

#11

Item No.: 11
Date: 04 NOV 2022

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

SANGGUNIANG PANLALAWIGAN
SP Records
OCT 24 2022 10/21/22
SP Sec
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

Province of Leyte
Leyte
Released
Date: 10-19-22

2ND Indorsement
October 13, 2022

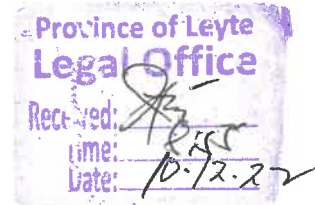
Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 02, S. 2022 of the SB of MacArthur, Leyte, recommending for the declaration of validity pursuant to its power under Section 56 (c) of R.A 7160, the same being to the opinion of the Provincial Legal Office (PLO), an exercise of the power "necessary, appropriate, or incidental for its efficient and effective governance", authorized under Section 16 of the Code. Provided, That, pursuant to Section 60, Chapter 4 of the Code, "An elective local official may be removed from office on the grounds enumerated above by order of the proper court".

ATTY. JOSE RAYMUND A. ACOL
Asst Provincial Legal Officer

Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
11 October 2022



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 02, SERIES OF 2022 OF THE MUNICIPALITY OF MACARTHUR, LEYTE, ENTITLED: AN ORDINANCE PROVIDING FOR THE RULES AND PROCEDURES IN CONDUCTING ADMINISTRATIVE INVESTIGATION AGAINST ELECTIVE BARANGAY OFFICIALS IN THE MUNICIPALITY OF MACARTHUR, LEYTE.**


FLORINDA JILL S. UYVICO
Provl. Govt. Dept. Head
(SP Secretary)

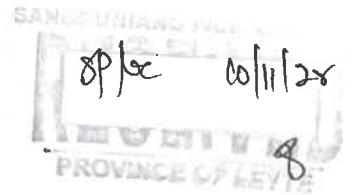


Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR


-----oOo-----

Office of the Sangguniang Bayan

ENDORSEMENT
October 11, 2022



Respectfully submitted to the Honorable Provincial Board for consideration and approval the herein Resolution No. 2022-113 embodying Municipal Ordinance No. 02, Series of 2022, entitled, "AN ORDINANCE PROVIDING FOR THE RULES AND PROCEDURES IN CONDUCTING ADMINISTRATIVE INVESTIGATION AGAINST ELECTIVE BARANGAY OFFICIALS IN THE MUNICIPALITY OF MACARTHUR, LEYTE".


MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR

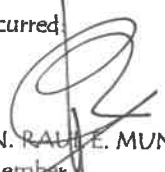
-----oOo-----


Office of the Sangguniang Bayan

88/see 10/11/23
PROVINCIAL

Attested:

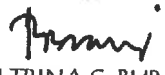

HON. JESUS A. BARANDA
Municipal Vice Mayor

Concurred:

HON. RAUL E. MUNDALA
SB Member


HON. GWENDOLYN M. BERISO
SB Member



HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN T. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO R. LERIA JR.
SB Member


HON. IRENEO G. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SKF President

Approved:

HON. RUIDIN T. BABANTE
Municipal Mayor

EXCERPT FROM THE MINUTES OF THE 13TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MACARTHUR, LEYTE HELD ON 03 OCTOBER 2022 AT THE MUNICIPAL SESSION HALL.

PRESENT:

Honorable Jesus A. Baranda	Vice Mayor, Presiding
Honorable Raul E. Mundala	SB Member
Honorable Gwendolyn M. Beriso	SB Member
Honorable Victoriano T. Lazar	SB Member
Honorable Jonathan T. Barquin	SB Member
Honorable Trina C. Burawis	SB Member
Honorable Leonardo R. Leria Jr.	SB Member
Honorable Ireneo G. Remanes Jr.	SB Member
Honorable Xandrix P. Pantin	SB Member
Honorable Mel Andrew P. Maldos	SKF President

ABSENT:

Honorable Pepito C. Guimalan ABC President

RESOLUTION NO. 2022-113

RESOLUTION ENACTING AN ORDINANCE PROVIDING FOR THE RULES AND PROCEDURES IN CONDUCTING ADMINISTRATIVE INVESTIGATION AGAINST ELECTIVE BARANGAY OFFICIALS IN THE MUNICIPALITY OF MACARTHUR, LEYTE

WHEREFORE, on motion of Honorable Ireneo G. Remanes Jr., duly seconded by Honorable Mel Andrew P. Maldos, Honorable Xandrix P. Pantin and Honorable Trina C. Burawis, be it;

RESOLVED, as it is resolved to enact the following Ordinance:

MUNICIPAL ORDINANCE NO. 02
Series of 2022

SPONSORED BY : Honorable Ireneo G. Remanes Jr.

RULE I
PRELIMINARY PROVISIONS


Section 1. COVERAGE – these rules and procedures shall apply to administrative cases filed against any elective barangay officials of MacArthur, Leyte.

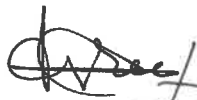
Attested:


HON. JESUS A. BARANDA
Municipal Vice Mayor


Concurred:


HON. RAUL E. MUNDALA
SB Member



HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN T. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO R. LERIA JR.
SB Member



HON. ARENEO C. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SKF President

Approved:


HON. RUDIN T. BABANTE
Municipal Mayor

Section 2. DISCIPLINING AUTHORITY – the Municipal Mayor and the Sangguniang Bayan as quasi-judicial body shall be designated as disciplinary authority in the conduct of investigation against election Barangay Officials.

Section 3. INVESTIGATION AUTHORITY – all administrative complaints duly verified against elective barangay officials shall be acted upon by the Sangguniang Bayan herein after referred to as the implementing authority.

Section 4. IMPLEMENTING AUTHORITY – the Local Chief Executive and the Sangguniang Bayan but to be imposed by the Municipal Mayor.

4.1 IMPLEMENTING AUTHORITY – to be determined by the Sangguniang Bayan but to imposed by the Municipal Mayor.

4.2 PENALTY – to be implemented by the Sangguniang Bayan through the Municipal Mayor.

RULE II

GROUND FOR DISCIPLINARY ACTIONS

Section 5. GROUND FOR DISCIPLINARY ACTIONS – An elective barangay official may be disciplined, reprimanded, suspended or removed from office after due notice of hearing on any of the following grounds.

1. DISLOYALTY TO THE REPUBLIC OF THE PHILIPPINES

i.e.:

- espionage
- treason
- conspiracy and proposal to commit treason
- inciting to war or giving motive to reprisals
- correspondence with hostile country
- piracy and mutiny on the high seas
- qualified piracy

2. CULPABLE VIOLATION OF THE CONSTITUTION

i.e.:

- arbitrary detention or expulsion
- delay in the delivery of detained person
- violation of domicile
- searching domicile without witness
- interruption of religious feelings
- prohibition, interruption and dissolution of peaceful meetings

3. DISHONESTY, OPPRESSION, MISCONDUCT IN OFFICE, GROSS NEGLIGENCE OR DERELICTION OF DUTY.

i.e.:


- Bribery
- Malversation

Attested:


HON. JESUS A. BARANDA
Municipal Vice Mayor

Concurred:


HON. RAUL E. MUNDALA
SB Member


HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN F. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO R. MERIA JR.
SB Member



HON. IRENEO C. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SKF President

Approved:


HON. RUDIN T. BABANTE
Municipal Mayor

- Conniving with or consenting to evasion
- Removal, concealment, or destruction of documents
- Open disobedience
- Refusal of assistance
- Usurpation of powers
- Abuses against chastity
- Simulation of birth and usurpation of civil status
- Frauds

4. Commission of any offense involving moral turpitude or and punishable by the at least prison mayor.

i.e.:

- rape
- adultery or concubinage
- act of lasciviousness
- seduction, corruption to minors and white slavery

5. ABUSE OF AUTHORITY

6. UNAUTHORIZED absence for fifteen days (15) consecutive working days for Punong Barangay and four consecutive sessions for the Sangguniang Barangay members.

7. Application for or acquisition of foreign citizenship or residence or the status of an immigrant of another country; and

8. Such other grounds as may be provided under R.A. 7160 and other laws.

Section 6. HOW INITIATED – An administrative case may be initiated by any private individual or any government officer or employee by filling a sworn statement of complaint against any elective barangay official enumerated under section 5, rules II hereof.

Section 7. FORM OF COMPLAINT – the complaint, accompanied by affidavits of witness or evidences in support of the charges, shall be addressed to the Sangguniang Bayan and the Presiding Officer. It shall be drawn in clear, simple and concise language in methodical manner as to apprise the respondent of the nature of the charge against him and to enable him to prepare his defense. The party filing the complaint is filled shall be called the respondent.

Section 8. WHERE TO FILE – a verified complaint against erring barangay elective officials shall be filed before the Sangguniang Bayan of MacArthur, Leyte.

A copy of the complaint shall be furnished to the Office of the Mayor, and in all cases, the DILG.

RULE IV


ANSWER

Attested:


HON. JESUS A. BARANDA
Municipal Vice Mayor


Concurred:


HON. RAULE M. MUNDALA
SB Member


HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN T. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO R. LERIA JR.
SB Member


HON. RENEO G. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SKF President

Approved:


HON. RUDIN T. BABANTE
Municipal Mayor

Section 9. NOTICE – Within seven (7) days after the complaint is filled, the investigating authority shall issue an order requiring the respondent to submit the verified answer (15) days from the receipt hereof.

Section 10. FORM OF ANSWER – the answer accompanied by the affidavits of witnesses and evidences in support of defense shall be addressed to the Sangguniang Bayan through the presiding officer who shall authenticate all the pertinent documents presented to him. A copy of the answer shall be furnished the complainant, office of the Municipal Mayor and in all cases, the DILG.

Section 11. FAILURE TO ANSWER – Unreasonable failure of respondent to file his verified answers within fifteen (15) days from the receipt of the complaint against him shall be considered as waiver of his right to present evidence in his behalf.

RULE V
PRELIMINARY INVESTIGATION

Section 12. COMMENCEMENT. – Within ten (10) days from receipt of the answer the investigating authority shall commence the investigation of the case through public hearing

Section 13. FAILURE TO COMMENCE PRELIMINARY INVESTIGATION. – Unreasonable failure to commence the preliminary within the prescribed period by the persons assigned to investigate within the prescribed period by the persons assigned to investigate shall be ground for administrative disciplinary action.

Section 14. EVALUATION. – Within (20) days from receipt of the complaint and answer, the investigating authority shall determine whether there is a prima facie case to warrant the institution of formal administrative proceedings.

Section 15. DISMISSAL MOTU PROPIO. – If the investigating authority determines that there is a prima facie case to warrant the institution of formal administrative proceedings, it shall proceed without delay. If there is none, the moto proprio dismissal of the case.

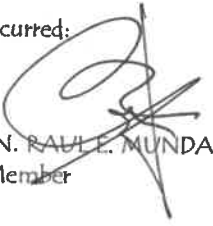
Section 16. PRELIMINARY CONFERENCE. – If the investigating authority determines that there is a prima facie case warrant the institution of formal administrative proceedings, it shall within the same period prescribed under preceding section, summon the parties to a preliminary conference to answer the 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; and

Attested:


HON. JESUS A. BARANDA
Municipal Vice Mayor


Concurred:


HON. RAUL E. MUNDALA
SB Member



HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN T. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO R. LERIA JR.
SB Member



HON. RENE C. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SKF President

Approved:


HON. MARTIN T. BABANTE
Municipal Mayor

b. If the parties desire a formal investigation to consider the simplification of issue the possibility of obtaining stipulation or admissions of facts and of documents, especially affidavits and dispositions, to avoid necessary proof, the limitations of number of witnesses, and such other matters as may aid the prompt disposition of the case. The investigating authority shall encourage the parties and their counsels and arbitration, the term and conditions of which shall subject to the approval of the disciplinary authority.

After the preliminary conference, investigating authority shall issue an order reciting the matters thereon, including the facts stipulated and the evidence marked, if any. Such order shall limit the issues for hearing to those not disposed of by agreement or admission of the parties, unless a later date is mutually agreed in writing by the parties concerned.

Section 17. VENUE OF HEARING. – the preliminary investigation as contemplated in this rule shall be conducted at the Sangguniang Bayan Session Hall.

Section 18. 90-Day-Ban – No preliminary investigation shall be conducted within ninety (90) days immediately prior to any local election.

**RULE VI
PREVENTIVE SUSPENSION**

SECTION 19. grounds, power to suspend. – Preventive suspension may be imposed by the Municipal Mayor upon the recommendation of the Sangguniang Bayan at any time after the issue are joined, that is, after respondent has answered the complaint, when the evidence to guilt is strong and given the gravity of the offense, there is a greater probability that the continuance in office of the respondent could influence the witness or pose a threat the safety and integrity of record and other evidence.

Section 20. 90-Day-Ban – No preventive suspension shall be imposed within (90) days immediately prior to any local election. If preventive suspension has been imposed prior to the ninety (90) days period immediately preceding a local election. It shall be deemed automatically lifted upon the start of the aforesaid period.

Section 21. DURATION – any single preventive suspension of barangay elective official shall not extend beyond sixty (60) days, provided that, in event that several administrative cases are filed against an elective barangay official, he cannot preventively be suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known at the same time of first suspension.

Section 22. AUTOMATIC REINSTATEMENT – upon the expiration of the preventive suspension, the suspended elective barangay official shall be

Attested:


HON. JESUS A. BARANDA
Municipal Vice Mayor

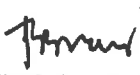
Concurred:


HON. RAUL E. MUNDALA
SB Member



HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN F. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member

HON. LEONARDO RIVERIA JR.
SB Member


HON. RENEO G. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SKF President

Approved:


HON. RUDIN T. BABANTE
Municipal Mayor

deemed reinstated in office without prejudice to the continuation of the proceedings against him, which shall be terminated within one hundred twenty days (120) from the time he is 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 to appeal duly filled, the duration of such delay shall not be in computing the time of termination of the case.

Section 23. SALARY of RESPONDENT PENDING SUSPENSION – the respondent, who is preventively suspended from office, shall no receive salary or compensation during such suspension, but upon subsequent exoneration and reinstatement he shall be paid his full salary or compensate, including such emoluments accruing during such compensation.

RULE VII
FORMAL INVESTIGATION

Section 24. PROCEDURAL DUE PROCESS – the respondent shall be accorded full opportunity to appear and defend himself in person or by council, to confront and cross examine the witness against him and to acquire the attendance of witness and the production of the documents through the compulsory process of subpoena or duces tecum.

Section 25. WHO CONDUCT THE HEARING – the formal administrative investigation shall be conducted by the investigating authority.

Section 26. FAILLURE TO COMMENCE FORMAL INVESTIGATION – unreasonable failure to commence the formal investigation within the prescribed period in the preliminary conference order by the persons assigned to investigate shall be ground for administrative action.

Section 27. POWER TO TAKE TESTIMONY OR RECEIVE EVIDENCE – the investigating 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 production of documents by subpoena or duces tecum pursuant to Book 1 Chapter 9 Section 37 of the Administrative Code of 1987 anyone who, without lawful excuse, fails to appear upon summons issued under authority exercising the power therein defined, refuse to make 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 proper Municipal Trial Court in the manner provided for under Book VII Chapter Section 13, in relatioOn to chapter 1 Section 2 (1) of the administrative Code of 1987.


Section 28. NOTICE OF HEARING – the parties and their witness shall be notified by subpoena of the scheduled hearing at least five (5) days before the date thereof stating the date, time and place of the hearing.

Attested:


HON. JESUS A. BARANDA
Municipal Vice Mayor


Concurred:


HON. RAMLE E. MUNDALA
SB Member

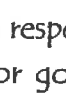

HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN T. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO T. LERIA JR.
SB Member


HON. IRENEO C. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SKF President

Approved:


HON. RUDIN T. BABANTE
Municipal Mayor

Section 29. The preliminary investigation as contemplated in the rule shall be conducted in the Sangguniang Bayan of MacArthur Session Hall, MacArthur, Leyte.

Section 30. REQUEST FOR SUBPOENA – If party desires the attendance of a witness or the production of the documents, he shall make formal request for the issuance of necessary subpoena duces tecum at least three (3) days before the scheduled hearing.

Section 31. POSEPONMENT – 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 be allowed, and in no case shall the total number of postponements for one party be more than twenty days.

Section 32. RECORD OF THE PROCEEDINGS – the testimony of each witness and the manifestation of the parties and counsels during an investigation shall be taken. A transcript of the proceedings made and duly certified by the secretary of the Sangguniang Bayan shall be prima facie of such proceedings.

Section 33. ORDER OF HEARING – Unless otherwise directed by the Investigation Authority, the order of shall be as follows:

- a. The complaint shall produce the evidence of his part.
- b. The respondent shall then after evidence in support of his defense; and
- c. The parties may then respectively after rebutting evidence, unless the investigating authority for good reasons and in the furtherance of justice, permits then to after evidence upon their original case.

Section 34. ORDER OF EXAMINATION – the order in which a witness may be examined shall be as follows:

- a. Direct examination by the proponent;
- b. Cross examination by the proponent;
- c. Re-direct examination by the proponent;
- d. Re-cross examination by the opponent;

Section 35. MEMORANDA – the investigating authority may allow the parties to submit their respective memoranda, together with their respective draft resolutions and orders for the consideration of the investigating authority, within fifteen (15) days the termination of the formal investigation.


RULE VIII
EVIDENCE


Section 36. RULES OF EVIDENCE – In administrative disciplinary proceedings.

Attested:


HON. JESUS A. BARANDA
Municipal Vice Mayor


Concurred:


HON. PAUL E. MUNDALA
SB Member


HON. GWENDOLYN M. BERISO
SB Member



HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN T. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO R. LERIA JR.
SB Member

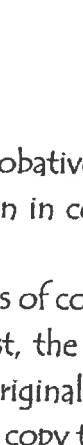

HON. IRENEO G. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SKF President

Approved:


HON. ARVIN T. BABANTE
Municipal Mayor

a. The investigating authority may admit and give probative value to evidence commonly accepted by reasonably prudent men in conduct of the affairs.

b. Documentary evidence may be received in the forms of copies or excerpts, if the original is not readily available upon request, the parties shall be given 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

c. The investigating authority may take notice of judicially cognizable facts and of generally technical or scientific facts within the special knowledge. The parties shall be notified and afforded an opportunity to contest the facts so noticed.

Section 37. MARKING – all documentary evidence or exhibits shall be properly marked by letter (A, B, C, etc.) if presented by the respondent. They shall be attached to the records or if voluminous, kept in a separate folder marked "folder of exhibits" which shall also be attached to the records.

RULE IX

REPORT OF INVESTIGATION AUTHORITY

Section 38. CREATION OF A COMMITTEE TO PREPARE A REPORT – after termination of the investigation period, the investigation authority shall create a committee composed of three (3) or Five (5) members to prepare the following:

- a. The draft decision, resolution and order
- b. The complete records with the page consecutively numbered and initiated by the custodian of the records;
- c. A summary of proceedings from filing of the complaint to the transmitted of the records in chronological order indicating the action taken on evidence involved.

The committee Chairperson and Secretary shall be chosen from among the member of the committee.

Section 39. RECORDS CLASSIFICATION – records in administrative disciplinary cases are classified as confidential in nature and in any information as to the charge, accusation, 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 their authorized representative "need-to-know" basis.

RULE X

DECISION

Section 40. RENDITION OF DECISION – within thirty (30) days from the receipt of the Committee report, the disciplinary authority shall under a decision in writing stating clearly and distinctly the facts and reasons for

Attested:


HON. JESUS A. BARANDA
Municipal Vice Mayor


Concurred:



HON. RAUL E. MUNDALA
SB Member



HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN T. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member



HON. LEONARDO R. LERIA JR.
SB Member

HON. RENEO G. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SKF President

Approved:


HON. RUDIN T. BABANTE
Municipal Mayor

such decision and shall immediately be furnished the respondent and the interested parties.

Section 41. Rule XII on votes and voting of the Sangguniang Bayan Internal rules and Procedure shall apply in the rendition of decision of all administrative cases decisions and voting made by the disciplinary authority shall be done in closed door.

Section 42. Execution Pending Appeal – an appeal shall not prevent a decision from becoming final or executory the respondent shall be considered as having been a placed under preventive suspension during the pendency of an appeal. In the event that the appeal results in an exoneration, the respondent shall be paid his salary and such pendency of the appeal.

RULE XI
PENALTIES

Section 43. SUSPENSION OR REMOVAL – the respondent, if found of any offenses enumerated in Rule II hereof, may be meted the penalty of suspension or removal depending on the evidence presented and the aggravating or mitigating circumstances that may be considered by the disciplinary authority.

Section 44. SUSPENSION – the penalty of suspension shall not exceed the unexpired term of the respondent, or period of six (6) months for every administrative offense nor shall said penalty be a bar to the candidacy of the respondent to suspend as long as he meets the qualification required for the office.

Section 45. REMOVAL – a Barangay Official may be removed from office on the grounds on Rule II hereof.

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

RULE XII
SUPPLEMENTAL RULE


Section 47. SUPPLEMENTARY RULE – the provisions of the Local Government Code of 1991 and Administrative Code 1987 shall apply to all matters provided under these rules of procedure.


Section 48. EFFECTIVITY – These rules of procedure shall take effect immediately upon its approval.


ENACTED by the Sangguniang Bayan in session assembled on October 3, 2022 at MacArthur, Leyte, Philippines.

Attested:



HON. JESUS A. BARANDA
Municipal Vice Mayor

Concurred:

HON. RAUL E. MUNDALA
SB Member


HON. GWENDOLYN M. BERISO
SB Member



HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN F. BARQUIN
SB Member


HON. TRINA C. BURAWIS
SB Member

HON. LEONARDO RIVERIA JR.
SB Member

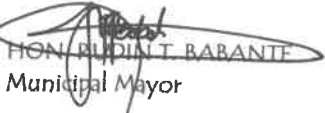

HON. IRENEO G. REMANES JR.
SB Member


HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)



HON. MEL ANDREW P. MALDOS
SKF President

Approved:


HON. RUIDIN T. BABANTE
Municipal Mayor

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution/ordinance.


MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian




Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR

-----oOo-----

Office of the Sangguniang Bayan

CERTIFICATE OF POSTING

THIS IS TO CERTIFY that Municipal Ordinance No. 02, Series of 2022 of the Sangguniang Bayan of MacArthur, Leyte, duly enacted and approved last 03 October 2022 has been posted since October 10, 2022 at the bulletin board of the Municipal Hall, at Poblacion Public Market, and at Palale I Outpost pursuant to Section 511 of R.A. 7160.


MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian