



Republic of the Philippines  
**PROVINCE OF LEYTE**  
 Provincial Capitol  
 Tacloban City

Item No: 16  
 Date: 15 NOV 2022

-oOo-


**PROVINCIAL LEGAL OFFICE**

SANGGUNIANG PANLALAWIGAN  
 NOV 14 2022 11/14/22  
 PROVINCE OF LEYTE

November 10, 2022

TO: **SANGGUNIANG PANLALAWIGAN**  
 Province of Leyte

THRU: **FLORINDA JILL S. UYVICO**  
 Prov. Govt. Dept. Head/SP Secretary

*Pls include this in our agenda. Thanks!*  


Greetings!

This is to acknowledge receipt of your indorsement dated November 2, 2022 with the attached Committee Report dated October 24, 2022 requesting for legal opinion on the jurisdiction to hear and decide administrative cases.

Perusal of the attached Committee Report and the SB Resolution this office is of the opinion that the jurisdiction appropriately belongs to the Sangguniang Bayan of Macarthur, Leyte.

Based on the facts narrated, this office considers it proper to refer to Sec 61, Chapter IV of the Local Government Code of 1991 and Article 125 of Administrative Code No. 270 – Prescribing the Implementing Rules and Regulations of the Local Government Code. Those provisions provide emphasis on the hierarchy of jurisdiction to hear administrative cases particularly establishing that *complaint against any elective barangay official shall be filed before the sangguniang panglungsod or bayan concerned whose decision shall be final and executory*<sup>1</sup>.

Moreover, akin with contention of the Sangguniang Panlalawigan in their Committee Report that the existing provisions provide no conditions, qualifications as to complaints against an elective barangay official holding an office in *ex-officio* capacity, this office has not come across any specific jurisprudence or legal opinion from competent authority qualifying the jurisdiction of the Sangguniang Bayan to hear administrative cases against an elective barangay official holding an office in *ex-officio* capacity. Under existing laws, the punong barangay is identified as elective barangay official, hence, we are of the opinion that the jurisdiction appropriately belongs to the Sangguniang Bayan.<sup>2</sup>

We hope that we are able to assist your with your concern. Should there be any further legal concerns, please feel free to visit our office. Thank you very much!

Respectfully Yours,

**JOSE RAYMUND A. ACOL**  
*Asst. Provincial Legal Officer*



<sup>1</sup> *Amicus Imperiorum Locurom 2<sup>nd</sup> Ed.p 114*

<sup>2</sup> *Title II, Chapter 1 Section 39 and Article 71, Amicus Imperiorum Locurom 2<sup>nd</sup> Ed.p 228-229*

Republic of the Philippines  
PROVINCE OF LEYTE  
Tacloban City

**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**

**1<sup>ST</sup> INDORSEMENT**  
02 November 2022

Province of Leyte  
**Legal Office**  
Received: *[Signature]*  
Time: *11:30*  
Date: *11-7-22*

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **COMMITTEE REPORT OF THE COMMITTEE ON RULES, LAWS AND PRIVILEGES CHAIRED BY THE HONORABLE ATTY. RONNAN CHRISTIAN M. REPOSAR, RE: 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 THROUGH ATTY. ALDEN AVESTRUZ, PROVINCIAL LEGAL OFFICER, PROVINCE OF LEYTE, REQUESTING FOR LEGAL OPINION ON THE JURISDICTION TO HEAR AND DECIDE ADMINISTRATIVE CASES"**.

*[Signature]*  
**FLORINDA JLL S. UYVICO**  
Provl. Govt. Dept. Head  
SP Secretary



Republic of the Philippines  
PROVINCE OF LEYTE  
SANGGUNIANG PANLALAWIGAN



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)**

xxx - xxx - xxx

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 O. Caña  
Member



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF MACARTHUR

Page: 40  
Date: 10 OCT 2022

Office of the Sangguniang Bayan

89/10/10/22  
OCT 10 2022  
SP Records 86f

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:

EXCERPT FROM THE MINUTES OF THE 13<sup>TH</sup> 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. 2022-109A

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 CASE

WHEREAS, the Sangguniang Bayan received an Indorsement from the Office of the Ombudsman (Visayas) forwarding the complaint of Jenelito C. Palafia, resident of Barangay Maya, MacArthur, Leyte, against Honorable Pepito C. Guimalan, Punong Barangay of Barangay Maya, MacArthur, Leyte;

WHEREAS, Honorable Pepito C. Guimalan though a succession is the current ABC President and part of the council of the Sangguniang Bayan of MacArthur, Leyte;

WHEREFORE, on motion of Honorable Raul E. Mundala seconded by Honorable Xandrix P. Pantin, Honorable Mel Andrew P. Maldos, Honorable Leonardo R. Leria Jr., and Honorable Jonathan T. Barquin, be it

RESOLVED, as it is hereby resolved, to request for legal opinion on the jurisdiction to hear and decide administrative case.

Attested:

HON. JESUS A. BARANDA  
Municipal Vice Mayor

Concurred:

HON. RAUL 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. VERIA 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. RUDIN T. BABANTE  
Municipal Mayor

RESOLVED FINALLY, to furnish copy of this resolution to the Office of the Sangguniang Panlalawigan, Province of Leyte for a favorable attention and appropriate action.

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

MARIE STEPHANIE D. PULGA  
Secretary to the Sanggunian