



Republic of the Philippines
PROVINCE OF NEGROS OCCIDENTAL
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
South Wing, Provincial Capitol Building
South Capitol Road, Bacolod City, Negros Occidental 6100
Tel. Nos. 435-7698 * 447-5657 * 707-8075

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF NEGROS OCCIDENTAL HELD IN THE CITY OF BACOLOD, NEGROS OCCIDENTAL ON THE 23RD DAY OF JULY 2024.

Present:

Hon. Araceli T. Somosa	Temporary Presiding Officer
Hon. Rommel T. Debulgado	Member - 1 st District
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.	Member - 2 nd District
Hon. Manuel Frederick O. Ko	Member - 3 rd District
Hon. Andrew Gerard L. Montelibano	Member - 3 rd District
Hon. Rita Angela S. Gatuslao	Member - 5 th District
Hon. Valentino Miguel J. Alonso	Member - 6 th District
Hon. Jeffrey T. Tubola	Member - 6 th District
Hon. Mayvelyn L. Madrid	Member - SK
Hon. Richard Julius L. Sablan	Member - ABC

Absent:

Hon. Jose Benito A. Alonso	(On Leave)	Member - 4 th District
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On Official Business:

Hon. Jeffrey P. Ferrer	Vice Governor
Hon. Samson C. Mirhan	Member - 2 nd District
Hon. Andrew Martin Y. Torres	Member - 4 th District
Hon. Anthony Dennis J. Occeño	Member - 5 th District
Hon. Julius Martin D. Asistio	Member-PCL

RESOLUTION NO. 0869
Series of 2024

RESOLUTION DISMISSING THE COMPLAINT FILED BY RICHARD C. DELASA OF LAPULAPU CITY, CEBU AGAINST SB MEMBER ANTONIO LUIS ARGUELLES GONZAGA OF THE MUNICIPALITY OF MURCIA, NEGROS OCCIDENTAL FOR LACK OF PROCEDURAL ADHERENCE AND MERIT.

WHEREAS, Mr. Richard C. Delasa lodged a complaint with the Office of the Ombudsman on January 25, 2024, alleging eight charges against Councilor Antonio Luis Arguelles Gonzaga of the Municipality of Murcia, Negros Occidental;

WHEREAS, in accordance with Section 61 of the Local Government Code, the complaint was forwarded to SP Secretary Atty. Maki Ascalon, and acknowledgment of receipt was made on April 30, 2024;

WHEREAS, the Committee on Rules, Laws, and Ordinances, responsible for investigating and recommending decisions, reviewed the case and determined jurisdiction, notifying Mr. Delasa of three requirements: payment of a 200-peso filing fee as stipulated in Section 4 of Rule 3 of SP Ordinance No. 017, submission of a verified complaint, and certification of non-forum shopping; both parties received a letter on June 4, 2024, containing a copy of the complaint;

WHEREAS, a preliminary meeting was scheduled by the Committee on Laws, inviting both the complainant and the respondent on July 2, 2024, attended by Sangguniang Panlalawigan staff, Respondent SB Gonzaga, and his legal counsel,



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WHEREAS, the complainant failed to appear before the Committee on Laws, thereby waiving his right to present evidence and argue his complaint against SB Gonzaga and failing to provide additional documents to substantiate his complaint, which does not provide any direct grounds to establish any violations provided by the Local Government Code, particularly in Section 60;

WHEREAS, the complainant failed to pay the required filing fee pursuant to Section 4 of Rule 3 of SP Ordinance No. 017;

WHEREAS, upon recommendation of the Committee on Laws, Rules, and Ordinances recommended the dismissal of the administrative complaint filed by Richard Delasa against SB Antonio Luis Arguelles Gonzaga for lack of merit and jurisdiction.

WHEREAS, inserted below is the DECISION discussing the three major issues the committee found and its logical reasoning on how it resolved the administrative case:

Richard C. Delasa,
Complainant,

Administrative Case No. SP-24-002-AC
July 23, 2024

-versus-

Antonio Luis Arguelles Gonzaga.,
SB Member
Murcia,
Negros Occidental,
Respondent

X-----X

DECISION

INTRODUCTION:

Mr. Richard C. Delasa lodged a complaint with the Office of the Ombudsman on January 25, 2024, alleging eight charges against SB Gonzaga. Pursuant to Section 61 of the Local Government Code, the complaint was forwarded to SP Secretary Atty. Maki Ascalon, who acknowledged receipt on April 30, 2024.

PROCEDURAL BACKGROUND:

The Committee on Rules, Laws, and Ordinances, responsible for investigating and recommending decisions, reviewed the case. The committee determined it had jurisdiction and notified Mr. Delasa of three requirements: payment of a 200-peso filing fee as stipulated in Section 4 of Rule 3 of SP Ordinance No. 017, submission of a verified complaint, and certification of non-forum shopping. Both parties received a letter on June 4, 2024, containing a copy of the complaint. Additionally, on June 21, 2024, a letter of summons was sent to the Complainant, Respondent, and the Local Government of Murcia for a scheduled meeting to be held on July 2, 2024.



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Minutes of the Meeting:

The preliminary meeting commenced at 10:30 AM on July 2, 2024, attended by Sangguniang Panlalawigan staff. Also present were Respondent SB Gonzaga and his legal counsel, Atty. Arnel Lapore.

The eight-point complaint was read aloud to the respondent, ensuring awareness of the accusations.

The complainant failed to comply with the requirement of SP Ordinance 017, Series of 2000, regarding the payment of a 200-peso filing fee.

Due to the complainant's absence from the meeting, it is considered a waiver of his right to present evidence and argue his complaint against SB Gonzaga.

The committee concluded the meeting without further discussion. The chairman requested Respondent SB Gonzaga and Atty. Lapore to submit a motion to dismiss or an opposition paper with a motion to dismiss the case by July 11, 2024. A decision will be rendered by the committee on or before July 29, 2024.

ISSUES:

- 1. Whether the complainant's failure to comply with the requirement of SP Ordinance 017, Series of 2000, to pay the 200 pesos filing fee affects the procedural validity of the case.**
- 2. Whether the complainant's failure to attend the preliminary meeting constitutes a waiver of his right to present evidence and argue his complaint against SB Gonzaga.**
- 3. Whether the absence of additional documents beyond the initial complaint impacts the substantive merit of the case against SB Gonzaga.**

RULING

"An administrative complaint is not intended as a tool or remedy for individuals to pursue personal grievances against a public servant in their private capacity. Rather than offering a temporary solution, it may instead pose challenges and disruptions to the public servant in their official duties."

1. As to whether the complainant's failure to comply with the requirement of SP Ordinance 017, Series of 2000, to pay the 200 pesos filing fee affects the procedural validity of the case:

The failure of the complainant to pay the required 200 pesos filing fee as mandated by SP Ordinance 017, Series of 2000, raises fundamental questions about the procedural validity of the case. This fee requirement serves a dual purpose: first, it ensures compliance with local government regulations that govern the submission of administrative complaints, thereby maintaining procedural orderliness. Second, it underscores the principle of procedural fairness by imposing a nominal fee that signifies commitment and seriousness in pursuing the complaint. Adherence to such requirements not only upholds the integrity of the administrative process but also prevents frivolous or unwarranted complaints from burdening the system.



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Consequently, the non-payment of the filing fee casts doubt on the complainant's adherence to established procedural norms and may warrant reconsideration of the case's validity within the framework of administrative rules and regulations. Therefore, without the payment of the required filing fee, the procedural fairness and integrity of the administrative complaint process could be compromised, potentially affecting the overall legitimacy of the proceedings.

2. As to whether the complainant's failure to attend the preliminary meeting constitutes a waiver of his right to present evidence and argue his complaint against SB Gonzaga:

The complainant's failure to attend the preliminary meeting has significant implications regarding his ability to substantiate the allegations against SB Gonzaga. In administrative proceedings, attendance at such meetings is crucial as it affords the complainant an opportunity to present evidence, clarify allegations, and effectively argue their case. Non-attendance may be construed as a waiver of the complainant's right to actively participate in the proceedings, including presenting crucial evidence and providing context to the allegations. This absence not only hinders the complainant's ability to articulate their grievances comprehensively but also limits the committee's ability to fully assess the merits of the complaint. Consequently, the non-attendance compromises the complainant's position in the proceedings, potentially weakening the overall substantiation of the allegations against SB Gonzaga and affecting the fairness and completeness of the administrative review process. Thus, the complainant's failure to attend the preliminary meeting raises pertinent questions about the viability and thoroughness of the complaint, underscoring the importance of active participation in administrative proceedings to uphold procedural integrity and ensure a fair adjudication of issues.

3. As to whether absence of additional documents beyond the initial complaint impacts the substantive merit of the case against SB Gonzaga:

The absence of additional substantiating documents beyond the initial complaint can significantly impact the substantive merit of the case against SB Gonzaga. In administrative proceedings, the presentation of thorough and relevant documentation is essential to substantiate allegations effectively. Additional documents serve to provide context, evidence, and clarity to the claims made against the respondent, bolstering the complainant's position and strengthening the overall credibility of the complaint. Without such supplementary evidence, there is a risk that the allegations may lack sufficient support and fail to meet the burden of proof required in administrative investigations. Moreover, these documents are crucial in ensuring a comprehensive review of the issues at hand, enabling the committee to make informed decisions based on factual evidence. Therefore, the absence of additional substantiating documents not only diminishes the complainant's ability to fully substantiate their allegations but also undermines the completeness and thoroughness of the administrative review process. As a result, the necessity of providing comprehensive documentation to support and strengthen allegations against SB Gonzaga is paramount to maintaining the integrity and fairness of the proceedings, ultimately influencing the substantive merit and outcome of the case.

Based on the issues raised and the analysis thereof, it is evident that the administrative complaint filed by Mr. Richard C. Delasa against Councilor Antonio Luis Arguelles Gonzaga lacks the procedural and substantive basis necessary to warrant further consideration. The failure of Mr. Delasa to comply with the mandatory filing fee requirement under SP Ordinance 017, Series of 2000, raises significant concerns about the procedural validity of the case. This non-compliance underscores a lack of adherence to essential local government regulations, thereby compromising the integrity of the administrative process.

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Additionally, Mr. Delasa's absence from the preliminary meeting, which effectively waived his right to present evidence and argue his complaint, further weakens the foundation of his allegations against Councilor Gonzaga. Attendance at such meetings is crucial for the complainant to substantiate claims and participate fully in the proceedings, and Mr. Delasa's non-attendance has deprived the committee of essential information and context necessary to evaluate the merits of the case.

Moreover, the absence of additional substantiating documents beyond the initial complaint impedes the committee's ability to conduct a thorough and fair assessment of the allegations against Councilor Gonzaga. These documents are essential in providing comprehensive evidence and clarity to support Mr. Delasa's claims, which is pivotal in administrative investigations.

THEREFORE, in light of these deficiencies and in adherence to legal principles governing administrative complaints, it is deemed appropriate to DISMISS the complaint filed by Mr. Richard C. Delasa against Councilor Antonio Luis Arguelles Gonzaga for lack of procedural adherence and merit. This decision is based on the non-payment of the filing fee, non-attendance at the preliminary meeting, and the insufficient substantiation of allegations due to the absence of additional supporting documents. The parties are encouraged to pursue any further legal remedies available to them for the resolution of their disputes.

Let copies of this decision be furnished to the Sangguniang Bayan of Murcia and its Local Chief Executive, to both parties and their counsel, DILG Provincial Office, OMLGOO and Deputy Ombudsman for Visayas.

SO ORDERED.

HON. SIXTO TEOFILO ROXAS GUANZON, JR.
Ponente, Chairman of the Committee on Laws, Rules, and Ordinances

WHEREAS, the complaint primarily revolves around a dispute between both parties, which does not directly involve abuse of authority, violation of Republic Act No. 6713, or the Local Government Code of 1991 within the context of the respondent's duties as an SB Member of Murcia

WHEREAS, the Sangguniang Panlalawigan is tasked with legislative functions and oversight over provincial affairs, and is not empowered to adjudicate individual disputes such as the one presented in this case;

WHEREAS, in the interest of upholding the principles of good governance and adherence to legal procedures, it is deemed appropriate to dismiss the administrative complaint for lack of merit and jurisdiction;



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WHEREAS, it is hereby resolved to dismiss the administrative complaint filed by Richard Delasa against SB Antonio Luis Arguelles Gonzaga for lack of merit and jurisdiction. As enunciate written decision to wit:

NOW THEREFORE, premises considered, on motion of Hon. Sixto Teofilo Roxas V. Guanzon, Jr. unanimously seconded by all the members present, during the regular session of the Sangguniang Panlalawigan of Negros Occidental, resolved, as it hereby resolves, to pass and approve this resolution to wit:

RESOLUTION DISMISSING THE COMPLAINT FILED BY RICHARD C. DELASA OF LAPULAPU CITY, CEBU AGAINST SB MEMBER ANTONIO LUIS ARGUELLES GONZAGA OF THE MUNICIPALITY OF MURCIA, NEGROS OCCIDENTAL FOR LACK OF PROCEDURAL ADHERENCE AND MERIT.

RESOLVED FURTHER, that a copy of this resolution shall be submitted to the DILG Provincial Office, Office of the Ombudsman- Visayas, Counsels of the Complainant and Respondent.

RESOLVED FINALLY, that a copy of the Decision, Committee Report and this Resolution shall be furnished to the Repository archives of the Sangguniang Panlalawigan

ADOPTED UNANIMOUSLY.

This resolution shall take effect immediately upon approval.

CERTIFIED CORRECT:


HON. ARACELI T. SOMOSA
Temporary Presiding Officer

ATTESTED:


ATTY. MAKLANGEL O. ASCALON
Provincial Secretary

Copy for: all concerned
Res2024@senary