



Republic of the Philippines
PROVINCE OF PANGASINAN
Lingayen
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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 August 23, 2021 at Lingayen, Pangasinan, the following provincial resolution was approved:

Authored by SP Member Noel C. Bince

PROVINCIAL RESOLUTION NO. 719-2021

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. 05-2020

WHEREAS, the Sangguniang Panlalawigan was in receipt of a Memorandum of Appeal filed on July 29, 2020 by Punong Barangay Diosdado Mejia against the Decision of the Sangguniang Bayan of San Nicolas, 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. 05-2020;

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 Recommendation which was adopted as Committee Report No. 39-2021 by the Sangguniang Panlalawigan, to wit;

RECOMMENDATION

Subject of this recommendation is the Appeal posited by Punong Barangay Diosdado M. Mejia of Barangay Cabitnongan, San Nicolas, Pangasinan against the Decision of the Sangguniang Bayan of San Nicolas, Pangasinan, the dispositive portion of which reads;

“WHEREFORE, premises considered, the Sangguniang Bayan, acting as a quasi-judicial body, finds respondent Punong Barangay DIOSDADO M. MEJIA of Barangay Cabitnongan, San Nicolas, Pangasinan administratively liable for GRAVE MISCONDUCT, GRAVE ABUSE OF AUTHORITY and



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OPPRESSION under Section 60 (c and d) of the Local Government Code of 1991 and hereby meted the penalty of six (6) MONTHS SUSPENSION from office.

SO ORDERED.

In his Appeal Brief Respondent Appellant articulated that the Office of the Sangguniang Bayan of San Nicolas gravely erred in ruling that respondent-appellant Mejia is administratively liable for Grave Misconduct, Grave Abuse of Authority and Oppression.

He claims that he did not utter any threatening remarks against the complainant-appellees.

In support of his contention, he submitted a Decision of the Honorable Judge Rusty M. Naya of Branch 51 Regional Trial Court of Tayug, Pangasinan acquitting the respondent-appellant Mejia because there is no evidence that respondent-appellant threatened and/or intimidated complainant and his companions.

Furthermore, respondent-appellant argued that he did not act in bad faith in the commission of the alleged incident.

He then prayed that the Decision dated March 6, 2020 of the Sangguniang Bayan of San Nicolas BE REVERSED and SET ASIDE.

On the other hand, Complainants-Appellees ARGIE B. ONIDO, et al, defended the Decision of the Sangguniang Bayan of San Nicolas insisting that said SB-San Nicolas did not err in its findings that respondent-appellant is administratively liable of Grave Misconduct, Grave Abuse of Authority and Oppression articulating, in the process, that:

- 1. Threat and Intimidation exist*
- 2. Quantum of Evidence required in Criminal and Administrative Cases Differ.*
- 3. The Acts of the Respondent-Appellant were clearly driven with corrupt intention.*
- 4. The findings of the Sangguniang Bayan are supported by Substantial Evidence*

RULING

After a meticulous analysis and in depth evaluation of the contentions of both parties, this committee is inclined to favor the version of the Complainants-Appellees. Several factors are considered in arriving to this ruling, to wit;

- 1. THE QUANTUM OF EVIDENCE NECESSARY TO CONVICT THE ACCUSED IN A CRIMINAL CASES, WHICH IS PROOF BEYOND REASONABLE DOUBT, IS DIFFERENT FROM SUBSTANTIAL EVIDENCE REQUIRES IN ADMINISTRATIVE HEARING.*



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It is hornbook doctrine in administrative law that administrative cases are independent from criminal actions for the same acts of omission. Given the differences in the quantum of evidence required, the procedures actually observed the sanctions imposed, as well as the objective of the two proceedings, the findings and conclusions in one should not necessarily be binding on the other.

Accordingly, the acquittal of the respondent-appellant in the criminal case before the RTC-Branch 51, Tayug, Pangasinan does not exonerate him from administrative liability arising from the same acts.

Furthermore, the decision of the court in the said criminal case is not anchored on the fact that respondent-appellant did not commit the offense charged but on the basis that the prosecution failed to establish proof beyond reasonable doubt the element of violence and intimidation.

As a matter of fact, perception of a person in a given circumstance would not be similar regarding the interpretation of other individual present at the time of the incident. They have varying degrees of understanding, observation and set of opinion on a prevailing situation.

Such being the case, the perception of Hon. Judge Naya of Branch 51, Tayug, Pangasinan as to what really happened during the alleged incident are not practically similar to the observation of the Sangguniang Bayan of San Nicolas when they heard the administrative complaint against complainant-appellant Mejia.

2. FAILURE OF THE COMPLAINANT-APPELLANT TO SHOW THAT THE DECISION OF THE SB SAN NICOLAS IS TAINTED WITH UNFAIRNESS AND ARBITRARINESS.

Well established is the rule that findings of administrative agencies are accorded not only respect but also finality when the decision or order is not tainted with unfairness and arbitrariness that would amount to grave abuse of discretion (Villanueva vs. COA, 453 SCRA 782).

In the instant case, respondent failed to prove that in rendering the assailed Decision, the Sangguniang Bayan of San Nicolas, Pangasinan committed Grave Abuse of discretion or legal mistakes in arriving on its assailed resolution.

Your committee notes the well-written and researched Decision of the Sangguniang Bayan of San Nicolas, Pangasinan and leaves no room for it but to solidify said decision.

WHEREFORE, your Committee respectfully recommends that the Appeal be DISMISSED and the Appealed Decision of the Sangguniang Bayan of San Nicolas, Pangasinan be SUSTAINED and AFFIRMED.

August 22, 2021. Lingayen, Pangasinan.



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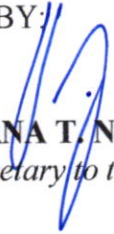
WHEREAS, the Sangguniang Panlalawigan finds the said Recommendation to be in order;

WHEREFORE, in view of the foregoing, on motion of SP Member Noel C. Bince, 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 Recommendation of the Committee on Good Government and Accountability of Public Officers, Justice and Human Rights in SP Administrative Case No. 05-2020;

RESOLVED FURTHER, that copies of this resolution be furnished to Brgy. Capt. Diosdado M. Mejia and the Brgy. Council of Catbinogan, San Nicolas headed by Brgy. Councilor Argie Onido and the Sangguniang Bayan of San Nicolas, Pangasinan headed by Vice Mayor Alvin Bravo and their counsels, for their information and guidance.

CERTIFIED BY:


VERNA T. NAVA-PEREZ
Secretary to the Sanggunian

ATTESTED:


MARK RONALD DG. LAMBINO
Vice Governor
(Presiding Officer)