



Republic of the Philippines
PROVINCE OF NEGROS OCCIDENTAL
Old Capitol Building, Bacolod City
Tel. No. 707-8075 (Admin) * 435-7698 (Board Member) * 709-0121 (Legislative Division)
OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF NEGROS OCCIDENTAL HELD IN THE CITY OF BACOLOD ON THE 17TH DAY OF JUNE 2025

PRESENT:

Hon. Valentino Miguel J. Alonso
Hon. Araceli T. Somosa
Hon. Rommel T. Debulgado
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.
Hon. Samson C. Mirhan
Hon. Manuel Frederick O. Ko
Hon. Andrew Gerard L. Montelibano
Hon. Jose Benito A. Alonso
Hon. Anthony Dennis J. Occeño
Hon. Jeffrey T. Tubola
Hon. Richard Julius L. Sablan
Hon. Mayvelyn L. Madrid

Temporary Presiding Officer
Member - 1st District
Member - 1st District
Member - 2nd District
Member - 2nd District
Member - 3rd District
Member - 3rd District
Member - 4th District
Member - 5th District
Member - 6th District
Member - ABC Rep.
Member - SK Rep.

ON OFFICIAL BUSINESS:

Hon. Jeffrey P. Ferrer
Hon. Andrew Martin Y. Torres
Hon. Rita Angela S. Gatuslao
Hon. Julius Martin D. Asistio

Vice-Governor
Member - 4th District
Member - 5th District
Member - PCL Rep.

RESOLUTION NO. 0642
Series of 2025

RESOLUTION REDUCING TO ONLY ONE (1) ADMINISTRATIVE OFFENSE FOR OPPRESSION AND AFFIRMING THE SIX (6)-MONTH SUSPENSION OF HON. FELICISIMO V. MABAN, PUNONG BARANGAY OF SITIO INAYAWAN, CAUAYAN, NEGROS OCCIDENTAL, IN A DECISION BY THE SANGGUNIANG BAYAN UNDER ADMINISTRATIVE CASE NO. 2024-02

Authored by:

Committee of the Whole acting as a Quasi-Judicial Body of the 37th Sangguniang Panlalawigan of the Province of Negros Occidental

WHEREAS, as stated under the Committee Report of the Committee of the Whole acting as the Quasi-Judicial Body of the 37th Sangguniang Panlalawigan of the Province of Negros Occidental, the Facts of the Case were established, wherein Punong Barangay, Hon. Felicisimo Maban, was accused of Oppression, Misconduct, Abuse of Authority, and Conduct Prejudicial to the Interest of the Service before the Sangguniang Bayan. Hon. Arnel Ibañez, as the Complainant, filed the aforementioned Administrative Offenses against Hon. Felicisimo Maban as the Respondent;

WHEREAS, in the foregoing Administrative Case No. 2024-002, the Decision of the Quasi-Judicial Body, dated October 14, 2024, was duly received by the Respondent, Hon. Felicisimo Maban;

WHEREAS, on January 3, 2025, the Appellant, Hon. Felicisimo Maban, filed a Motion for Appeal, which was subsequently denied by the Sangguniang Bayan as aggravated by the failure



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of the Respondent. Furthermore, the Respondent filed a Manifestation with a Motion to Recall the Order of Implementation, citing several reasons in *Laura Mateo vs. CA, et al.*, G.R. No. 97839, to wit:

"The general rule, that the trial court loses jurisdiction over a case after the perfection of the appeal, hence, a motion to dismiss the appeal should be filed in the appellate court, not in the trial court, presupposes that the record on appeal had been transmitted to the appellate court."

WHEREAS, on the contrary, the Complainant countered that the opposition to the Notice of Appeal and the Manifestation with the Motion to Recall the Order of Implementation by the Appellee was based on several grounds:

- 1) The appeal had lapsed beyond the prescribed period and was considered out of time.
- 2) The motion to deny the Manifestation with Motion to Recall Order of Implementation for lack of merit.
- 3) The motion to proceed with the implementation of the decision, as per Resolution No. 2024-176, dated December 23, 2024.

WHEREAS, pending the Resolution of the arguments from both the Appellant and the Appellee, the Respondent initiated an appeal to the Sangguniang Panlalawigan on January 17, 2025. Which is hereto presented as an integral part of this Resolution:

Republic of the Philippines
Province of Negros Occidental
Municipality of Cauayan
OFFICE OF THE SANGGUNIANG BAYAN
-o0o-

ARNEL L. IBANEZ

Complainant,

- versus -

ADMINISTRATIVE CASE NO. 2024-02
For: **OPPRESSION, MISCONDUCT,**
ABUSE OF AUTHORITY, AND
CONDUCT PREJUDICIAL TO THE
INTEREST OF THE SERVICE

FELICISIMO V. MABAN,

Respondent.

x- ----- x

NOTICE OF APPEAL

PETITIONER, Felicisimo V. Maban, by counsel, respectfully gives notice that he is appealing the Decision of this Honorable Office dated October 9, 2024, as well as the Order dated November 21, 2024, which includes Resolution No. 2024-157 dated November 13, 2024.

Petitioner received a copy of the Order dated November 21, 2024, on December 4, 2024. Pursuant to Section 2, Rule 14 of Ordinance No. 2000-17, Series of 2000 of the Sangguniang Panlalawigan of Negros Occidental, the Petitioner has thirty (30) days from receipt of notice of the judgment or final order to file an appeal, or until January 3, 2025.

Further, as required under Section 5, Rule 14 of Ordinance No. 2000-17, Series of 2000, which provides:

"SECTION 5. Transmittal of original record. Within fifteen (15) days from receipt of the notice of appeal, the sanggunian whose decision or final order has been appealed shall transmit to the Sangguniang Panlalawigan the complete original record of the case with each page consecutively numbered and initialed by the custodian of the records, together with the exhibits and transcripts, which shall be certified by such custodian as complete. A copy of the letter of transmittal of the



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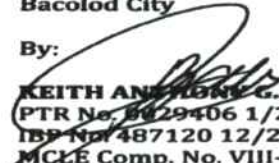
The Petitioner respectfully requests this Honorable Office to ensure the proper and timely transmittal of the complete original record of the case, along with all exhibits and transcripts, to the Sangguniang Panlalawigan of Negros Occidental in compliance with the above provision.

In compliance with procedural requirements, attached herewith is the Official Receipt evidencing payment of the required Appeal Fee.

Bacolod City, for Cauayan, this 2nd day of January, 2025.

BALBIN, BALBIN AND BALBIN LAW OFFICE
Counsel for the Respondent Felicisimo V. Maban
Rm. 2-1, JDI Bldg. Galo Street
Bacolod City

By:


KEITH ANTHONY G. BALBIN
PTR No. 8929406 1/2/2025
IBP No. 487120 12/25/2024
MCLE Comp. No. VIII-0006530-
valid until April 14, 2028
Roll No. 78431
Contact No. 09261545887
E-mail: keithanthonybalbin@yahoo.com/
balbinbalbin.lawoffice@yahoo.com

cc:

Office of the Sangguniang Panlalawigan
Province of Negros Occidental
Bacolod City

Atty. Adrian G. Arellano
Counsel for the Complainant
Manayon & Arellano Law Office
A.G.A Building, G. Cordova Street,
Kabankalan City, Negros Occidental



WHEREAS, the Notice of Appeal was received at Sangguniang Panlalawigan and was docketed as SP Admin Case 2025-001 AC;

WHEREAS, the Decision enshrined under Administrative Case No. 2024-02 was not properly executed due to some unknown reasons. It was not adequately explained and submitted for presentation as part of the material evidence that may have a striking effect on the execution of Administrative Case No. 2024-02;

WHEREAS, the failure to execute the Suspension as stated under the Decision of the said Administrative Case has remained infirm and inadequate in its intention and mandate. Ordinance No. 2004-094-A, Series of 2024, an Ordinance enacted, passed, and approved by the Sangguniang Bayan of the Municipality of Cauayan, along with Resolution No. 2005-124, states as follows:



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EXCERPT FROM THE MINUTES OF THE 50th REGULAR SESSION OF THE
SANGGUNIANG BAYAN HELD AT ITS OFFICE IN THE MUNICIPALITY OF CAUAYAN,
NEGROS OCCIDENTAL ON THE 10TH DAY OF AUGUST 2005.

PRESENT

| | |
|-------------------------------|---|
| HON. ROMULO L. MONCATAR | Municipal Vice Mayor/Presiding Officer |
| HON. FERNANE M. TABUJARA | Municipal Councilor |
| HON. ROMULO M. MOMBAY | Municipal Councilor |
| HON. GUALBERTO V. MABAN II | Municipal Councilor |
| HON. WILFREDO A. TORTOSA (OB) | Municipal Councilor |
| HON. CANDIDO T. PEREZ, JR. | Municipal Councilor |
| HON. MACDOTING L. ZAFRA | Municipal Councilor |
| HON. ERNESTO T. LAGULAO | Municipal Councilor |
| HON. CYRIL C. SAMILLANO | Municipal Councilor |
| HON. ABRAHAM C. MONTES | Municipal Councilor/ABC President |
| HON. CARYLL ATOM T. ATIENZA | Municipal Councilor/SK Federation President |

ABSENT

NONE

RESOLUTION NO. 2005-124

A RESOLUTION ENACTING AND APPROVING MUNICIPAL ORDINANCE NO. 2004-094-A, "AN ORDINANCE ADOPTING RULES OF PROCEDURES IN THE CONDUCT OF ADMINISTRATIVE INVESTIGATION AGAINST ELECTIVE BARANGAY OFFICIALS WITHIN THE MUNICIPALITY OF CAUAYAN, NEGROS OCCIDENTAL

WHEREAS, the non-enforcement of the mandate of the Decision under Administrative Case No. 2024-02, as well as Ordinance No. 2004-094-A, Series of 2024, has prompted and created a controversy where the Motion for Temporary Manifestation with Motion to Recall Order of Implementation was submitted by the Respondent.

WHEREAS, from the time the Decision was expressed under Administrative Case No. 2024-02 on October 14, 2024, a period of seventy-nine (79) days has elapsed, which is considerably beyond the thirty (30)-day period allowable to file the Notice of Appeal under Rule 14, Section 2 of Ordinance No. 2000-017 of the Sangguniang Panlalawigan of the Province of Negros Occidental. Moreover, it is explicitly explained under Section 68 of the Local Government Code, which states that:

"Rule 14, Section 2. When to appeal. An appeal may be taken within thirty (30) days from receipt by the Appellant of the Decision or Final Order appealed from."

And

"Section 68. Execution Pending Appeal. - An appeal shall not prevent a decision from becoming final or executory. The Respondent shall be considered as having been placed under preventive suspension during the pendency of an appeal. In the event he wins such appeal, he shall be paid his salary and such other emoluments during the pendency of the appeal."

WHEREAS, the provision of the aforecited Section is very explicit, stating that it will not stop the tolling of the period for filing a Motion for Consideration and other calculated moves that may cause unnecessary delays against such a provision.



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WHEREAS, the Appellant continue to argue on the basis of the Consolidated Memorandum, which was submitted on February 19, 2025, and was reviewed by the Quasi-Judicial Body of the Committee of the Whole of the 37th Sangguniang Panlalawigan by virtue of the provision of Section 62(c) of the Local Government Code, which states:

"Section 62(c). However, no investigation shall be held within ninety (90) days immediately prior to any local election, and no preventive suspension shall be imposed within the said period. If preventive suspension has been imposed prior to the 90-day period immediately preceding a local election, it shall be deemed automatically lifted upon the start of the aforesaid period."

WHEREAS, the aforesaid provision was complied immediately after docketing the SP Administrative No. 2025-001 AC by and between Hon. Felicisimo Maban, Appellant, and Hon. Arnel Ibañez, Appellee, as stated under Resolution No. 0302, Series of 2025, to wit:

RESOLUTION NO. 0302
Series of 2025

**OMNIBUS RESOLUTION POSTPONING UNTIL MAY 13, 2025,
THE THREE (3) ADMINISTRATIVE CASES FILED WITH THE
37TH SANGGUNIAN PANLALAWIGAN, ACTING AS A QUASI-
JUDICIAL BODY OF THE PROVINCE OF NEGROS OCCIDENTAL.**

Whereas, the 37th Sangguniang Panlalawigan, acting as a Quasi-Judicial body, was convened to hear, investigate, and decide Administrative cases of elected public officials, as well as Appeal cases of Barangay Officials in the thirty-one (31) Local Government Units in the Province of Negros Occidental;

Whereas, under the Local Government Code, Sections 60, 61, 62, 63, 64, 65, 67, and 68, the Sangguniang Panlalawigan is clothed with the authority to instill disciplinary actions on the concerned Elected Public Officials;

Whereas, the aggregate of Original cases, as well as Appeal cases, are now under the jurisdiction of the Sangguniang Panlalawigan, as follows:

- a) *Hon. Arnel L. Ibañez, acting as Appellee under Administrative Case No. 2024-02 for: Oppression, Misconduct, Abuse of Authority, and Conduct Prejudicial to the Interest of the Service versus Hon. Felicisimo V. Maban, Jr., acting as Appellant, is now before the Quasi-Judicial Body and is due for decision on May 28, 2025, after the submission of the Consolidated Memorandum by both parties. The Appellant has already submitted it on February 19, 2025. This case is docketed as SP ADMIN 2025-001 AC.*

Whereas, another Complaint was received by the Sangguniang Panlalawigan in the form of a Notice of Appeal on January 3, 2025, and duly received by the Secretariat of the Sangguniang Panlalawigan, filed



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by Mary Ann Duran Dino as the Appellant under SP Admin 23-002 AC for: Dishonesty, etc., of the City of Victorias versus Brady Sombero & Edmund Liza as Appellees;

Whereas, the aforementioned SP Admin 23-002 AC of the City of Victorias was reviewed during the preliminary hearing held on February 25, 2025, duly attended by the Appellant, Mary Ann Duran Dino, which underscored the following:

- a) The Appellant shall submit the Entry of Appearance by her Counsel.*
- b) The Appellant shall fully comply with the requirement of a Four-Hundred (400) pesos Appeal fee.*
- c) The parties shall submit the Consolidated Memorandum with a Prayer on May 13, 2025.*
- d) The case is now docketed as SP-ADMIN 2025-002 AC.*
- e) The decision shall be rendered on May 28, 2025, after the Appellee has been notified to reply and submit a Memorandum with a Prayer on or before May 13, 2025.*

Whereas, another case, Admin SP-ADMIN 2025-001 OC, is now docketed with the Quasi-Judicial Body, by and between Emelda P. Diomaro, Complainant, for: "Grave Abuse of Authority, Code of Conduct and Ethical Standards for Public Officials and Employees, and Cyber Libel" versus John Mark B. Fabroz, Sangguniang Bayan Member, Calatrava, Negros Occidental, Respondent. The Complainant has filed and paid a filing fee amounting to Two-Hundred (200) pesos, with Receipt No. 8200117. The Complainant shall submit a Consolidated Memorandum with a Prayer on May 13, 2025, in compliance with the provisions of Sections 30, 61, 62, 63, 64, 65, 67, and 68 of the Local Government Code. The Ponente Writer herein suggested that the Cyber Libel case be redirected to another Court of Law. The Entry of Appearance shall be submitted by the Counsel, and the Memorandum should be copy furnished to the Respondent for the latter to submit a verified reply on or before May 13, 2025.

Whereas, the three (3) Administrative cases have been given the order of priority in compliance with Article III, Section 14(2) of the Constitution of the Republic of the Philippines, which states that in all criminal prosecutions, there shall be a speedy, impartial, and public trial, to ensure a speedy trial.

Whereas, by these provisions, the Quasi-Judicial Body has complied with the Constitutional mandate, without prejudice to any special law enunciated in other references.

Whereas, cognizant of COMELEC Resolution No. 10742, which prohibits suspensions or temporary removal from office One Hundred Twenty (120) days before the May 12 election and Thirty (30) days after the May 12 election, strict observance is required. Thus, the Quasi-Judicial Body has taken effective and cautious action to further postpone the proceedings of investigation, as explicitly explained under Section 62(c) of the Local Government Code, which states:



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Section 62(c). However, no investigation shall be held within ninety (90) days immediately prior to any local election, and no preventive suspension shall be imposed within the said period. If preventive suspension has been imposed prior to the 90-day period immediately preceding local election, it shall be deemed automatically lifted upon the start of aforesaid period.

Whereas, the same provision of the Special Law under the Local Government Code of 1991 extends the authority of disciplinary action for the Quasi-Judicial Body. However, it is barred from proceeding what is prohibited or restricted by the same law, as stated under Section 62(c) of the same Special Law.

Whereas, under Section 62(c), the investigation shall be postponed and shall resume on May 13, 2025, to further pursue forthwith investigation until a final verdict is rendered on or before May 28, 2025.

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:

**OMNIBUS RESOLUTION POSTPONING UNTIL MAY 13, 2025,
THE THREE (3) ADMINISTRATIVE CASES FILED WITH THE
37TH SANGGUNIANG PANLALAWIGAN, ACTING AS A QUASI-
JUDICIAL BODY OF THE PROVINCE OF NEGROS OCCIDENTAL**

Resolved further, that previous schedule of submission of promulgation of decision shall also be postponed until May 13, 2025 in the case of Hon. Arnel L. Ibañez, Appellee, vs Felicisimo V. Maban, Jr. Appellant for Oppression, Misconduct, Abuse of Authority, and Conduct Prejudicial to the Interest of the Service.

Resolved finally, that the Secretariat of the Sangguniang Panlalawigan is hereby requested to effect communication with the concerned parties upon receipt of a Consolidated Memoranda by the Appellant or Complainant for submission of Counter Memoranda by the Appellee as well as the Respondent in the three (3) Administrative Cases.

Adopted unanimously.

This resolution shall take effect immediately upon approval.

WHEREAS, the investigations have resumed after May 13, 2025 and the Quasi-Judicial Body thoroughly studied the Memorandum, as well as the Counter-Memorandum submitted by the Counsel of both the Appellant, Hon. Felicisimo Maban, and the Appellee, Hon. Arnel Ibañez, with the following arguments and findings;

WHEREAS, the argument presented by the Counsel of Hon. Felicisimo Maban offered a fresh and notably new angle of strategic direction, which was deemed defective in defending the actions of Hon. Felicisimo Maban, acting as Punong Barangay on the fateful day of July 3, 2024, during the regular session of the Sangguniang Barangay of Sitio Inayawan, Municipality of Cauayan, Negros Occidental;



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WHEREAS, in the aforecited Memorandum, Hon. Felicisimo Maban has stated anew various infirmities in terms of technical and procedural defects, as well as inadequacies in the submission of the Committee Report and the Resolution, which are expressly manifested in Ordinance No. 2004-094-A;

WHEREAS, furthermore, the aforecited infirmities also pertain to the handling of the Quasi-Judicial Body concerning the Facts of the Case and its inherently alleged recopying from the Position Paper of the Complainant by the Sangguniang Bayan in Admin Case 2024-02;

WHEREAS, other added issues for consideration stray far from the original intention stated in the Manifestation with Motion to Recall Order of Implementation;

WHEREAS, under the Consolidated Memorandum, the following points were raised:

1. The Declaration of Default Was Improper
2. The Reiteration of the Violation of Due Process
3. The Lack of Investigative Committee Findings

WHEREAS, the three (3) points of argument as stated in the aforecited Memorandum, have resulted in a prayer by the Appellant to:

- 1) Reverse and Set Aside the Decision dated October 9, 2024 and the Order dated November 21, 2024.
- 2) Dismissed the Administrative charges due to lack of due process and merit.
- 3) Eventually, that any other just and equitable reliefs be granted in favor of the Respondent.

WHEREAS, on the other hand, the Counter-Memoranda of the Complainant-Appellee was also received on March 4, 2025, and was carefully reviewed and studied after May 13, 2025 in compliance with Section 62(c) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991;

WHEREAS, in the foregoing position, as stated therein, the Appellee maintained its position that seventy-nine (79) days had elapsed after the Appellant received the Decision of the Sangguniang Bayan on October 14, 2024. Furthermore, it was stated that the Respondent should be held in default for failure to file a verified Answer, as required in the Order dated September 11, 2024, under Section 126 of the Implementing Rules and Regulations of R.A. No. 7160 or the Local Government Code of 1991;

WHEREAS, furthermore, in its Counter-Memoranda, the Appellee repeatedly expressed its position that the Sangguniang Bayan's Decision is final and that the appeal should be dismissed, as it was filed out of time;

WHEREAS, the foregoing arguments, having been elevated to the Quasi-Judicial Body of the Sangguniang Panlalawigan, have opened avenues for considerations for the Appellant and the Appellee regarding the merits of the arguments presented. Whether the arguments were reiterations of previous positions or newly raised in the Consolidated Memorandum, deemed worthy of evaluation by the Quasi-Judicial Body;



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WHEREAS, under the principle and doctrine enshrined in Article III, Section 2, which states that no person shall be deprived of life, liberty, or property without due process of law, nor shall anyone be denied equal protection under the law, this principle remains indefinitely applicable to all situations surrounding the suspension order issued under Administrative Case No. 2024-02, wherein Hon. Felicisimo Maban was found guilty of the following:

- a) For the ground of Oppression – GUILTY, with the penalty of suspension for SIX (6) MONTHS;
- b) For the ground of Misconduct and Conduct Prejudicial to the Interest of the Service – GUILTY, with the penalty of Reprimand;
- c) For the ground of Abuse of Authority – GUILTY, with the penalty of suspension for SIX (6) MONTHS.

WHEREAS, the imposition of penalties, whether temporary removal from office through suspension or reprimand, is a reflection of the findings of the Quasi-Judicial Body, wherein seven (7) out of nine (9) members of the Sanggunian voted affirmatively for the promulgation of the Decision to convict the accused;

WHEREAS, the procedure and methods employed by the Sangguniang Bayan of the Municipality of Cauayan cannot be questioned in terms of their strict adherence to Ordinance No. 2004-094-A, as these are based on the actual narration of facts and the technical application of the law. The prescribed time requirements were properly emphasized and strongly manifested in its decision, proving that due process was observed before the conviction was rendered;

WHEREAS, questioning the validity of procedural requirements regarding how they were carried out is secondary to the substantive value of the case. The procedural deficiencies allegedly disregarded have an insignificant impact on the Decision, as the narration of facts and the probative value of the evidence were heard, documented, evaluated, and investigated before the final verdict in Administrative Case No. 2024-02 was promulgated;

WHEREAS, while the Appellant maintained its position that procedural infirmities were present, these cannot be a valid grounds to assail the Decision of the Sangguniang Bayan. The appeal was filed out of time, as the elapsed period was seventy-nine (79) days from October 14, 2024, when the Decision was duly received by the Respondent;

WHEREAS, after consolidating and evaluating all the evidence in the spirit of fairness, reasonableness, and impartiality toward both parties, the Quasi-Judicial Body maintains its position that Section 66(b) of the Local Government Code of 1991 serves as the basis for the passage of this Resolution, which states:

"Section 66(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."

WHEREAS, it is clearly stated that the suspension or temporary removal from office shall not exceed the unexpired term of the Respondent. Additionally, the penalty imposed by the Sangguniang Bayan in the Decision dated October 9, 2024, is considered excessive, as three (3) counts of offenses were consolidated under one (1) administrative case;



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WHEREAS, reducing to only one (1) Administrative offense for Oppression, is deemed more appropriate and in consonance with the provisions of Section 66(b). The Respondent-Appellant-Defendant's unexpired term extends until December 2025 as Punong Barangay of Sitio Inayawan, Cauayan, and shall fulfill the six (6) months of temporary removal or suspension from holding office, six (6) months before December 31, 2025. The latter date is presumably the end of the term of office of Barangay Officials;

WHEREAS, if the six (6)-month penalty for temporary removal from office or suspension is to be effected after June 13, 2025 in accordance with pertinent rules, regulations, and other issuances or orders from the concerned offices or agencies. As a matter of compliance with Resolution No. 10742, Resolution No. 10999, and other references where the suspension of elected officials is prohibited one hundred twenty (120) days before the May 12, 2025, midterm election and one (1) month after the May 12, 2025, election, which will end on June 13, 2025;

NOW THEREFORE, premises considered, on motion of Hon. Sixto Teofilo Roxas V. Guanzon, Jr., Ponente, unanimously seconded by all members present,

THE SANGGUNIANG PANLALAWIGAN RESOLVED, as it hereby resolves to pass and approve this Resolution, to wit;

RESOLUTION REDUCING TO ONLY ONE (1) ADMINISTRATIVE OFFENSE FOR OPPRESSION AND AFFIRMING THE SIX (6)-MONTH SUSPENSION OF HON. FELICISIMO V. MABAN, PUNONG BARANGAY OF SITIO INAYAWAN, CAUAYAN, NEGROS OCCIDENTAL, IN A DECISION BY THE SANGGUNIAN BAYAN UNDER ADMINISTRATIVE CASE NO. 2024-02.

RESOLVED FURTHER, that the Municipality of Cauayan, the Sangguniang Bayan shall review regarding the present and actual scenario of the continued existence of the concerned person holding office, the matter remains unanswered, and no established explanation has been provided regarding the circumstances surrounding the facts of the case. Among the intervening facets that must be addressed, as well as possible remedies that can be introduced, are the following:

- a) The failure of the Sangguniang Bayan to implement the decision expressed in Administrative Case No. 2024-02 for the suspension of the aggregated period of twelve (12) months and a reprimand cannot be established accurately due to infirmities in the provisions of the local Ordinance No. 2004-094-A. These provisions have not been clearly spelled out or specified. Furthermore, it is opined that the Sangguniang Bayan of the Municipality of Cauayan should introduce the necessary amendments to Ordinance No. 2004-094-A, in order to include a clear provision specifying the mechanics of execution related to the temporary removal from office of the concerned party and the installation of a qualified substitute elected public official. In this case, the law of succession must be applied accordingly.
- b) The imperative to remove temporarily, the concerned person, from office must contain a clear and specific mechanism detailing the process from the time of serving the notice up to the time of installation of another qualified substitute. This must be done without jeopardizing the need to implement the decision within the prescribed time, regardless of whether the notice was rejected or personally received by the concerned person.
- c) It is also noteworthy that the Local Government Unit (LGU), in relation to elected Municipal and Barangay Officials moving for an appeal, must significantly consolidate



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the effect of Provincial Ordinance No. 17, Series of 2000, as well as Section 68, Article 131, and Article 132 of the Local Government Code of 1991, along with other pertinent rules and regulations. This includes those previously authored by the late Atty. Ferdinand Panes, former Provincial DILG Director, into one effective applicable law.

RESOLVED FURTHERMORE, that a copy of this Resolution be furnished to the Sangguniang Bayan of Cauayan, the Hon. Felicisimo Maban, Appellant, or thru his counsel, and Hon. Arnel Ibañez, Appellee, or thru his counsel, the Office of the Ombudsman Visayas, and Provincial DILG.

RESOLVED FINALLY, that this Resolution shall serve as the basis for the formulation and drafting of a Decision in the legal format normally required of a Decision penned by a Ponente of a Quasi-Judicial Body.

UNANIMOUSLY ADOPTED.

This resolution shall take effect immediately upon approval.

CERTIFIED CORRECT:

HON. VALENTINO MIGUEL J. ALONSO
Temporary Presiding Officer

ATTESTED:

ATTY. MAKI ANGEL O. ASCALON
Provincial Secretary

Copy for all concerned
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