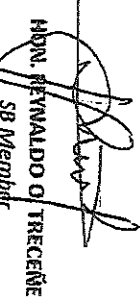
  
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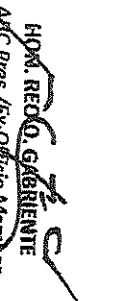
  
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(Cont. Resolution No. 2022-41 of 1<sup>st</sup> SB Special Session, held on Sept. 09, 2022, etc.)

**RULE 4  
PRELIMINARY INVESTIGATION**

**Section 1. Commencement** - Within Twenty (20) days from the receipt of the answer the Disciplinary Authority shall commence the investigation of the case.

**Section 2. Evaluation** - Within the period mentioned in the preceding section, the Disciplinary Authority shall determine whether there is a prima facie case to warrant the institution of formal administrative proceedings, it shall immediately issue an order dismissing the complaint.

**Section 3. Dismissal Motu Proprio** - If the Disciplinary Authority determines that there is no prima facie case to warrant the institution of formal administrative proceedings, it shall immediately issue an order dismissing the complaint.

**Section 4. Preliminary Conference** - If the Disciplinary Authority determines that there is a prima facie case to warrant the institution of formal administrative proceedings, it shall within the same period prescribed under the preceding Section, 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 resolution on the basis of the evidence on record;
- b. If the parties desire a formal investigation, to consider the simplification of issues, the possibility of obtaining stipulation or admission of facts and of documents, specifically affidavits and depositions, to avoid unnecessary proof, the limitation of number of witnesses, and such other matters as may aid the prompt disposition of the case.

The Disciplinary Authority shall encourage the parties and their counsels to enter in any stage of the proceedings, into amicable settlement, compromise and arbitration, the terms and conditions of which shall be subject to its approval.

After the preliminary conference, the Disciplinary Authority shall issue an order reciting the matters taken up thereon, including the facts stipulated and the evidences marked, if, any. Such order shall limit the issues for hearing to those not disposed of by agreement of 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.

**Section 5. Venue of Hearing** - The preliminary investigation shall be conducted in the place where the Office of the Sangguniang Bayan is located.

**Section 6. 90-Day Ban** - No preliminary investigation shall be conducted within Ninety (90) days immediately prior to any election.

**RULE 5  
PREVENTIVE SUSPENSION**

**Section 1. Power to Suspend** - Preventive suspension may be recommended by Disciplinary Authority to be imposed by the Municipal Mayor who shall immediately implement the preventive suspension upon actual receipt of the resolution recommending the preventive suspension.

**Section 2. 90-Day Ban** - No preventive suspension shall be imposed within 90 days immediately prior to any local election. If the preventive suspension has been imposed prior to the 90-day period immediately preceding a local election, it shall be deemed automatically lifted upon the start of aforesaid period.

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(Cont. Resolution No. 2022-41 of 1<sup>st</sup> SB Special Session, held on Sept. 09, 2022, etc.)

**Section 3. Grounds** - Preventive suspension may be imposed at any time after the issues are joined, that is, after the respondent has answered the complaint when the evidence of guilt is strong and given the gravity of the offense, there is a great probability that the continuance in office of the respondents could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.

**Section 4. Duration** - Any simple preventive suspension of local 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 at the time of the first suspension.

**Section 5. Automatic Reinstatement** - Upon the expiration of the preventive suspension the suspended elective local official shall be deemed reinstated in office without prejudice to the continuation of the proceedings against him, which shall be terminated within One Hundred Twenty (120) days from the time he was 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 counted in computing the time termination of the proceedings.

**RULE 6  
FORMAL INVESTIGATION**

**Section 1. Procedural Due Process** - The respondent shall be accorded full opportunity to appear and defend himself in person or by 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 ad testificandum or duces tecum.

**Section 2. Who Conducts the Hearing** - The formal administrative investigation shall be conducted by the Disciplinary Authority, in a plenary session presided over by the regular presiding officer. All members of the Sanggunian, acting as jurors, may propound questions relative to the case against any of the parties during the hearing or the investigation.

**Section 3. Power to Take Testimony or Receive Evidence** - The Disciplinary Authority is hereby authorized to take testimony or receive evidence relevant to the administrative proceedings, which authority shall include the power to administer oaths, summon witnesses, and require the production of documents by subpoena duces tecum pursuant to Book I, Chapter 37 of the Administrative Code of 1987.

Anyone who, without lawful excuse, fails to appear summons issued under the authority of the preceding paragraph or who, appearing before the Disciplinary Authority exercising the power therein defined, refuses to take 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 Investigating Authority, shall be dealt with by the judge of the proper regional trial court in the manner provided for under Book VII, Chapter 3, Section 13, in relation to Chapter 1, Section 2 (1) of the Administrative Code of 1987.

**Section 4. Venue of Hearing** - The formal investigation shall be conducted in the place where the Sangguniang Bayan is located.

**Section 5. Request for Subpoena** - If a party desires the attendance of a witness or the production of documents, he should make a formal request for the issuance of the necessary subpoena ad testificandum or subpoena duces tecum at least three (3) days before the scheduled hearing.

**Section 6. Postponement** - Postponement of investigation shall be discouraged and shall be allowed only in meritorious cases, like illness of the parties or counsels and other similar cases. No postponement for a period longer than seven (7) days shall be allowed, and in no case shall the total number of postponements for one party be more than Twenty (20) days.

HON. HOMOBONO U. BARDILLON  
Mun. Vice-Mayor/Presiding Officer

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(Cont. Resolution No. 2022- of 1<sup>st</sup> SB Special Session, held on Sept. 09, 2022, etc.)

- b. a summary of proceeding thereon from the filing of the complaint to the transmittal of the records in chronological order indicating the action taken on the incidents involved; and
- c. a list of all pleadings, motions, manifestations, annexes, and other papers or documents filed by the contending parties, as well as the corresponding orders or resolutions.

The Transcript of the proceedings shall be paged consecutively and in chronological order, sewn on the left-hand side, or properly indexed, showing the page on which, the testimony of each witness begins.

**Section 2. Records Classification** - Records in administrative disciplinary cases are classified as confidential in nature and any information as to the charges, accusations, 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 and or their authorized representatives on the need-to-know basis pursuant to Memorandum Circular No. 78 dated August 14, 1964, as amended by Memorandum Circular No. 196 dated July 19, 1968, prescribing rules governing security of classified matter in government offices.

**RULE 9  
DECISION**

**Section 1. Rendition of Decision** - Within Thirty (30) days of receipt of the report of the Secretary to the Sanggunian and the transmittal record, the Disciplinary Authority shall render a decision in writing stating clearly and distinctly the facts and reasons for such decision shall immediately be furnished both the respondent and the complainant and all interested parties.

**Section 2. Finality of Decision** - The decision of the Disciplinary Authority shall become final and executory after the lapse of Thirty (30) days from the receipt of the copy thereof by the complainant or the respondent, as the case may be.

**Section 3. Decisions of the Sanggunian** - Decisions of the Sanggunian in administrative cases shall not require the approval of the mayor. (Sec. 66 R.A. 7160 and DILG Opinion No. 19, series of 2002, January 24, 2002)

**Section 4. Motion for Reconsideration** - No motion for reconsideration shall be allowed to the parties.

**RULE 10  
PENALTY**

**Section 1. Penalty** - A respondent found guilty of any of the offenses enumerated in Rule 2 thereof may be meted the penalty of reprimand, suspension, or removal depending on the gravity of evidence presented and the aggravating or mitigating circumstances that may be considered by the Disciplinary Authority.

**Section 2. Suspension** - The penalty of suspension shall not exceed the unexpired term of the respondent or a period of six (6) months for every administrative-offense, nor shall be said penalty be a bar to the candidacy of the respondent so suspended as long as he meets the qualifications required for the office.

**Section 3. Removal** - An elective local official may be removed from office on the grounds enumerated in Rule 2 hereof by order of the proper court or the Disciplinary Authority whichever first acquires jurisdiction to the exclusion of the other.

The penalty of removal from office as a result of an administrative investigation shall be considered a bar to the candidacy of the respondent for any elective position.

CERTIFIED THRU XEROX COPY  
FROM THE ORIGINAL

HON. HOMOBONO U. BARDILLON  
Mun. Vice-Mayor/Presiding Officer

FLOR G. YAP

FLOR G. YAP  
SB Secretary

HON. JERONIMO S. BARDILLON  
SB Member

HON. SUSANO MENDOZA  
SB Member

HON. REVIVALDO O. TRECENIE  
SB Member

HON. REO O. SACRANTE  
ABC Pres./Ex-Officio Member

HON. MARY ARLISSA ASHLEY A. GEROMA  
SK Fed. Pres./Ex-Officio Member

HON. JUDY M. DUMDUMA, JR.  
SB Member

HON. ROLANDO A. BUD-OY  
SB Member

HON. ANDRES BRYAN W. BAYONA  
SB Member

HON. JOSE JINGLE N. SUDARIO  
SB Member

HON. CARIDAY B. CARIDOG  
SB Member

(Cont. Resolution No. 2022-41 of 1<sup>st</sup> SB Special Session, held on Sept. 09, 2022, etc.)

**RULE 11  
APPEAL**

**Section 1. Administrative Appeal** - The decision of the Disciplinary Authority may within Thirty (30) days from receipt thereof by the respondent, be appealed to the Sangguniang Panlalawigan.

**Section 2. Period of Appeal** - Within Ten (10) days after the receipt of the notice of appeal filed by the respondent, the Secretary shall elevate the entire record of the case to the Sangguniang Panlalawigan without need of further orders from the Sangguniang Bayan.

**Section 3. Execution Pending Appeal** - An appeal shall not prevent a decision from becoming final or executory. The respondent shall be considered as having been placed under preventive suspension during the pendency of an appeal. In the event the appeal results in an exoneration the respondent shall be paid his salary and such other emoluments accruing during the pendency of the appeal.

**RULE 12  
MAINTAINANCE OF DOCKET BOOKS**

**Section 1.** The Sanggunian shall keep a docket for administrative cases where all complaints shall be properly entered and given their corresponding number in the order of receipt. The docket shall likewise contain in chronological order every pleading, notice, order, resolution, and other incidents of the case in summary form from receipt of the complaint to the service of decision.


**RESOLVED FINALLY** to furnish copies of this resolution to all parties in administrative cases filed before the Sanggunian.

**UNANIMOUSLY CARRIED.**

**WE HEREBY CERTIFY** to the correctness of the foregoing resolution.

  
**FLOR G. YAP**  
SB Secretary

ATTESTED:

  
**HON. HOMOONO U. BARDILLON**  
Municipal Vice-Mayor/Presiding Officer

  
**HON. JUDY M. DUMDUMA, JR.**  
SB Member

  
**HON. ANDRES BRYAN M. BAYONA**  
SB Member

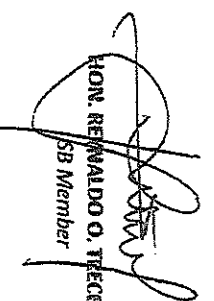
  
**HON. CARIDAD B. CABIDOG**  
SB Member

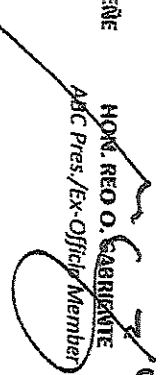
  
**HON. ROLANDO A. BUD-OY**  
SB Member

  
**HON. JOSE JINGLE N. SUDARIO**  
SB Member

  
**HON. JETROMUS JOSE S. BARDILLON**  
SB Member


  
**HON. SUSAIN O. MENDOZA**  
SB Member

  
**HON. REMALDO O. TECENE**  
SB Member

  
**HON. RED O. CABRIENTE**  
AdC Pres./Ex-Officio Member

  
**HON. MARY ALYSSA ASHLEY A. GERONA**  
SK Fed. Pres./Ex-Officio Member

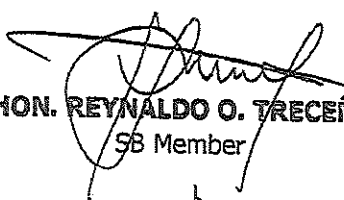
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FROM THE ORIGINAL

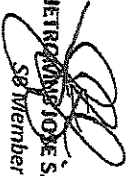
  
**FLOR G. YAP**  
SECRETARY TO THE SANGGUNIANG

(Cont. Resolution No. 2021-41 of 1<sup>st</sup> SB Special Session, held on Sept. 09, 2022, etc.)

  
HON. JUDY M. DUMDUMA, JR.  
SB Member

  
HON. SUSAN O. MENDOZA  
SB Member

  
HON. REYNALDO O. TRECEÑE  
SB Member

  
HON. JETRO M. JOSE S. BARDILLON  
SB Member

  
HON. RED O. GABRIENTE  
ABC Pres./Ex-Officio Member

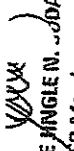
  
HON. MARY ANN YSSA ASHLEY A. GERONA  
SK FED. Pres./Ex-Officio Member

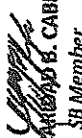
APPROVED:

  
HON. ANGELITA M. DELUSA  
Municipal Mayor


HON. ROLANDO A. BUD-OY  
SB Member


  
HON. ANDRES BRYAN W. BAYONA  
SB Member

  
HON. JOSE ANGLIE N. ODARIO  
SB Member

  
HON. RICARDO B. CABIDOG  
SB Member

CERTIFIED TRUE XEROX COPY  
FROM THE ORIGINAL

  
FLOR E. YAP  
SECRETARY TO THE SANGGUNIANG

  
HON. HOMOBONO U. BARDILLON  
Mun. Vice-Mayor/Presiding Officer

  
FLOR G. YAP  
SB Secretary



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF DAGAMI



\*

**Hon. Basilio D. Calda**  
Brgy. Chairman  
Brgy. Cabuloran, Dagami, Leyte  
6515

Respondent.

**NOTICE OF PRELIMINARY CONFERENCE**

Please be informed that a preliminary conference has been scheduled for the above-captioned case.

Date: January 16, 2025  
Time: 10:00 o'clock in the Morning  
Venue: 2<sup>nd</sup> floor Legislative building  
SB Session Hall  
Dagami, Leyte

Attendance Requirement:

- . Both parties are required to attend the preliminary conference in person.
- . Please bring all relevant documents, evidence, and a list of witnesses you intend to present.

Thank you for your attention to this matter.

**Hon. Homobono U. Bardillon**  
Mun. Vice- Mayor/Presiding Officer  
Dagami, Leyte.

01-14-2025

CERTIFIED THRU XEROX COPY  
FROM THE ORIGINAL

FLOR G. YAP  
SECRETARY TO THE SANGGUNIANG



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF DAGAMI



\*

**Hon. Basilio D. Calda**  
Brgy. Chairman  
Brgy. Cabuloran, Dagami, Leyte  
6515

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Thank you for your attention to this matter.

**Hon. Homobono U. Bardillon**  
Mun. Vice-Mayor/Presiding Officer  
Dagami, Leyte.

RECEIVED BY:

ALONSO ENERO - 0-1-14

REYNALDO J. NEVAVIZA - 01-14-2025

ANGELO BALADO - 01-14-2025

MARICEL N. ARQUITA - 01-14, 2025

MARIBES O. JAMIL - 01-14, 2025

Ley Mar F. J. Talante - 01-14-2025

CERTIFIED THRU XEROX COPY  
FROM THE ORIGINAL

FLOR G. YAP  
SECRETARY TO THE SANGGUNIANG



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF DAGAMI



\*

**Marites O. Aurillo**  
Brgy. Health Worker  
Brgy. Cabuloran, Dagami, Leyte  
6515

for: Grave Misconduct and  
Abuse of Authority

Complainant,

-versus-

**Hon. Basilio D. Calda**  
Brgy. Chairman  
Brgy. Cabuloran, Dagami, Leyte  
6515

Respondent.

**NOTICE OF PRELIMINARY CONFERENCE**


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Thank you for your attention to this matter.

  
**Hon. Homobono U. Bardillon**  
Mun. Vice-Mayor/Presiding Officer  
Dagami, Leyte.

**CERTIFIED THRU XEROX COPY  
FROM THE ORIGINAL**  
  
**FLOR G. YAP**  
SECRETARY TO THE SANGGUNIANG



Republic of the Philippines  
Province of Leyte  
**Municipality of Dagami**  
oOo

**Office of the Sangguniang Bayan**

The minutes of the pre-trial conference held at the Sangguniang Bayan, Dagami, Leyte, at 10:30 a.m., on the 2nd floor of the Legislative Building.

**BRGY. OFFICIALS**

Brgy. Cabuloran,  
Dagami, Leyte

Complainant

OMB Case No. 2024-002  
For: Grave Abuse of Authority,  
Grave Misconduct and Conduct  
Unbecoming of a Public Servant

-versus-

**HON. BASILIO CALDA**

Brgy. Cabuloran,  
Dagami, Leyte

Respondent

**Place: Sangguniang Bayan session hall 2<sup>nd</sup> floor legislative building  
Dagami, Leyte.**

**Hon. Judy Dumduma, Jr.:** May the parties formally enter their appearances.

**Atty. Joseph Veloso Escolano:** Good morning, Your Honors. I respectfully enter my appearance for the complainants. I am Atty. Joseph Veloso Escolano, and with me is Atty. Almira Conception, my collaborating counsel, also representing all the complainants.

**Hon. Judy Dumduma, Jr.:** It appears that the defendant and their counsel are not present. In accordance with Rule 18, Section 5 of the Rules of Civil Procedure, failure to appear on the part of the defendant and their counsel shall entitle the plaintiff to present evidence ex parte within ten (10) calendar days from the termination of the pre-trial. The court may thereafter render judgment based on the evidence presented.

We shall now proceed with the pre-trial despite the absence of the defendant.

**Hon. Judy Dumduma, Jr.:** It appears that the defendant and his counsel are not present. In accordance with Rule 18, Section 5 of the Rules of Civil Procedure, failure to appear on the part of the defendant and his counsel shall allow the plaintiff to present evidence ex parte within ten (10) calendar days from the termination of the pre-trial. The court may then render judgment based on the evidence presented. We shall now proceed with the pre-trial in the absence of the defendant.

**CERTIFIED THRU XEROX COPY  
FROM THE ORIGINAL**

  
**FLOR G. YAP**

**SECRETARY TO THE SANGGUNIANG**

**Atty. Joseph Veloso Escolano:** Yes, Your Honor. We are ready to proceed with the pre-trial.

**Hon. Judy Dumduma, Jr.:** Just for clarification — it appears that this pre-trial was submitted by your clients, correct?

**Atty. Joseph Veloso Escolano :** Yes, Your Honor.

**Hon. Judy Dumduma, Jr.:** To confirm, this pre-trial pertains to the same clients and is filed against the defendant, Basilio Calda?

**Atty. Joseph Veloso Escolano:** Yes, Your Honor.

**Hon. Judy Dumduma, Jr.:** Then, are you willing to consolidate the cases?

**Atty. Joseph Veloso Escolano:** Yes, Your Honor. In fact, I was about to move for the consolidation of all five cases, considering that they involve common issues and grounds against the respondent, Your Honor.

**Hon. Judy Dumduma, Jr.:** I am willing to adopt what appears in your pre-trial brief. Is that acceptable?

**Atty. Joseph Veloso Escolano:** Yes, Your Honor. Although we have an additional case we would like to propose, with the Court's permission.

**Hon. Judy Dumduma, Jr.:** yes

**Atty. Joseph Veloso Escolano:** Yes, Your Honor. Although we have an additional case we would like to propose, In the Statement of Facts, Your Honor, we currently have fourteen (14) items. We would like to add a fifteenth: the failure to release SK funds from October to November 2024, as well as the prior delays in the release of these funds, all of which reflect discrepancies inconsistent with the approved schedule.

This should be Item No. 15: the delay and failure to release the SK funds from October to November 2024. Additionally, Your Honor, we would like to include the continued failure to release said funds from January 2025 up to the present date, which is now June 2025.

**Hon. Judy Dumduma, Jr.:** Is that all your concern?

**Atty. Joseph Veloso Escolano:** Yes, Your Honor. Although we would have preferred that the other party be present to admit certain material facts, considering their absence today, we shall proceed. We respectfully assure the Honorable Sangguniang Bayan that the complainants are ready to present their statements for the record.

**First, with respect to REYMART D. NEVALIZA:** He is the current Barangay Secretary. We wish to place on record that, since August 2024, he received a text message from the respondent informing him of the termination of his services as Barangay Secretary—merely through a text message, without formal documentation. Furthermore, from July 2024 up to the present, Mr. Reymart Nevaliza has not received his honoraria. For the record, he was officially appointed as Barangay Secretary on March 21, 2024.

**Second, with respect TO ANECITA M. PALACIO:** She is a former Barangay Secretary. We wish to place on record that she received a formal termination order on March 20, 2024. However, her honoraria for the months of January and February 2024 have not been released by the respondent. For context, her appointment began in March 2023.

**Third, with respect to MARITES O. AURELIO:** She is a current Barangay Health Worker, appointed in 2007. Since August 2024 up to the present, she has not received her honoraria. Additionally, from January 2024 to August 2024, her honoraria were consistently delayed. She has been repeatedly informed by the respondent that her honoraria are not yet available, despite her knowledge that the honoraria of other appointed Barangay officials have already been released.

**Fourth, with respect to ALFONSO S. ENERO:** He is currently serving as the Chief Tanod. We wish to place on record that since January 2024 up to the present, he has not received any honoraria. He was appointed as Chief Tanod in November 2023.

**Fifth, with respect to LEYMART L. VILLASANTE:** He is the current Sangguniang Kabataan (SK) Chairman. We would like to point out that there have been continuous delays in the release of the SK funds prior to October 2024. From October 2024 up to the present, no SK funds have been released. We respectfully bring to the attention of this Honorable Body Joint Memorandum Circular No. 1, Series of 2019, issued jointly by the DBM, DILG, and the National Youth Commission, which prescribes the immediate release of SK funds as soon as they are available. Specifically, Section 3.2.3 provides, and I quote: **"The SK funds shall be deposited by the Barangay in the current account of the SK not later than five (5) working days after the crediting of the monthly Internal Revenue Allotment share of the Barangay."**

Additionally, we would like to place on record that Mr. LEYMART L. VILLASANTE has not received his mandatory bonus, and since August 2024 up to the present, he has not received his honoraria.

**Atty. Joseph Veloso Escolano:** Finally, Your Honor, we wish to state for the record that the respondent has not submitted any written answer to the complaint filed by Barangay Health Worker Marites O. Aurelio. This applies solely to her case. That would be all, Your Honor, on behalf of the complainants.

**Hon. Judy Dumduma, Jr.:** Since the defendant and his counsel are not present, this pre-trial conference is now adjourned. The parties are directed to submit their respective Position Papers or Memoranda, together with the Judicial Affidavits of their witnesses. The parties are also directed to submit their respective draft resolutions for the consideration of this Honorable Body. This pre-trial conference is hereby adjourned.

**Atty. Joseph Veloso Escolano:** Thank you, Your Honor.

The pre-trial conference was adjourned at 11:35 a.m.

I hereby certify the accuracy and correctness of the pre-trial minutes.



**FLOR G. YAP**

**Secretary to the sangguniang Bayan**

**CERTIFIED THRU XEROX COPY  
FROM THE ORIGINAL**



**FLOR G. YAP  
SECRETARY TO THE SANGGUNIANG**