



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 September 13, 2021 at Lingayen, Pangasinan, the following provincial resolution was approved:

Authored by SP Member Noel C. Bince

PROVINCIAL RESOLUTION NO. 777-2021

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. 02-2020

WHEREAS, the Sangguniang Panlalawigan was in receipt of a Memorandum of Appeal filed on February 12, 2021 by Punong Barangay Zenaida M. Camacho, Brgy. Kgd. Alex Barrogo and Brgy. Kgd. Rolando Justo against the Decision of the Sangguniang Bayan of Bayambang, 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. 02-2020;

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. 42-2021** by the Sangguniang Panlalawigan, to wit;

RECOMMENDATION

For Resolution is the appeal filed by Punong Barangay Zenaida Camacho, Brgy. Kagawad Alex Barrogo, and Brgy. Kagawad Rolando Justo (RESPONDENTS-APPELLANTS herein), all of Barangay Buayaen, Bayambang, Pangasinan, from the Decision of the Sangguniang Bayan of Bayambang, Pangasinan, finding them guilty of grave misconduct and oppression in Administrative Case No. 06-2019 filed against them by Eva Pinto, Christian Pinto a.k.a "Lopin", and Christopher Pinto a.k.a "Baldo" (COMPLAINANTS-APPELLEES herein). The dispositive portion of said Decision dated January 16, 2020 reads as follows:



OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 777-2021
Page 2

“Finding sufficient evidence, all respondents are hereby recommended to be suspended for a period of 30 days for GRAVE MISCONDUCT; and 30 days for OPPRESSION

SO ORDERED.”

In their Memorandum of Appeal, respondents-appellants asserted that the Sangguniang Bayan of Bayambang committed an error in finding them guilty of the administrative charges on the basis solely of the allegations of the complaint. They averred that there is an utter lack of evidence to support the Decision finding them liable for Grave Misconduct and Oppression. To support this averment, they postulated the following:

- 1. That the complainants’ narration of events are inconsistent, without proof and merely conjured afterthoughts. According to them, as stated in their Memorandum;*
- 2. The absence of a medical certificate to support the claim of complainants-appellees of having been “physically manhandled and hurt” by respondents-appellants belies such accusations;*
- 2. The pictures presented by complainants-appellees of destroyed monoblock chairs were never identified by either the photographer or any competent witnesses as to when, where and how they were taken, hence the same could not prove anything except the fact that they are photographs of destroyed monoblocks;*

Perusal of all documents submitted would show that there are matters subsequently included by the complainants in their story which were not part of their initial narration of events, in an attempt to patch up their original narrative which is incredible and full of loopholes;

That Respondents-appellants’ narration of events is the version of truth and is well corroborated by thirteen (13) witnesses (some are public officials of the barangay, civilian members of the CVO, and ordinary barangay residents) whose statements were consistent, believable and more worthy of credence, as opposed to complainants-appellees’ witnesses who are themselves, their only witnesses;

That the complainants are notoriously known as troublemakers in their barangay as evidenced by several entries of complaints lodged against them into the barangay blotter book;



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OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 777-2021

Page 3

Respondents-appellants also maintained that as barangay officials, there is a presumption of regularity in the exercise of their duty to maintain peace and order in their barangay. They also invoked the findings of the Office of the Provincial Prosecutor in a Joint Resolution dated December 11, 2019, in cases which involved the same parties and circumstances.

Respondents-appellants then prayed that the complaint be dismissed for utter lack of merit, and that the Decision of the Sangguniang Bayan of Bayambang be reversed.

On the other hand, complainants-appellants submitted their Position Paper in lieu of an Appelles' Brief. In the said Position Paper, they maintain that the Sangguniang Bayan of Bayambang, Pangasinan, in arriving at a Decision, acted in accordance with the powers and functions of the Sangguniang Bayan as embodied in the Local Government Code, which has its power to conduct investigation of administrative complaints and render a decision based on the evidence presented, and that there is nothing in the said Decision that would show abuse of discretion on the part of the Sangguniang Bayan of Bayambang.

They then emphasized that the quantum of evidence required in administrative cases is substantial evidence or clear and convincing evidence which is lower than that in Preliminary Investigation of the Prosecutor's Office which is probable cause. Finally, they prayed that the appeal be dismissed and the decision of the Sangguniang Bayan of Bayambang be affirmed.

After a thorough and careful evaluation of the contentions of the parties as embodied in the whole record of this case, the committee is inclined to SET ASIDE the Decision of the Sangguniang Bayan of Bayambang, Pangasinan for being without any basis to warrant the finding.

It is a fundamental rule in administrative proceedings that complainants carry the burden of proving their allegations with substantial evidence or such relevant evidence that a reasonable mind might accept as adequate to support a conclusion.

Complainants-appellees failed to satisfy the quantum of proof to carry that burden successfully. Respondents-appellants are barangay officials who have the duty to maintain peace and order in their territorial jurisdiction, and as such, the performance of such functions are accorded presumption of regularity. The Decision should have laid down proof adduced by the complainants to overcome this presumption. Here, the Committee sees none. The Decision relied solely on the allegations of the complainants and the Sangguniang Bayan completely shut its eyes on the denials of the respondents, and their corresponding account of what they claimed to be the truth.



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OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 777-2021
Page 4

The basic rule is that mere allegation and speculation is not evidence, and is not equivalent to proof (Navarro v. Clerk of Court Cerezo 492 Phil. 19, 22 (2002)). The Sangguniang Bayan's reliance on complainants' allegations alone as can be deduced from the Decision is misplaced.

A meticulous reading of the Decision bears that it is wanting any explanation as to why this version of the facts and circumstances has been given more credence over that of the respondents-appellants'. The respondents-appellants who are barangay officials have repeatedly belied the allegations of the complainants-appellees, but nowhere in the Decision would reveal that the assertions of the respondents have been weighed against the allegations of the complainants. And this is where this Committee casts doubt as to the soundness of the Decision, which, after narrating the opposing versions of the parties, went on to define the crime charged and conveniently declared that respondents-appellants' actions fall squarely on the alleged malfeasance exactly as declared by complainants-appellees. Nowhere in the Decision can be found any rationalization for the body's reliance on the allegations as narrated by the complainants-appellees and why the declarations of respondents-appellees and that of their witnesses should not be believed.

The Committee notes that respondents-appellants' declaration were corroborated by several other witnesses and no evidence was adduced to show why these witnesses would falsely testify against the complainants-appellants.

The Committee also notes the Resolution made by the Office of the Provincial Prosecutor which found that the respondents-appellants "version of the incident, given in a straightforward manner, is credible being in accordance with human experience and natural flow of events...xxx" Unlike the narrations of complainants-appellees "which are exaggerated and full of inconsistencies." While it is true that administrative cases are independent from criminal actions, this Committee is in a quandary as to the basis from which the Sangguniang Bayan based its Decision considering that the parties practically presented the same evidence to both tribunals.

*WHEREFORE, premises considered, this Committee hereby recommends that the appealed Decision of the Sangguniang Bayan of Bayambang **BE REVERSED AND SET ASIDE** for insufficiency of evidence.*

Lingayen, Pangasinan, September 13, 2021.

WHEREFORE, your Committee respectfully recommends that the Decision of the Sangguniang Bayan of Bayambang, Pangasinan be **REVERSED and SET ASIDE**;

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



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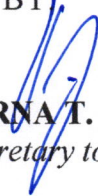
Provincial Resolution No. 777-2021
Page 5

WHEREFORE, in view of the foregoing, on motion of SP Member Noel C. Bince, duly seconded, it was...

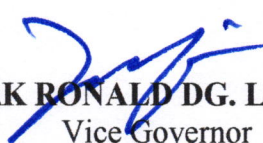
RESOLVED, by the Sangguniang Panlalawigan in session assembled to approve, as it is hereby approved and adopted as its decision en banc, the Recommendation of the Committee on Good Government and Accountability of Public Officers, Justice and Human Rights in SP Administrative Case No. 02-2020;

RESOLVED FURTHER, that copies of this resolution be furnished to Punong Barangay Zenaida M. Camacho, Brgy. Kgd. Alex Barrogo and Brgy. Kgd. Rolando Justo of Brgy. Buayaen, Bayambang, Pangasinan, the Sangguniang Bayan of Bayambang, Pangasinan 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)