



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 October 4, 2021 at Lingayen, Pangasinan, the following provincial resolution was approved:

Authored by SP Member Noel C. Bince

PROVINCIAL RESOLUTION NO. 844-2021

APPROVING AND ADOPTING AS ITS DECISION EN BANC, THE RESOLUTION OF THE COMMITTEE ON GOOD GOVERNMENT AND ACCOUNTABILITY OF PUBLIC OFFICERS IN SP ADMINISTRATIVE CASE NO. 06-2020

WHEREAS, the Sangguniang Panlalawigan is in receipt of a verified administrative complaint filed on September 14, 2020 by Armando C. Rivera and Noel I. Talania against Municipal Councilors Ronald C. Catabay, Philip O. Estabillo, Elmer N. Ocampo, Amelia R. Olores, Warlie C. Dollaga and Mark Gringo B. Ampler all of Bani, Pangasinan for Abuse of Authority which was referred to the Committee on Good Government and Accountability of Public Officers as SP Administrative Case No. 06-2020;

WHEREAS, the Committee on Good Government and Accountability of Public officers, Justice and Human Rights on 4 October 2021 submitted its Resolution embodied in **Committee Report No. 46-2021**, to wit:

COMMITTEE REPORT NO. 46-2021

SB MEMBER ARMANDO C. RIVERA
SB MEMBER NOEL I. TALANIA,
Complainants,

*SP Adm. Case NO. 06-2020
For: Abuse of Authority*

-versus-

SB MEMBER RONALD C. CATABAY
ET. AL., All of Bani, Pangasinan
Respondents,
X-----X



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RESOLUTION

This pertains to the Motion to Dismiss filed by the Respondents, dated June 22, 2021, praying for the dismissal of the instant administrative complaint on the ground that the said administrative complaint is an unsigned scrap of paper under the NEW RULES of COURT and for utter lack of merit.

Respondent further asserted that the administrative complaint is a trump up charge invoking a Supreme Court Ruling particularly in the case of Spouses Antonio and Fe Yusay vs. CA and the City Council of Mandaluyong, GR. no. 156684, April 6, 2011.

In their Comment/Opposition to the Motion to Dismiss, complainants claim that the requirement of verification of a pleading is a formal and not a jurisdictional requisite.

In addition, complainant emphasized that the instant administrative case is not entirely governed by the Rules of Court. In fact, the provision of the Rules of Court may only be given supplementary application and strict adherence thereto is not warranted.

On the issue that the subject resolution may not bring forth an administrative case, complainant contented that not every resolution is based on majority in numbers. Majority in numbers may only count when the passage of the resolution is intrinsically void and ultra-vires. Majority of one member is enough to dismantle it to the ground.

Furthermore, complainant asserted that in the instant case the passage of the subject resolution is tainted with fraud if not corruption. The procedures of the Sangguniang Bayan were by passed if not trampled upon by the so called majority. Moreover, it is not within the power of any man, not even by the majority in numbers, to trample upon any set of rules of procedures designed to prevent abuses.

In its Rejoinder to Complainant's Opposition, Respondents maintain that the administrative case be DISMISSED for the proper Verification is required under the law and that the Resolution under consideration is an Authorized Expression of Opinion.

RULING

After an exhaustive study and meticulous analysis of the contentions of the parties in the instant administrative complaint, this Committee is inclined to favor the version of the respondents.

The updated meaning of Verified Pleading as provided for under Rule 7, Section 4 of the Rules of Court in conjunction with Sec. 61 of RA 7160 or the Local Government Code should be followed to its letter.

It provides, among others, "that the pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation".

A careful look on the attached Verification of the Administrative Complaint filed by the Complainants verily does not show that the pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation in utter disregard of the updated meaning of a Verified Complaint set forth under Rule 7, Section 4 of the Rules of Court.



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Although, the Rules of Court may be applied in a suppletory character in every administrative cases thus strict adherence thereto is not warranted, the latest requirements however of Verification as provided under Rule 7, Section 4 thereof is definitely mandatory in all forms of pleading mandating the attachment of Verification.

On the other hand, this Committee agrees with the argument of the Complainants that Verification of a pleading, though mandatory in character specifically containing the material averments as provided for by the New Rules of Court, is a formal and not jurisdictional requirement and could be subjected to amendment if the same is raised in any stages of the proceedings in an administrative case.

This committee adheres to the legal precepts that the ultimate objective of every case either criminal, civil or administrative inquiries is to render justice to every litigants, and could not be rendered nugatory through technicalities and legal maneuverings.

On the issue of whether the resolution under consideration is an authorized expression of an opinion this Committee resolves that the same is factual in nature and evidentiary in character which needs to be heard in a full blown proceedings.

WHEREFORE, it is resolved that the instant administrative complaint be DISMISSED, without prejudice, for the reason that the Verification attached to the instant administrative complaint does not conform to the required form prescribed under Rule 7, Sec. 4 of the Rules of Court.

If complainant so desires, they could exercise their right to file anew their administrative complaint attaching therewith, in prescribed form, the proper Verification as provided for by the New Rules of Court.

SO ORDERED.

October 4, 2021. Lingayen, Pangasinan.

*SPM NOEL C. BINCE
Chairman*

WHEREAS, the Sangguniang Panlalawigan finds the said Resolution 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 Committee Report No. 46-2021, the Resolution of the Committee on Good Government and Accountability of Public Officers in Administrative Case No. 06-2020;



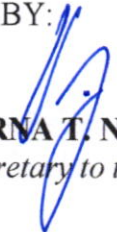
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RESOLVED, FURTHER, that copies of this resolution be furnished Municipal Councilors Armando C. Rivera, Noel I. Talania, Ronald C. Catabay, Philip O. Estabillo, Elmer N. Ocampo, Amelia R. Olores, Warlie C. Dollaga and Mark Gringo B. Ampler and counsels, for their information and guidance.

CERTIFIED BY:


VERNA T. NAVA-PEREZ
Secretary to the Sanggunian

ATTESTED:


MARK RONALD DG. LAMBINO
Vice Governor
(Presiding Officer)