



Republic of the Philippines
PROVINCE OF PANGASINAN
Lingayen
www.pangasinan.gov.ph

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. 845-2021

APPROVING AND ADOPTING 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. 01-2021

WHEREAS, the Sangguniang Panlalawigan was in receipt of a Notice and Memorandum of Appeal filed on June 15, 2021 by Punong Barangay Melinda P. Morillo against the Decision of the Sangguniang Bayan of Mangaldan, 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. 01-2021;

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. 47-2021** by the Sangguniang Panlalawigan, to wit:

COMMITTEE REPORT NO. 47-2021

BONA FE DE VERA PARAYNO
Complainant- Appellee

-versus-

SP ADM. Case No. 01-2021
Admin. Case No. 2020-06
For: Grave Misconduct



Republic of the Philippines
PROVINCE OF PANGASINAN
Lingayen
www.pangasinan.gov.ph

OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 845-2021

Page 2

Admin. Case No. 2021-01

For: Grave Misconduct

*PUNONG BARANGAY
MELINDA P. MORILLO,
Respondent-Appellant.*

x-----x

DECISION

This is an appeal from the Decision rendered by the Office of the Sanggunian Bayan of Mangaldan on May 14, 2021 filed by the Respondent-Appellant Punong Barangay MELINDA P. MORILLO against the Complainant-Appellee BONA FE DE VERA-PARAYNO.

ANTECEDENTS

The Respondent-Appellant filed an Appeal directly to the Sangguniang Panlalawigan on June 15, 2021 and it was referred to the Committee on Good Governance and Accountability of Public Officers, Justice and Human Rights on July 12, 2021. The Sangguniang Bayan of Mangaldan (SB) was merely furnished with a copy of the Appeal.

The records of this case come from the Decision of the Sangguniang Bayan of Mangaldan (SB) and the pleadings filed by the Respondent-Appellant and the Plaintiff-Appellee.

As culled from the SB Decision, the following re the allegations of both parties:

ADMINISTRATIVE CASE NO. 2020-06

BONA FE DE VERA-PARAYNO (DE VERA-PARAYNO) applied for several business permits. Brgy. Poblacion through Punong Barangay MELINDA PARAGAS MORILLO (MORILLO), is collecting Barangay Clearance Fees as a requirement for Business Permits. She paid fees for these barangay clearance.

As a former mayor, she knew that no ordinance was allowed by the Sangguniang Bayan of Mangaldan and that these collections are illegal.

She referred to Sangguniang Bayan Resolution No. 2015-20, recalling Resolution No. 2015-07 and declaring Barangay Resolution No. 42, S-2014 as null.

She attached the following receipts in her complaint as proof of such illegal exactions as follows:



Republic of the Philippines
PROVINCE OF PANGASINAN
Lingayen
www.pangasinan.gov.ph

OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 845-2021

Page 3

PAYOR	O.R. No.	DATE	AMOUNT
<i>Bona Fe De Vera Parayno</i>	<i>2288506</i>	<i>3/27/19</i>	<i>P500.00</i>
<i>Bona Fe De Vera Parayno</i>	<i>6487119</i>	<i>5/17/19</i>	<i>P500.00</i>
<i>Bona Fe De Vera Parayno</i>	<i>5685176</i>	<i>9/24/2019</i>	<i>P300.00</i>
<i>Bona Fe De Vera Parayno</i>	<i>1332602</i>	<i>10/18/19</i>	<i>P500.00</i>
<i>Bona Fe De Vera Parayno</i>	<i>4232289</i>	<i>1/10/2020</i>	<i>P500.00</i>
<i>Bona Fe De Vera Parayno</i>	<i>4236208</i>	<i>1/20/2020</i>	<i>P300.00</i>
<i>Bona Fe De Vera Parayno</i>	<i>4329436</i>	<i>7/28/2020</i>	<i>P300.00</i>
<i>Bona Fe De Vera Parayno</i>	<i>4329533</i>	<i>8/03/2020</i>	<i>P500.00</i>

She filed this Complaint against the Respondent-Appellant Punong Barangay MELINDA P. MORILLO for Grave Misconduct.

Appellant MORILLO alleged that DE VERA-PARAYNO filed this Complaint in retaliation to a Complaint that she filed against her before the Ombudsman.

In her countervailing affidavit, she stated that:

The (Appellee) filed a criminal complaint through surrogates for illegal exaction against the Respondent by reason of Ordinance # 1, Series of 2014 but was dismissed for lack of jurisdiction.

She claimed in her Answer to the Complaint that the basis for the collection of barangay clearance fees is Barangay Ordinance No. 11, Series of 2019.

While it is true that Barangay Ordinance No. 11, Series of 2019 was disapproved by the Sangguniang Bayan in its Resolution No. 2020-12, the Barangay Council timely appealed the disapproval by filing a Motion for Reconsideration and submitted reduced barangay fees. In its Resolution No. 2020-149, the Sangguniang Bayan denied the Motion for Reconsideration on July 15, 2020 the Sangguniang amended it. It became Barangay (Revenue) Ordinance No. 13, Series of 2020 and submitted to the Sangguniang Bayan of Mangaldan for review and received on July 21, 2020.



OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 845-2021

Page 4

Section 57 (b) clearly states that “if the Sangguniang Panlungsod or Sangguniang Bayan as the case may be, fails to take action on Barangay Ordinance within thirty (30) days from the receipt thereof, the same shall be deemed approved.

Upon the lapse of the prescriptive period of thirty (30) days from July 21, 2020 for review, the Sangguniang Bayan failed to take legislative action on the barangay ordinance. Hence, the barangay ordinance shall have been deemed approved.

Percival, et al. versus Court of Appeals, G.R. No. 107916, February 20, 1997 held “The only ground upon which a provincial board may declare any municipal resolution, ordinance, or order invalid is when such resolution ordinance or order is “beyond the powers conferred upon the council or president making the same.”

She argues that the Sangguniang Bayan is not at liberty to disapprove a barangay ordinance because it finds the same unreasonable. It is only confined to determine whether the barangay ordinance is “consistent with the law or municipal ordinances” and not substitute its own judgment over the Sangguniang Barangay’s. Otherwise, the latter would be deprived of its powers granted by the Local Government Code.

On September 25, 2020, the Barangay Council issued Resolution No. 14 of 2020 entitled A resolution for the Implementation of Barangay Ordinance No. 13, series of 2020. The Barangay Council caused the posting requirements and dissemination of the Ordinance in Barangay Poblacion, the Municipal Hall, the Public Market and other conspicuous place for ten (10) consecutive days.

Barangay Poblacion passed the Resolution that caused the implementing of Ordinance No. 13, S. 2020 or “An Ordinance Enacting the Barangay Revenue Code of Barangay Poblacion, Mangaldan, Pangasinan.

ADMINISTRATIVE CASE NO. 2021-01

This is the second Complaint filed against MORILLO by the same Complainant (Appellee). She complains about being meted barangay clearance fees from what she claimed as an illegal ordinance.

The Appellee alleged:

On January, 2021, Punong Barangay MELINDA PARAGAS MORILLO was still collecting Barangay Clearance Fees of several amounts from the applicants of business permits, as shown by the following receipts and stated below.



Republic of the Philippines
PROVINCE OF PANGASINAN
Lingayen
www.pangasinan.gov.ph

OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 845-2021

Page 5

PAYOR	O.R. No.	DATE	AMOUNT
Bona Fe De Vera Parayno	7338695	1/07/2021	P800.00
Bona Fe De Vera Parayno	7338696	1/07/2021	P800.00
Bona Fe De Vera Parayno	7338697	1/07/2021	P500.00
Bona Fe De Vera Parayno	7338698	10/07/2021	P1,000.00
Bona Fe De Vera Parayno	7338699	1/07/2021	P800.00
Bona Fe De Vera Parayno	7338700	1/07/2021	P500.00
Bona Fe De Vera Parayno	7338601	1/07/2021	P1,000.00
Bona Fe De Vera Parayno	7338602	1/07/2021	P500.00
Bona Fe De Vera Parayno	7338603	1/07/2021	P1,000.00

She prayed that MORILLO be punished for grave misconduct.

MORILLO counters that the collection of barangay clearance fees by the Brgy. Poblacion, Mangaldan, Pangasinan is valid because of Ordinance No. 13, S. 2020 passed by the Sangguniang Barangay of Poblacion, Mangaldan, Pangasinan.

She alleged that:

The Sangguniang Bayan of Mangaldan failed to issue any legislative action concerning the Barangay Ordinance after the lapse of thirty (30) days from the receipt of the Barangay Ordinance such that the Barangay Ordinance shall have been deemed approved.

As provided in Section 57. Review of Barangay Ordinances by the Sangguniang Panlungsod or Sangguniang Bayan-

- (a) Within ten (10) days after its enactment, the sangguniang barangay shall furnish copies of all barangay ordinances to the Sangguniang panlungsod or Sangguniang bayan concerned for review as to whether the ordinance is consistent with law and city or municipal ordinance.*
- (b) If the Sangguniang Panlungsod or Sangguniang Bayan as the case may be, fails to take action on barangay ordinances within (30) days from receipt thereof, the same shall be deemed approved. (emphasis supplied by the respondent).*



OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 845-2021

Page 6

(c) If the Sangguniang Panlungsod or Sangguniang Bayan, as the case may be, finds the barangay ordinances inconsistent with law or city or municipal ordinances, the sanggunian concerned shall within thirty (30) days from the receipt thereof, return the same with its comments and recommendations to the Sangguniang Barangay concerned for adjustment, amendment and modification; in which case, the effectivity of the barangay ordinance is suspended until such time as the revision called for is effective.

When the Sangguniang Bayan is in this case, simply allowed the 30-day period to lapse, the Barangay Ordinance is deemed approved and there is no more need to wait for any action from the Sangguniang Bayan.

Morillo has been unreasonably singled out as a Respondent in the instant case when it is the Sangguniang Barangay as a body that implemented the subject Barangay Ordinance.

With the non-joinder of indispensable parties, i. e. all the members Sangguniang Barangay the instant Complaint warrants a dismissal.

There is no grave misconduct committed by the respondent (appellant). In grave misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of an established rule must be evident. In the instant case, charges of graver misconduct were unsubstantiated. No wrongful intent was committed by the respondent. The Sangguniang Barangay acted as a collegial body in the implementation of a valid ordinance.

Further no element of corruption is present in the instant case. The collection of barangay clearance fees was duly supported by official receipts issued by Brgy. Poblacion, mangaldan, Pangasinan and duly remitted to the coffers of the government.

RULING OF THE SANGGUNIANG BAYAN

The Sangguniang Bayan imposed the following:

A. To REPRIMAND Respondent (Appellant) Brgy. Captain MELINDA P. MORILLO in Admin Case # 2020-06 and that a repeat of a similar offense shall be dealt with more severely;

B. To SUSPEND Respondent (Appellant) MELINDA P. MORILLO from her office as Barangay Captain in Admin Case # 2021-01 for a period of SIX MONTHS;



OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 845-2021

Page 7

ISSUES

There are three issues raised by the Appellant.

I. THE SANGGUNIANG BAYAN, WITH DUE RESPECT, ERRED IN ITS FAILURE TO DISMISS ADMINISTRATIVE CASE NO. 2020-06 FOR INSUFFICIENCY OF EVIDENCE AND FOR BEING MOOT AND ACADEMIC.

II. THE SANGGUNIANG BAYAN WITH DUE REPECT, ERRED IN ITS FAILURE TO DISMISS ADMINISTRATIVE CASE NO. 2021-21 FOR ITS FAILURE TO ACT ON BARANGAY ORDINANCE WITHIN THE PRESCRIPTIVE PERIOD.

III. THE SANGGUNIANG BAYAN WITH DUE RESPECT, ERRED IN UNREASONABLY SINGLING OUT APPELLANT IN THIS ADMINISTRATIVE CASE NO. 2021-01 AND THE PENALTY WAS TOO HARSH.

RULING

We affirm the Decision of the Sangguniang Bayan of Mangaldan.

As stated in the SB Decision, this is a chronological order of the controversy surrounding the alleged enactment and implementation of the controversial ordinance.

- 1. The Local Government Unit of Poblacion, Mangaldan, Pangasinan submitted to this Office their Ordinance No. 1, S. 2019 entitled "An Ordinance enacting the Barangay Revenue Code of Barangay Poblacion, Mangaldan, Pangasinan" which they have enacted on November 16, 2019.*
- 2. The Revenue Code of Barangay Poblacion was denied through Sangguniang Bayan resolution No. 2020-12, the reasons of which were so stated in the Resolution.*
- 3. The Barangay Council of Poblacion filed a Motion for Reconsideration on February 11, 2020. The Sangguniang Bayan denied the Motion for Reconsideration.*
- 4. The Barangay Council of Poblacion submitted Ordinance No. 13, S. 2020 entitled, "An Ordinance Enacting the Barangay Revenue Code of Barangay Poblacion, Mangaldan, Pangasinan (July 15, 2020)."*
- 5. On August 7, 2020, the Barangay Council of Poblacion was invited to attend a Committee Hearing to discuss their re-submitted Ordinance. The Barangay Council of Poblacion failed to attend the Committee Hearing.*



OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 845-2021

Page 8

6. *On August 14, 2020, the Sangguniang Bayan of Mangaldan invited anew the Barangay Council of Poblacion to attend the Committee Hearing. Punong Barangay Melinda P. Morillo wrote the Office of the SB Secretary that due to the unavailability of some members and the conflicting scheduled of other members of her Council, they cannot attend the Committee Hearing.*
7. *On September 4, 2020, the Barangay Council of Poblacion was invited anew to attend the Committee Hearing to discuss their re-submitted Ordinance. The Barangay Council of Poblacion, Mangaldan, Pangasinan failed to attend.*
8. *The Committee on Rules, Laws and Ordinances issued an order dated September 4, 2020 that should the Barangay Council of Poblacion fail to attend the next Committee hearing, the Committee shall rule on the proposed Barangay Ordinance No. 13, 2020 based on the supporting documents submitted.*
9. *On September 7, 2020, the Sangguniang Bayan of Mangaldan invited the Barangay Council of Poblacion to attend the Committee Hearing. The Barangay Council of Poblacion, Mangaldan, Pangasinan failed to attend. The Committee on Rules, Laws and Ordinances issued a Committee Report dated September 16, 2020 which recommended to refer back Barangay Ordinance No. 13, Series 2020 to the Sangguniang Barangay of Poblacion, Mangaldan, Pangasinan. The Committee Report was transmitted and received by the Office of Punong Barangay Melinda P. Morillo.*

The SB did not err in not dismissing Administrative Case No. 2020-06. The issue has not become moot and academic.

The Appellant argue that the “Appellee could no longer question the validity of the action taken by the Appellant because Resolution No. 42, Series of 2014 has been adjusted after five (5) years and Barangay Ordinance No. 11, Series of 2019 otherwise known as the Barangay Revenue Code has been issued,”

The Appellant however fails to mention that in her countervailing statement, she contended that the basis for the collection of fees is with Barangay Ordinance No. 13, Series of 2020. On September 25, 2020, the Barangay Council issued Resolution No. 14, Series of 2020 which affirmed the implementation of Barangay Ordinance No. 13, Series of 2020.

This statement by the Appellant would prove crucial in determining her liability. Notwithstanding the allegation submitted by the Appellee in her first administrative case, the Appellant’s countervailing statement is an implicit admission detrimental to her cause.



OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 845-2021

Page 9

It begs the question: Why would the Appellant argue that the Appellee can no longer question the validity of Ordinance I, Series of 2014 when she herself admitted that it was already superseded by a more recent Ordinance No. 13, S. 2020?

Ordinance No. 13, S. 2020 is a flawed ordinance.

The SB of Mangaldan has stayed its hand in implementation the full extent of the Appellant's liability in Administrative Case No. 2020-06. The Appellant should count her blessings that she was only issued a mere reprimand.

The Sangguniang Bayan of Mangaldan can still take Action on the validity of Barangay Ordinance No. 13 Series of 2020 even if the aforementioned ordinance lingered for more than thirty days in the Office of the Sangguniang Bayan.

Yes, it can.

The Appellant argues that the Local Government Unit of Poblacion, Mangaldan, Pangasinan has every right to implement the barangay ordinance if it was submitted to the Sangguniang Bayan and was not acted upon for more than thirty days following its submission. This argument is misplaced.

The Appellant cites Section 57 (b) of the Local Government Code which provides that "if the Sangguniang Panlungsod or Sangguniang Bayan as the case may be, fails to take action on Barangay Ordinances within thirty (30) days from the receipt thereof, the same shall be deemed approved.

This provision should not be construed as a procedural straitjacket that would oust the right of the Sangguniang Bayan of Mangaldan to determine if the Ordinance being reviewed is within the conferred powers of the local government unit of Poblacion, Mangaldan. If the Appellant were to be allowed to pursue her line of argument, the Sangguniang Bayan could no longer review and remand an Ordinance that is considered onerous, patently illegal and ultra vires.

There was no intention of the SB to not take action on the said ordinance.

As can be gleaned from the SB Decision.

"The timeline would point to a number of instances when the Poblacion Barangay Council was given an opportunity to attend the Committee Hearing by way of courtesy to them in relation to the discussion of Barangay Ordinance No. 13, Series of 2020. They failed to attend. They did not even send representatives. The Committee on



Republic of the Philippines
PROVINCE OF PANGASINAN
Lingayen
www.pangasinan.gov.ph

OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 845-2021
Page 10

Laws, Rules and Ordinance exercised utmost tolerance to a seeming snub of several invitations to attend the Committee Hearing until it realized that there is a concerted effort to not attend it.

The Sangguniang Bayan through the Committee on Rules, Laws and Ordinances issued its findings and recommendations and remanded Barangay Ordinance No. 13, series 2020 to Barangay Poblacion. The records of the Sangguniang Bayan would show that Barangay Poblacion received it on September 16, 2020.

The words used by the Sangguniang Bayan could not be clearer. There was an action taken. It was clear-the said ordinance is not valid. There was no public hearing.

Reproduced in toto are the findings and recommendation of the Committee on Barangay Ordinance No. 13, Series of 2020.

Findings:

The Barangay Council of Barangay Poblacion failed to submit proof of evidence that a public hearing was conducted. For the purpose prior to the enactment of the proposed Ordinance as provided in Sections 186 and 187 of the Local Government Code of 1991.

Recommendations:

In view of the foregoing findings, the Committee hereby Recommends to refer back Barangay Ordinance No. 13, Series of 2020 of the Sangguniang Bayan of Poblacion, Mangaldan, Pangasinan for compliance with Sections 186 and 1987 of the Local Government Code relative to the requisite public hearing.

Mangaldan, Pangasinan this 16th day of September, 2020

In evident mockery to the reviewing authority of the Sangguniang Bayan, the Poblacion Barangay Council disregard the September 16 Recommendation when, either by its unwitting idiocy or criminal intent, passed on September 25, 2020, Resolution No. 14, Series of 2020 entitled "A Resolution for the Implementation of Barangay Ordinance No. 13, series of 2020": (An ordinance Enacting the Barangay Revenue Code of Barangay Poblacion Mangaldan, Pangasinan.)



OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 845-2021
Page 11

And in all those times, they were invited and refused to attend the Committee Hearings called by the Committee on Rules, Laws and Ordinances.

Barangay Poblacion passed this Resolution that they could collect revenue and ignore the Sangguniang Bayan letter nine days after it received the remanding of Ordinance No. 13 Series of 2020. This is criminal. This is illegal exaction. This is grave misconduct. Kap Morillo could have stopped this. She did not. She is the brains and the manpower for this transgression of the law."

Several times in her pleadings, the Appellant cites Section 57 (c) of the Local Government Code which provides thus:

(c) If the sangguniang panlungsod or sangguniang bayan, as the case may be, finds the barangay ordinances inconsistent with law or city or municipal ordinances, the sangguniang concerned shall, within thirty (30) days from receipt thereof, return the same with its comments and recommendations to the sangguniang barangay concerned for adjustment or modification; in which case, the effectivity of the barangay ordinance is suspended until such time as the revision called for is effected.

The Appellant contends:

"If the Sangguniang Bayan finds that the barangay Ordinance is inconsistent with law or city or municipal Ordinances, it should only return the same with its comments and recommendations to the Sangguniang Barangay. Hence the Decision dated May 14, (2021) of the Sangguniang Bayan stating that Ordinance No. 13, S. 2020 is invalid for lack of public hearing does not have a leg to stand on."

"Further, it is not for the Sangguniang Bayan to declare an Ordinance void for lack of a public hearing. A remedy is explicitly provided under the law for a dissatisfied taxpayer who question the validity or legality of a tax ordinance."

Her logic is deeply flawed.

If one were to follow the syllogism of the Appellant, this is what she wants to convey.

- 1. If the reviewing Sangguniang Bayan were to find something inconsistent with law, it should return it to ther Sangguniang Barangay.*
- 2. The SB found that there was no evidence of public hearing for this Ordinance.*



OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 845-2021

Page 12

3. Ergo, the SB should only have to return the barangay ordinance for adjustment, amendment or modification.

4. Further, complainant should have questioned the validity or legality of a tax ordinance in court.

There is one thing that the Appellant missed in her argument. Explicit in the Section 57 (c) of the Local Government Code is the provision that the effectivity of the barangay ordinance is suspended until such time as the revision called for is effected.

Since the Appellant has relied on this legal provision for some time, she could re-read the provision anew so that she would not miss this suspension of the effectivity of the ordinance until the revision called for is in effect.

She missed it or conveniently ignored it.

This much is certain. If she claims that there is a reason to modify the ordinance, then the same legal provision that she relies on states that the implementation of the ordinance shall be suspended until it is corrected.

For her failure:

1. To suspend the effectivity of the Ordinance after it was remanded to the barangay council;

2. To exercise leadership and equanimity to suspend the passage of resolution No. 14, Series of 2020 entitled Resolution No. 14, Series of 2020; A Resolution for the Implementation of Barangay Ordinance No. 13, series of 2020” nine days after the same ordinance was remanded by the SB of Mangaldan to Poblacion to comply with the need for a public hearing;

She should remain suspended from office.

The Appellant was not singled out in Admin Case # 2021-01. She deserves to be meted the penalties imposed on her.

The Appellant would want the case filed against her dismissed because she was the only one indicted in the Complaint.

Her claim is unfounded. If she thinks that she is as guilty as the others, then all should be punished. It is convoluted reasoning to ask that she be considered not liable since she was the only one prosecuted. The non-joinder of parties should not be cause for the dismissal of the Complaint.



OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 845-2021

Page 13

Moreover, the SB cannot go beyond the Complaint filed against Appellant MORILLO. She is the sole respondent. The SB cannot acquire jurisdiction over the persons of the other respondents who are not named in the suit.

The case filed against him is for Grave Misconduct on two counts.

Misconduct is considered grave if accompanied by corruption, a clear intent to violate the law, or a flagrant disregard of established rules, which must all be supported by substantial evidence.”

Misconduct is a transgression of some established and definite rule of action, particularly, as a result of a public officer’s unlawful behavior, recklessness, or gross negligence. This type of misconduct is characterized for purposes of gravity and penalty as simple misconduct. The misconduct is grave if it involves any of the additional elements of corruption, clear willful intent to violate the law, or flagrant disregard of established rules, supported by substantial evidence.”

In the case of the Appellant, she was presented with an opportunity to rectify what is clearly a revenue ordinance that is beyond the powers of the Local Government Unit of Poblacion to implement. She would argue that there would be no need for another public hearing on Barangay Ordinance No. 13, series of 2020 because its previous reincarnations have substantially complied with a public hearing.

There is nothing to show that there were public hearings conducted so that the constituents of Poblacion would be informed of an imposition to be levied upon them.

The Appellant had the shameless temerity to point out that she and her barangay kagawads are not obliged to appear upon invitation by the SB in the Committee Hearings for the purpose of ironing out the need to amend, adjust and modify their revenue ordinance. Records of the SB would show, as can be gleaned from the factual findings of the SB that invitations were made.

The timeline would point to a number of instances when the Poblacion Barangay Council was given an opportunity to attend the Committee Hearing by way of courtesy to them in relation to the discussion of Barangay Ordinance No. 13, Series 2020. They failed to attend. They did not even send representatives. The Committee on Laws, Rule and Ordinance exercised utmost tolerance to a seeming snub of several invitations to attend the Committee Hearing until it realized that there is a concerned effort to not attend it.”



OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 845-2021

Page 14

While the SB extended courtesy to the Barangay Officials of Poblacion, they did not reciprocate it. During all those times that they refused to attend, they were counting on the days when, because of a misplaced legal interpretation, the thirty-day period to review would lapse, and consider the said Ordinance to be deemed approved.

This is an unmitigated bad faith and conceit on the part of the barangay official and ultimately, to their ring leader, the Appellant. It is improper to consider that the ordinance at hand is deemed approved because of the inaction of the SB within thirty days from the time it was submitted. There was the remanding of the ordinance and in very clear language, to hold in abeyance its implementation because of the lack of a public hearing.

The passage of Resolution No. 14, Series of 2020 that ignored the recommendation of the SB and moved for the implementation of Ordinance No. 13, S-2020 has caused irreversible damage to the cause of the Appellant's argument that she is blameless.

The law is clear. If there is a need to amend, modify or adjust, the proposed ordinance shall be suspended. The Appellant chose to ignore this edict. She continued collecting barangay clearances under Ordinance No. 13, S-2020. An Admin. Case was filed against her and she was called out to stay the collection. She was adamant. She continued collecting under the same ordinance from the business establishments of Poblacion, Mangaldan.

Then another case was filed against her. She has exposed herself as a tin pot tyrant who would not be swayed and nothing should stand in her way. The law is not on her side.

Section 66. of the Local Government Code of 1991 provide thus:

Form and Notice of Decision. –

(a) xxx

(b) *The penalty of suspension shall not exceed the unexpired term of the respondent or a period of six (6) months for every administrative offense, nor shall said penalty be a bar to the candidacy of the respondent so suspended as long as he meets the qualifications required for the office.*

© xxx

REPRIMAND as a penalty in Administrative Case #2020-06 is reasonable in that the Appellant was then given the benefit of the doubt when she began collecting fees from a legally infirm ordinance.



Republic of the Philippines
PROVINCE OF PANGASINAN
Lingayen
www.pangasinan.gov.ph

OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

Provincial Resolution No. 845-2021
Page 15

But she deserves to be meted the full six months suspension in Administrative Case #2021-01 for her wanton, deliberate and corrupt refusal to heed the suspension of the implementation of the same ordinance and continued collecting barangay clearance fees from it.

ACCORDINGLY, this August Body AFFIRMS THE DECISION of the SANGGUNIANG BAYAN OF MANGALDAN and hereby DISMISSES the APPEAL of Punong Barangay MELINDA P. MORILLO

SO ORDERED. October 4, 2021. Lingayen, Pangasinan

Respectfully Submitted:

*SP MEMBER NOEL C. BINCE
Chairman*

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_

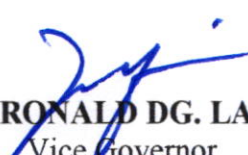
RESOLVED, by the Sangguniang Panlalawigan in session assembled to approve, as it is hereby approved and adopted as its decision en banc, the Recommendation of the Committee on Good Government and Accountability of Public Officers, Justice and Human Rights in SP Administrative Case No. 01-2021;

RESOLVED FURTHER, that copies of this resolution be furnished to Punong Barangay Melinda P. Morillo, Bona Fe Vera Parayno, the Sangguniang Bayan of Mangaldan, 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)