



Republic of the Philippines
City of Roxas
Office of the Sangguniang Panlungsod



EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE SANGGUNIANG PANLUNGSOD OF THE CITY OF ROXAS, HELD AT THE SP SESSION HALL ON MARCH 02, 2021.

PRESENT:

-	Hon. Erwin B. Sicad	...	Vice Mayor I Presiding Officer
	Hon. Jericho Angel L. Celino	...	Sanggunian Member I
	Hon. John Paul J. Arcenas	...	Sanggunian Member I
	Hon. Midelo D. Ocampo	...	Sanggunian Member I
	Hon. Cesar S. Yap, Jr.	...	Sanggunian Member I
	Hon. Trina Marie A. Ignacio	...	Sanggunian Member I
	Hon. Moreno A. Gonzaga	...	Sanggunian Member I
	Hon. Albert Gregory Y. Potato	...	Sanggunian Member I
	Hon. Paul Ivan R. Baticados	...	Sanggunian Member I
	Hon. Corazon B. Tiangco	...	Sanggunian Member I
	Hon. Virgilio A. Santos, Jr. (ABC Rep)	...	Sanggunian Member I

ABSENT:

	Hon. Roberto V. Ignacio	...	Sanggunian Member I (Vac. Leave)
	Hon. Kriza V. Fernando (SK Rep)	...	Sanggunian Member I (PTL)

RESOLUTION NO. 013 – 2021

RESOLUTION APPROVING AND ADOPTING THE ORDER ISSUED AND RECOMMENDED BY THE COMMITTEE ON GOOD GOVERNMENT AND HUMAN RIGHTS TO DISMISS SP ADMINISTRATIVE CASE NO. 156-2020 WITHOUT PREJUDICE.

WHEREAS, A Verified complaint for Grave Misconduct, Dishonesty and Conduct Unbecoming a Public Official was filed by Ms. Yolly Jean C. Escano of Barangay Dumolog against Barangay Captain Mario Richard Artillero of Barangay Dumolog, Roxas City;

WHEREAS, to resolve this issue, the Committee on Good Government and Human Rights is guided by SP Resolution No. 006-2011, otherwise known as the Rules of Procedure in the Conduct of Administrative Investigation Involving Elective Barangay Officials, which was approved and adopted by the Sangguniang Panlungsod on February 8, 2011;

WHEREAS, Section 2, Rule 3 of SP Resolution No. 006-2011 is the controlling law affecting complaints. It provides that *“No complaint against any Barangay elective/ appointed official shall be given due course unless the same is in writing and verified under oath xxx xxx (d) A certification by the complainant that no other administrative action or complaint against the same party involving the same acts or omissions and issues, has been filed before any agency or administrative body performing quasi-judicial functions”*;

WHEREAS, any complaint filed before the Sangguniang Panlungsod must comply with the requirements enumerated in Section 2 of Rule 3, otherwise the complaint is susceptible to being dismissed without prejudice;

WHEREAS, an examination of the complaint revealed that it does not contain a Certification Against Forum Shopping, an essential requirement specifically imposed in Section 2 (d), Rule 3 of SP Resolution No. 006-2011;


NOW THEREFORE, on motion presented by Hon. Paul Ivan R. Baticados, jointly seconded by Hon. Jericho Angel L. Celino and Hon. Cesar S. Yap, Jr., it was

RESOLVED, as it is hereby RESOLVED, to DISMISS the SP Administrative Case No.156-2020 WITHOUT PREJUDICE.

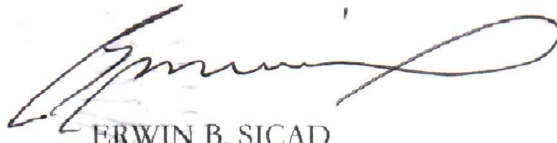
RESOLVED, FINALLY, that a copy of this Resolution with the attached Order be furnished to both parties, the Department of Interior and Local Government (DILG), Office of the City Mayor and the Office of the Barangay Council of Barangay Dumolog, Roxas City.

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I hereby certify that this Resolution was duly passed and approved by the Sangguniang Panlungsod of Roxas City on the date herein stated.


CARMELITA A. SOBERANO
Administrative Officer V
OIC - SP Secretary

ATTESTED:


ERWIN B. SICAD
Vice Mayor
Presiding Officer

Republic of the Philippines
City of Roxas
COMMITTEE ON GOOD GOVERNMENT AND HUMAN RIGHTS
Sangguniang Panlungsod, Roxas City Hall

YOLLY JEAN ESCANO,
Complainant,

Admin. Case No. SP-156-2020

- versus -

MARIO ARTILLERO,
Respondent.

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ORDER

Before this Committee is an administrative complaint for Grave Misconduct, Dishonesty and Conduct Unbecoming of a Public Official filed by Yolly Jean Escano against Mario Artillero, Punong Barangay of Barangay Dumolog, Roxas City.

To resolve the issue, this Committee is guided by **SP Resolution No. 006-2011** otherwise known as the **Rules of Procedure in the Conduct of Administrative Investigation Involving Elective Barangay Officials** – the applicable **Rule** – which was approved and adopted no less by the Sangguniang Panlungsod on February 8, 2011.

Section 2, Rule 3 of **SP Resolution No. 006-2011** is the controlling law affecting Complaints. It provides:

SECTION 2. Form of complaint. – *No complaint against any Barangay elective/appointed official shall be given due course unless the same is in writing and verified under oath.*

xxx xxx xxx

The complaint **shall** also contain the following:

(a) xxx xxx

(b) xxx xxx

(c) xxx xxx

(d) A **certification** by the complainant that no other administrative action or complaint against the same party involving the same acts or omissions and issues, has been filed before any agency or administrative body performing quasi-judicial functions;

xxx xxx xxx

It should be noted that the wording of above-stated Section imposes a command in view of the use of the word "**shall**", which, in legal parlance is considered mandatory. Thus, any complaint filed before the Sangguniang Panlungsod must comply with the requirements enumerated in Section 2 of Rule 3. Otherwise, the complaint is susceptible to being dismissed without prejudice.

A facial examination of the Complaint would evidently reveal that it does not contain a **Certification against Forum Shopping** – an essential requirement specifically imposed by **Section 2 (d), Rule 3 of SP Resolution 006-2011**.

What is the effect in instances where the Complaint is found to be non-compliant with the requirements of Section 2, Rule 3 of SP Resolution No. 06-2011?

The last paragraph of the same section explicitly answers the question. It provides:

Non-compliance with the foregoing requirements shall cause the dismissal of the complaint, xxx xxx;

Accordingly, this Committee cannot give due course to the Complaint in view of the glaring non-compliance with the foregoing requirement. The directive of the aforementioned rule, being in the form of a command, this Committee is left without a choice but to heed the command and uphold the rule.

WHEREFORE, this Committee resolves to DISMISS the Complaint WITHOUT PREJUDICE.

SO ORDERED.

Roxas City, Philippines, March 1, 2021


ATTY. PAUL IVAN R. BATIGADOS
Vice-Chairman


HON. TRINA MARIE A. IGNACIO
Member


HON. JOHN PAUL ARCENAS
Member