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**OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY**

# CERTIFICATION

**TO WHOM IT MAY CONCERN:**

*THIS IS TO CERTIFY that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on July 22, 2024 at the Session Hall, Capitol Building, Lingayen, Pangasinan, the following provincial resolution was approved:*

Authored by SP Member Haidee S. Pacheco

**PROVINCIAL RESOLUTION NO. 703-2024**

**APPROVING AND ADOPTING AS ITS DECISION EN BANC, THE RECOMMENDATION OF THE COMMITTEE ON GOOD GOVERNMENT AND ACCOUNTABILITY OF PUBLIC OFFICERS, JUSTICE AND HUMAN RIGHTS IN SP ADMINISTRATIVE CASE NO. 01-2024**

**WHEREAS**, the Sangguniang Panlalawigan was in receipt of a Memorandum of Appeal filed on May 2, 2024 by Punong Barangay Rey G. Velarde, against the Decision of the Sangguniang Bayan of Tayug, Pangasinan;

**WHEREAS**, the said case was referred to the Committee on Good Government and Accountability of Public Officers, Justice and Human Rights and was docketed as SP Administrative Case No. 01-2024;

**WHEREAS**, after several hearings, careful review and study on the said case, the Committee on Good Government and Accountability of Public Officers, Justice and Human Rights submitted its Decision which was adopted as **Committee Report No. 32-2024** by the Sangguniang Panlalawigan, to wit:

***DECISION***

*Before this Committee is an Appeal from the Resolution dated April 29, 2024 rendered by the Office of the Sanggunian Bayan of Tayug, Pangasinan finding the Respondent-appellant "administratively guilty" and imposing upon him "the penalty of suspension for a period of three (3) months."*

*Records would show the following factual antecedents, to wit:*

*Complainant-appellee was appointed as a Barangay Health Worker (BHW) by virtue of an appointment letter signed by then Barangay Captain Liberato P. Cabigas dated November 4, 2005.*



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*Then she was issued a certificate of accreditation by the Local Health Board of Tayug, Pangasinan as a registered barangay health worker pursuant to the provisions of Republic Act. 7883 for the periods of March 30, 2018 to March 30, 2019; March 6, 2019-March 6, 2020; March 30, 2021-March 30, 2022; March 30, 2022-March 30, 2023; and July 1, 2023 to July 1, 2024.*

*She has participated in several trainings and seminars for barangay health workers.*

*She was also the Barangay Treasurer, performing all the functions appurtenant thereto and receiving the corresponding salaries/benefits thereto from the period 2019 to 2023 as shown by the following, to wit:*

- A. *Certification signed by Cesar F. Cabalo, the elected barangay captain during the period 2019 to 2023;*
- B. *Plantilla of Personnel, FY 2022*
- C. *Payroll for Leave Credits*
- D. *Plantilla of Personnel, FY 2023*
- E. *Certificate of Appearance issued by the Commission on Audit dated February 3, 2023.*

*Respondent-appellant, on the other hand, is the newly elected Punong Barangay of Magallanes, Tayug, Pangasinan in the last Barangay and SK Elections held on October 30, 2023.*

*Respondent issued a Certification dated December 18, 2023 to the effect that complainant-appellee was removed as BHW of Magallanes as of November 2023.*

*Complainant-appellant filed an administrative complaint against the respondent-appellant before the Sangguniang Bayan of Tayug, Pangasinan for Abuse of Authority, Oppression, Grave Misconduct and Neglect of Duty on account of the termination of her services as BHW without just or valid cause.*

*The Sanggunian Bayan of Tayug, Pangasinan issued a Resolution dated April 29, 2024 finding the Respondent-appellant "administratively guilty" and imposing upon him "the penalty of suspension for a period of three (3) months."*

*Hence, this Appeal.*

*From the above factual antecedents, the following issues are drawn, to wit:*

- A. *Whether or not complainant-appellee is a Barangay Health; Worker (BHW) or the Barangay Treasurer at the time that respondent-appellant took over as the new elective barangay captain of Magallanes;*



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B. *Whether or not respondent-appellant is administratively guilty of abuse of Authority, Oppression, Grave Misconduct and Neglect of Duty;*

C. *Whether or not respondent-appellant is entitled to the relief sought;*

**RULING:**

*Anent the first issue, this Committee is of the view that complainant-appellant was occupying the position of the Barangay Treasurer at the time that respondent-appellant took over as the newly elected Punong Barangay of Magallanes, Tayug, Pangasinan.*

*While it is true that she was a duly appointed BHW in 2005 and subsequently accredited as BHW pursuant to RA 7883, she was only able to function as such until her appointment as the Barangay Treasurer in 2019.*

*When complainant-appellee was appointed as the Barangay Treasurer, performed the duties and functions of the Barangay Treasurer, and received all the salaries and benefits of a Barangay Treasurer, she in effect renounced her position as a Barangay Health Worker.*

*Apparently, from the time that complainant-appellee has started performing the functions and duties of the Barangay Treasurer, she has not actively serving as a BHW except that she still attends seminars or trainings for BHWs. But as to the actual rendition of service as BHW, the records are bereft of proofs thereof. Hence, complainant-appellee was then occupying the position of a Barangay Treasurer rather than a Barangay Health Worker, and there is no act of removal of the complainant-appellee as BHW to speak of.*

*Complainant-appellee cannot occupy both the position of a barangay health worker and a barangay treasurer at the same time, otherwise, that would run counter to the provisions of Sec. 94 of the Local Government Code which provides that "No elective or appointive local official shall be eligible for appointment or designation in any capacity to any public office or position during his tenure, unless otherwise allowed by law or by the primary function of his position."*

*Given the above consideration that complainant-appellee was actually occupying the position of a Barangay Treasurer, her appointment is coterminous with her appointing authority such that when the term of the Barangay Captain who appointed her as such expired, her appointment as Barangay Treasurer also expired.*



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*Per the Civil Service Commission (CSC) Opinion dated July 28, 1998, the incoming or new Barangay Captain has the prerogative to either retain any of the barangay workers through a reappointment or replace them by not issuing their reappointment.*

*In the instant case, there was no reappointment issued to the complainant-appellee, hence she cannot continue to discharge the duties and functions of the Barangay Treasurer under the administration of the respondent-appellee.*

*Anent the second issue, the totality of evidence presented does not warrant a finding of an administrative guilt against the respondent-appellant.*

*Anent the third issue, the relief sought by the respondent-appellant is in order.*

*WHEREFORE, premises considered, the assailed Resolution dated April 29, 2024 rendered by the Sangguniang Bayan of Tayug, Pangasinan is hereby REVERSED AND SET ASIDE.*

*SO ORDERED.*

*July 22, 2024. Lingayen, Pangasinan.*

*Respectfully Submitted:*

*SP MEMBER HAIDEE S. PACHECO*  
*Chairman*

**WHEREAS**, the Sangguniang Panlalawigan finds the said Decision to be in order;

**WHEREFORE**, in view of the foregoing, on motion of SP Member Haidee S. Pacheco, duly seconded, it was—

**RESOLVED**, by the Sangguniang Panlalawigan in session assembled to approve, as it is hereby approved and adopted as its decision en banc, the Decision of the Committee on Good Government and Accountability of Public Officers, Justice and Human Rights in SP Administrative Case No. 01-2024;



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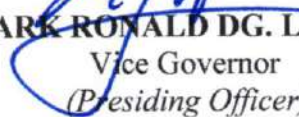
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**RESOLVED FURTHER**, that copies of this resolution be furnished to Punong Barangay Rey G. Velarde, Josephine Damasco and their counsels, and the Sangguniang Bayan of Tayug, Pangasinan, for their information and guidance.

CERTIFIED BY:

  
**VERNA T. NAVA-PEREZ**  
*Secretary to the Sanggunian*

ATTESTED:

  
**MARK RONALD DG. LAMBINO**  
Vice Governor  
*(Presiding Officer)*