

MAR 11 2025



RECEIVED
DATE: 3/11/25
TIME: 2:00 PM
BY: [Signature]
 PO 23CC-174
 PR

**Republic of the Philippines
23rd City Council
Quezon City**

PROPOSED ORDINANCE NO. SP- _____, S-2025

AN ORDINANCE PROVIDING FOR THE REVISED RULES IN THE INVESTIGATION, HEARING, AND DISPOSITION OF ADMINISTRATIVE CASES AGAINST ELECTIVE BARANGAY OFFICIALS, THEREBY AMENDING ORDINANCE NO. SP-798, S-99, AS FURTHER AMENDED BY ORDINANCE NO. SP-805, S-99, AND APPROPRIATING FUNDS THEREOF

Introduced by: **Hon. Jose Maria "Mari" M. Rodriguez**

WHEREAS, Section 61 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, authorizes the Sanggunian to hear and investigate administrative complaints against elective barangay officials;

WHEREAS, there is a need to establish a clear and uniform procedure to govern the filing, investigation, and resolution of such administrative complaints;

WHEREAS, in order to avoid baseless and unfounded complaints or complaints which are only filed for political maneuverings that unnecessarily disrupts the performance of the impleaded elected barangay official's legitimate public functions, it is imperative to integrate a more just, speedy and inexpensive disposition of administrative cases by holding preliminary conference hearings;

WHEREAS, the adoption of a preliminary conference shall be mandatory in the investigation of administrative complaints to help simplify issues, establish facts, and ensure orderly presentation of evidence;

WHEREAS, the said mandatory preliminary conference is necessary to ensure the speedy disposition of administrative cases against barangay officials, consistent with the constitutional right to due process and the public interest in maintaining integrity in public service;

WHEREAS, what is involved herein is not just an ordinary public official but one chosen by the people through the exercise of their constitutional right of suffrage. The filing of administrative complaints must not be put to naught by the caprice or partisanship of anyone.

WHEREAS, it is important to stress that procedural rules do not just exist for the convenience of the litigants but are established primarily to provide order to, and enhance the efficiency of the Sangguniang Panlungsod's power to discipline erring barangay elective officials;

WHEREAS, by virtue of Republic Act No. 10170, reapportioning the second legislative district of Quezon City, there are two additional

legislative districts created thereby making a total of six (6) legislative districts in Quezon City;

WHEREAS, the Sangguniang Kabataan Federation President serves as the ex-officio member of the Sangguniang Panlungsod and leads the youth representatives from all barangays within Quezon City. Hence, the composition of the Special Investigation Committee must be revisited;

NOW, THEREFORE,

BE IT ORDAINED BY THE QUEZON CITY COUNCIL IN REGULAR SESSION ASSEMBLED:

Section 1. Title. This Ordinance shall be known as the "Revised Rules of Procedure on Administrative Cases Against Elected Barangay Officials".

Section 2. Coverage. A Special Investigation Committee on Administrative Cases Against Elective Barangay Officials is created to investigate all administrative complaints filed against Quezon City elected barangay officials, namely: Punong Barangay, Barangay Kagawad, Sangguniang Kabataan Chairperson, and members of the Sangguniang Kabataan.

Section 3. Construction. These rules shall be liberally construed in order to promote a just, speedy, and inexpensive disposition of administrative cases.

The proceedings in the Committee shall be summary in nature and shall be conducted without strict recourse to technical rules of procedure and evidence applicable to judicial proceedings.

Section 4. Grounds for Disciplinary Action. An elective barangay official may be disciplined or suspended on any of the following grounds committed while in office:

- a. Disloyalty to the Republic of the Philippines;
- b. Culpable violation of the Constitution;
- c. Dishonesty, oppression, misconduct in office, gross negligence, or dereliction of duty;
- d. Commission of any offense involving moral turpitude or an offense punishable by at least prison mayor;
- e. Abuse of authority;
- f. Application for, or acquisition of, foreign citizenship or residence or the status of an immigrant of another country; and
- g. Such other grounds as may be provided in this Code and other laws.

Section 5. Form and Filing of Administrative Complaints. Administrative proceedings may be initiated by filing a verified complaint in seven legible copies, accompanied by a certification against forum shopping, before the sangguniang panlungsod, through the Office of the Secretary to the Sangguniang Panlungsod.

Section 6. Referral to the Special Investigation Committee. Upon receipt of the administrative complaint, the Office of the Secretary to the Sangguniang Panlungsod shall forthwith include the same in the Order of Business for the next City Council session for referral to this Committee.

Section 7. Issuance of Summons. Within seven (7) days after the complete records of the case is transmitted to this Committee, the Committee Secretariat shall record and assign a docket number to the complaint and the respondent shall be furnished with a copy thereof with the affidavits and other evidence submitted by the complainant, and shall be required to file his/her verified answer and other evidence in support of his/her defense, within fifteen (15) days from receipt, copy furnished the complainant.

A motion for extension of time to file an Answer is not allowed unless for justifiable circumstances as may be determined by the Committee.

Section 8. Preliminary Conference. Within ten (10) days after receipt of such verified answer of the respondent, the Committee shall set the case for mandatory preliminary conference. A notice of preliminary conference shall be sent to the parties to consider the following:

- a. The simplification of the issues;
- b. The possibility of obtaining stipulations or admissions of facts and of documents to avoid unnecessary proof;
- c. The validation of the respective parties' positions and the relief sought;
- d. The propriety of rendering judgment on the pleadings submitted or of dismissing the complaint should a valid ground therefor be found to exist;
- e. The marking of respective evidence;
- f. The examination and comparison of the adverse parties' evidence;
- g. Stipulations regarding the faithfulness of the reproduction and genuineness and due execution of the adverse parties' evidence;
- h. Such other matters as may aid in the prompt disposition of the case.

Section 9. Non-Appearance during Preliminary Conference. Failure of the complainant or respondent to appear at the Preliminary Conference, despite due notice, shall be deemed a waiver of the right to participate therein. The Committee may proceed with the Preliminary Conference in the absence of the non-appearing party and issue appropriate orders.

Section 10. Minutes of the Preliminary Conference. All matters taken up, agreements or stipulations made or entered during the preliminary conference shall be reduced in writing. The minutes shall be prepared by the assigned Hearing Officer, to be signed by the parties and attested by the Committee Chairperson. Said Minutes shall be deliberated and acted upon by the Committee during its immediately next hearing.

The Minutes shall govern the subsequent course of the proceedings, unless modified to prevent manifest injustice.

Section 11. Action on the Minutes of Preliminary Conference by the Committee Members. Upon submission of the Minutes by the assigned Hearing Officer, the committee members shall act on the same either by dismissing the case on meritorious grounds, submitting the case for decision, calling for clarificatory hearing, or directing the parties to submit their position paper, as the case may be.

Section 12. Committee Report. After its investigation, the Committee shall submit its report in the form of a resolution stating therein clearly and distinctly the facts and the law on which it is based, its findings, conclusion and recommendation, to the City Council, through the Office of the Secretary of the Sangguniang Panlungsod. The Office of the Secretary of the Sangguniang Panlungsod shall immediately include the report in the Order of Business for the next City Council's session.

Section 13. Decision. The City Council in plenary session shall deliberate, act and render its written decision on the report submitted by the Special Investigation Committee within thirty (30) days after the end of the investigation.

The City Council Secretary shall prepare and serve copies of the decision to the parties embodying the action taken by the City Council and attaching therewith the committee report.

Section 14. Composition. The Special Investigation Committee shall be composed of the following:

- a. Chairman of the Committee on Barangay Affairs as Chairman;
- b. Chairman of the Blue Ribbon Committee as Co-Vice Chairman;
- c. Chairman of the Committee on Justice and Human Rights as Co-Vice Chairman;
- d. Majority Floor Leader as Ex-Officio Member;
- e. Minority Floor Leader as Ex-Officio Member;
- f. SK Federation President as Member; and
- g. One councilor each from the six legislative districts of Quezon City to be chosen by the Councilors in each district, as Members.

Section 15. Creation of Plantilla Positions. There shall be new plantilla positions to be created under the Office of the Liga ng mga Barangay as follows:

1. Two (2) Attorney III (Hearing Officer) with Salary Grade 21
2. Two (2) Local Legislative Staff Assistant III with Salary Grade 10
3. One (1) Administrative Aide III (Messenger) with Salary Grade 3

Section 16. Venue. The venue of the hearing and investigation shall be determined by the Committee which shall be within the Quezon City Hall Legislative Building where the City Council is located.

Section 17. 90-day Election Ban. No investigation shall be held within ninety (90) days immediately prior to any local elections, and no preventive suspension shall be imposed within the same period. If preventive suspension has been imposed prior to the 90-day period immediately preceding the local elections, it shall be deemed automatically lifted upon the start of the said period.

Section 18. Preventive Suspension. Preventive Suspension may be imposed by the City Mayor, pursuant to Sec. 63 of the Local Government Code of 1991. The respondent official preventively suspended from office shall receive no salary or compensation during such suspension. However, upon subsequent exoneration and reinstatement, he/she shall be paid his/her full salary or compensation including other emoluments accruing during his/her suspension.

Section 19. Implementation of the Decision. The City Mayor shall implement and enforce the decision of the City Council and monitor the proper implementation thereof.

Section 20. Appeal. Decisions of the City Council may be appealed by the aggrieved party to the Office of the President within thirty (30) days from receipt thereof. However, such 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 the appeal. In the event the appeal results in exoneration, he/she shall be paid his/her salary and such other emoluments accruing during the pendency of the appeal.

Section 21. Decision of the Office of the President. Decisions of the Office of the President shall be final and executory.

Section 22. Repealing Clause. All ordinances, resolutions, rules and regulations or part thereof which are inconsistent with any provision of this Ordinance are hereby repealed, amended or modified accordingly.

Section 23. Effectivity Clause. This Ordinance shall take effect after its publication in a newspaper of general circulation, and after posting of copies in conspicuous locations within Quezon City.

ENACTED: _____

Submitted by:

HON. JOSE MARIA "MARI" M. RODRIGUEZ
Liga President/City Councilor