



Republika ng Pilipinas
Lungsod Quezon
SANGGUNIANG PANLUNGSOD
(City Council)

PO99-73

32nd Regular Session

ORDINANCE NO. ~~SP- 798~~ S-99

AN ORDINANCE PROVIDING FOR THE RULES AND REGULATIONS IN THE INVESTIGATION, HEARING AND DISPOSITION OF ADMINISTRATIVE CASES AGAINST ELECTIVE BARANGAY OFFICIALS.

Introduced by Councilor VINCENT P. CRISOLOGO.

Co-Introduced by Councilors Godofredo T. Liban II, Jorge L. Banal, Elizabeth A. Delarmente, Eufemio C. Lagumbay, Ma. Fresca M. Biglang-awa, Anthony C. Castelo, Wilma Amoranto-Sarino, Nanette Castelo Daza, Almario E. Francisco, Eric Z. Medina, Marciano P. Medalla, Julian M.L. Coseteng, Rommel R. Abesamis, Fernando V. Avanzado and Marcel C. Rillo.

WHEREAS, Book 1, Chapter 4, Sec 61 of the Local Government Code of 1991 (RA7160) provides that administrative complaints against elective barangay officials shall be filed before the Sangguniang Panlungsod concerned;

WHEREAS, pursuant to said provisions of the law, the City Council is vested with authority to investigate, hear and dispose of complaints against elected barangay officials;

WHEREAS, in the investigation of such complaints, there must be an orderly and fair procedure on how to effectively implement the provisions of said law;

NOW, THEREFORE,

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

SECTION 1. a) A Special Investigation Committee on Administrative Cases Against Elective Barangay Officials, hereinafter referred to as the Committee, is hereby created to investigate all administrative cases/complaints against Quezon City elected barangay officials.

b) The Committee shall receive and evaluate all the evidence presented, listen to the testimonies of the parties and their respective witnesses, if any, prepare and submit its report in the form of a resolution, stating clearly and distinctly the facts and the law on which it is based, its findings, conclusions and recommendations, to the City Council, through the City Secretary who shall immediately include the report in the Agenda for the next Council's session for its deliberation and decision.

c) The Committee shall be composed of the Chairman of the Blue Ribbon Committee, as Chairman; the Chairman of the Committee on Justice and Human Rights, as Vice Chairman; the Majority Floor Leader and the Minority Floor Leader, as ex-officio members; the Chairman of the Committee on Barangay Affairs and one Councilor each from the four congressional districts of Quezon City, to be chosen by the councilors in each district, as members.

d) The Chairman shall preside over the Committee meetings and rule on all motions and questions and see to it that the proceedings are orderly and in accordance with pertinent laws.

e) There shall be a staff, headed by the City Council Secretary, composed of one (1) Chief of Staff with a position of Legislative Staff Officer IV with a salary of P14,538.00, two (2) Technical Assistant II with a salary of P11,510.00 each, and seven (7) Project Monitoring Assistant III with a salary of P6,500.00 each, funding thereof shall be appropriated in the budget for the next fiscal year and the fiscal years thereafter.

f) The amount of Five Hundred Twenty Thousand Pesos (P520,000.00) shall be appropriated in the budget in the next fiscal year and the fiscal years thereafter for the committee's capital outlay, and maintenance and operational expenses including purchases of stationaries, ballpens, xerox expenses and other requirements or expenses that may be needed by the Committee in the effective performance of its functions.

g) In the meantime that there is no appropriation for 1999, the needed office materials and staffs shall be provided temporarily by the City Council Secretary, unless the City Mayor shall provide funds for the operation of Committee or until the next budget is approved.

h) The proceedings in the Committee shall be summary in nature and may not strictly adhere to the Rules of Court or evidence.

SECTION 2. Administrative complaint against any elective barangay official of Quezon City shall be filed before the City Council, through the Office of the City Council Secretary. The complaint must be verified in accordance with law. Otherwise, the complaint shall be returned immediately to the last known address of the complainant for verification.

SECTION 3. Upon receipt of such verified complaint, the City Council Secretary shall inform the Majority Floor Leader of such complaint and include the same in the agenda for the next Council session for referral to the appropriate Committee.



SECTION 4. The Committee secretariat shall record and assign a docket number to the complaint; notifies and requires the respondent, within seven (7) days after the administrative complaint is filed, to submit a verified answer within fifteen (15) days from receipt thereof. Unreasonable failure of the respondent to file the verified answer within fifteen (15) days from receipt of the complaint shall be considered a waiver to present evidence in his behalf. Within ten (10) days after receipt of the verified answer, the Committee shall commence to hear and investigate the case.

SECTION 5. The respondent shall be accorded full opportunity to appear and defend himself in person or assisted by counsel, to confront and cross-examine the witnesses against him, and to require the attendance of witnesses and the production of documentary evidence in his favor through the compulsory process of subpoena duces tecum.

SECTION 6. The venue of the hearing and investigation shall be determined by the Committee which shall be within the Quezon City Hall Complex where the City Council is located.

SECTION 7. 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 8. 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 shall be paid his full salary or compensation including other emoluments accruing during his suspension.

SECTION 9. The investigation of the case shall be terminated within ninety (90) days from the start thereof.

The Committee shall receive and evaluate all the evidence presented, prepare and 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 City Council Secretary who shall immediately include the report in the Agenda for the next City Council's session.

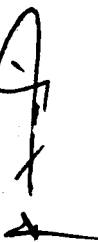
SECTION 10. The City Council in plenary session shall deliberate, act and render its written decision on the report or resolution submitted by the Committee within thirty (30) days after the end of the investigation.

SECTION 11. The City Council Secretary shall thereafter prepare and serve copies of the decision to the respondent and to all interested parties embodying the action taken by the City Council and attaching therewith the committee report or resolution.



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SECTION 12. The City Mayor shall implement and enforce the decision of the City Council and monitor the proper implementation thereof.


SECTION 13. 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 shall be paid his salary and such other emoluments accruing during the pendency of the appeal.

SECTION 14. Decisions of the Office of the President shall be final and executory.


SECTION 15. 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 16. This Ordinance shall take effect immediately upon its approval.

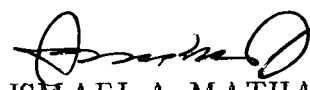
ENACTED: June 1, 1999.


JORGE L. BANAL
President Pro-Tempore
Acting Presiding Officer

ATTESTED :


EUGENIO V. JURILLA
City Council Secretary

APPROVED: _____


ISMAEL A. MATHAY, JR.
City Mayor