



Republic of the Philippines  
PROVINCE OF LEYTE  
SANGGUNIANG PANALALWIGAN



COMMITTEE ON RULES, LAWS and PRIVILEGES

COMMITTEE REPORT

Referred to the Committee on Rules, Laws and Privileges is Resolution No. 2022-109A of MacArthur, Leyte entitled "A Resolution Addressed to the Provincial Vice Governor Honorable Leonardo M. Javier, Jr. and Honorable Members of the Sangguniang Panlalawigan Through Atty. Alden Aveztruz, Provincial Legal Officer, Province of Leyte, requesting for Legal Opinion on the Jurisdiction to Hear and Decide Administrative Cases".

After perusal and careful evaluation of the documents attached to Resolution No. 2022-109A, it was disclosed that this instant request from the Sangguniang Bayan of MacArthur Leyte emanated from a complaint filed by a certain JENELITO C. PALAÑA, a resident of Brgy. Maya against their Punong Barangay, PEPITO C. GUIMALAN. The said complaint was filed before the Office of the OMBUDSMAN (Visayas); however was endorsed to the Sangguniang Bayan of MacArthur, Leyte by the former.

Punong Barangay PEPITO C. GUIMALAN is the current ABC President of the municipality of Macarthur and thus, a member of the said Sangguniang Bayan where the aforementioned complaint of JENELITO C. PALAÑA was forwarded for appropriate action by the Ombudsman.

Hence the query on their jurisdiction to hear and decide administrative cases.

The Local Government Code on **Par. c, Sec. 61, CHAPTER 4. On DISCIPLINARY ACTIONS**, the same provides as follows:

**SEC. 61. Form and Filing of Administrative Complaints.** - A verified complaint against any erring local elective official shall be prepared as follows:

- (a) A complaint against any elective official of a province, a highly urbanized city, an independent component city or component city shall be filed before the Office of the President;
- (b) A complaint against any elective official of a municipality shall be filed before the Sangguniang Panlalawigan whose decision may be appealed to the Office of the President; and

- (c) **A complaint against any elective barangay official shall be filed before the sangguniang panlungsod or sangguniang bayan concerned whose decision shall be final and executory. (Emphasis Ours)**

Further as provided likewise by Rule XIX, ARTICLE 125 of ADMINISTRATIVE ORDER NO. 270 - PRESCRIBING THE IMPLEMENTING RULES AND REGULATIONS OF THE LOCAL GOVERNMENT CODE OF 1991, the same states as follows:

**Article 25. Form and Filing of Administrative Complaints.** - A verified complaint against any erring elective local official shall be prepared and filed as follows:

- (a) Against any elective official of a province, a highly-urbanized city, a component city, a municipality within MMA, an independent component city, before the Office of the President;
- (b) Against any elective official of a municipality, before the sangguniang panlalawigan whose decision may be appealed to the Office of the President.
- (c) **Against any elective barangay official, before the sangguniang panlungsod or sangguniang bayan concerned whose decision shall be final and executory. (Emphasis Ours)**

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On the basis of both provisions of the law, it is very clear that complaints against a Barangay Official is within the jurisdiction of the Sangguniang Bayan concerned and in this case of the Sangguniang Bayan of Macarthur Leyte.

Notice that the law or the Local Government Code did not mention any condition or qualification, particularly referring to complaints against a Barangay Official holding an office in an ex-officio capacity. Further, after thorough research made by the committee, it did not find or come across any other laws, issuances or orders enacted or issued by a competent authority, providing for a distinctive rules and procedures for cases similar to this instant concern endorsed to the Sangguniang Panlalawigan.

It is therefore the opinion of the Committee, pursuant to par. c, Sec. 61 of the Local Government Code and par. c of Art. 125 of Administrative Order 270, that the Sangguniang Bayan of Macarthur Leyte has jurisdiction over all administrative complaints against barangay officials, particularly if the complaint against them is related to the performance of their duties and mandates as officers of their barangay.

It is however recommended, that in this particular case, respondent Punong Barangay of Brgy. Maya, PEPITO C. GUIMALAN inhibit himself from any and all proceedings, which may be conducted by the Sangguniang Bayan of MacArthur, Leyte relative to the case filed against him, until the same is finally disposed of.

Recommended further that before a resolution is issued to this effect, this opinion made by the committee be furnished first to the Office of Provincial Legal Office for their review, comments or ratification within (5) days after the receipt of this committee report. This is to ensure that whatever legal opinion is issued from the province of Leyte, the same contains a unified statement relative to the query submitted for resolution.

Submitted this 24<sup>th</sup> day of October, 2022, Palo, Leyte.

  
**Hon. Atty. Ronnan Christian M. Reposar**  
Chairperson

  
**Hon. Atty. Carlo P. Loreto**  
Vice Chairperson

  
**Hon. Wilson S. Uy**  
Member

**Hon. Michael L. Cari**  
Member

  
**Hon. Nolie C. Caña**  
Member