



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 2ND DAY OF
DECEMBER, 2025

PRESENT:

Hon. Jose Benito A. Alonso	Vice-Governor/Presiding Officer
Hon. Araceli T. Somosa	Member - 1 st District
Hon. Laurence Marxlen J. de la Cruz	Member - 1 st District
Hon. Arthur Christopher D. Marañon	Member - 2 nd District
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.	Member - 2 nd District
Hon. Hope Marey B. Depasucat	Member - 3 rd District
Hon. Andrew Gerard L. Montelibano	Member - 3 rd District
Hon. Nicholas M. Yulo	Member - 4 th District
Hon. Patricia Paula M. Alonso-Valderrama	Member - 4 th District
Hon. Hadji P. Trojillo	Member - 5 th District
Hon. Genaro G. Alvarez, IV	Member - 6 th District
Hon. Jeffrey T. Tubola	Member - 6 th District
Hon. Julius Martin D. Asistio	Member - PCL Rep.
Hon. Richard Julius L. Sablan	Member - ABC Rep.
Hon. Mayvelyn L. Madrid	Member - SKF Rep.

ON OFFICIAL BUSINESS:

Hon. Rita Angela S. Gatuslao	Member - 5 th District
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RESOLUTION NO. 1259

Series of 2025

RESOLUTION PENALIZING PUNONG BARANGAY NESTOR GARCIA, KAGAWAD VICTOR GARCIA, AND SK PHILIP SAGUIRE OF BARANGAY ANDRES BONIFACIO, CITY OF SAGAY, BY A FINE EQUIVALENT TO THREE (3) MONTHS' OF THEIR SALARY INSTEAD OF A FOUR (4) MONTH SUSPENSION, PURSUANT TO RESOLUTION NO. 2025-335, IN ACCORDANCE WITH THE DOCTRINE OF PRECEDENT "STARE DECISIS," FOR THE UNSERVED PORTION OF THE SUSPENSION ORDERED EFFECTIVE OCTOBER 20, 2025 BY VICE MAYOR NARCISO JAVELOSA

Authored By:

HON. SIXTO TEOFILO ROXAS V. GUANZON, JR.

Ponente Writer of Quasi-Judicial Body of the 3rd Sangguniang Panlalawigan

WHEREAS, Resolution No. 2025-335 of the City of Sagay, dated September 10, 2025, is a result of a thorough evaluation of the merit of the case lodged by Barangay Kagawad Eric Escala of Barangay Andres Bonifacio against Punong Barangay Nestor Garcia, Kagawad Victor Garcia, and SK Philip Saguire;

WHEREAS, in a 2-page Resolution entitled "Resolution approving and adopting as its decision *en banc*, the recommendation of the Ad Hoc Investigating Committee in SP Administrative Case No. SP 2024-005, "Kagawad Eric A. Escala versus Punong Barangay Nestor E. Garcia, et al.," for *Grave Abuse of Authority, Oppression, Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service and other pertinent laws, rules, and regulations*";



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Page 2 of SP Resolution No. 1259, Series of 2025

WHEREAS, the said resolution emanated from the complaint filed by Barangay Kagawad Eric Escala against the seven (7) respondents for the suspension order lodged against him as per Barangay Resolution No. 009-2024 for:

1. Disorderly behavior during the session of [date]; and
2. Willful neglect of official duties and continued defiance of barangay rules;

WHEREAS, in the aforementioned Resolution No. 009-2024, the four (4)-month suspension is considered to be exceeding far beyond the provision of Section 50(b-5) wherein Punong Barangay Nestor Garcia instituted and assumed authority vested upon the Barangay Andres Bonifacio as per Section 50 of the Local Government Code of 1991;

WHEREAS, the 60-day maximum limit for suspension for disorderly behavior and for consecutive absences under Section 50(b-5) is explicit and shall not be interpreted excessively;

WHEREAS, the resolution order was executed and continued to have been served for a full four (4) months suspension without pay, starting sometime in October 2025 to February 2026;

WHEREAS, in view of this alleged abusive action, Barangay Kagawad Eric Escala sought legal action against Punong Barangay Nestor Garcia and six (6) others before the Sangguniang Panlungsod of the City of Sagay;

WHEREAS, on December 3, 2024, Punong Barangay Nestor Garcia et al. received summons on the alleged accusations lodged by Barangay Kagawad Eric Escala, which was suspended due to the intervening factors during the May 12 midterm election and subsequently resumed in July 2025, followed by submission of opposition papers, and no further investigation was conducted;

WHEREAS, after assessing the validity of the complaint and all other evidence, the Sangguniang Panlungsod Ad-Hoc Committee decision was also concurred by the Committee of the Whole in Resolution 2025-335, finding Punong Barangay Nestor Garcia and six (6) others guilty of grave abuse of authority, oppression, grave misconduct, conduct prejudicial to the best interest of the service, and reciprocally imposed a four (4)-month suspension against the accused;

WHEREAS, Resolution No. 2025-335, dated September 10, 2025, was duly received on September 18, 2025, by Punong Barangay Nestor Garcia et al., prompting the filing of a Notice of Appeal along with the attached Memorandum to the Office of the Sangguniang Panlungsod of the City of Sagay, which they received on October 14, 2025. The Complainant was served via accredited courier on the same date. The Sangguniang Panlalawigan received the Notice of Appeal with the attached Appeal Memorandum on October 15, 2025, meeting the deadline under Section 67 and Rule 14, Section 2 of Ordinance 017-2000 prescribing the thirty (30) day appeal period;

WHEREAS, in view of the appeal, the Notice of Appeal filed before the Sangguniang Panlungsod Ad-Hoc Committee was docketed as SP Admin Case AC-2025-005, by and between Barangay Kagawad Eric Escala vs. Punong Barangay Nestor Garcia et al.;



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Page 3 of SP Resolution No. 1259, Series of 2025

WHEREAS, preliminary hearing was conducted on October 23, 2025, emphasizing the quad requirements under Resolution No. 1216, Series of 2025, namely:

- a. Timeliness of appeal;
- b. Proof of service of Notice of Appeal;
- c. Proof of service of Appeal Memorandum; and
- d. Certificate of no forum shopping;

WHEREAS, the preliminary hearing proceeded with clarificatory questions on all antecedent facts between the two parties;

WHEREAS, for purposes of consistency and uniformity, both parties agreed to submit a consolidated memorandum with a prayer, underlying the three (3) issues, for submission on or before November 7, 2025, for the pre-trial and trial hearing on November 18, 2025;

WHEREAS, the three (3) underlying issues are:

1. *WHETHER OR NOT THE TIMELINESS OF APPEAL PERIOD IS NON-VIOLATIVE OF REPUBLIC ACT NO. 7160 AND/OR SP ORDINANCE NO. 2000-017 AND OTHER PERTINENT RULES AND REGULATIONS;*
2. *WHETHER OR NOT THE SANGGUNIANG PANLUNGSOD DECISION IN RESOLUTION NO. 2025-335 IS VALID AND HAS LEGAL GROUNDS, SUBSTANTIVELY AND PROCEDURALLY*
3. *WHETHER OR NOT THE DECISION OF THE SANGGUNIANG PANLUNGSOD IN RESOLUTION NO. 2025-335 HAMPERS PUBLIC SERVICE OR EFFECTIVE GOVERNANCE;*

WHEREAS, the trial hearing proceeded on November 18, 2025, at 10:00 AM at the SP Session Hall, represented by the Appellants Punong Barangay Nestor Garcia, Barangay Kagawad Victor Garcia, and SK Philip Saguire with counsel Atty. Japhet Masculino, and the Appellee Barangay Kagawad Eric Escala with counsel Atty. Nerio Morales;

WHEREAS, the three (3) issues were discussed affirmatively and negatively by both parties, particularly issues No. 2 & 3;

WHEREAS, the Appellants contested the legal grounds of Resolution No. 2025-335, claiming a lack of substantive value for grave abuse of authority, asserting that the 60-day suspension was within Section 50, and that the execution order by the Vice Mayor dated October 20, 2025, implementing the suspension, was baseless;

WHEREAS, the Appellee, through his counsel, contested the Appellant's position, asserting that the Sangguniang Barangay has no legal authority to discipline Punong Barangay, and that grave abuse of authority was established due to exceeding the 60-day limit under Section 50(b5), and causing financial, emotional, physical, psychological, and spiritual harm, to wit:

Section 50 (b5) The discipline of members for disorderly behavior and absences without justifiable cause for four (4) consecutive sessions, for which they may be censured, reprimanded, or excluded from the session, suspended for not more than



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Page 4 of SP Resolution No. 1259, Series of 2025

sixty (60) days, or expelled: Provided, That the penalty of suspension or expulsion shall require the concurrence of at least two-thirds (2/3) vote of all the sanggunian members: Provided, further, That a member convicted by final judgment to imprisonment of at least one (1) year for any crime involving moral turpitude shall be automatically expelled from the sanggunian;

WHEREAS, issue No. 3 addressed the disruption of public services, emphasizing that a public official must execute duties without jeopardizing essential services to the constituents;

WHEREAS, under the Doctrine of Precedent "*Stare Decisis*," the Quasi-Judicial Body must stand by its previous decision imposing a fine equivalent to three (3) months of salary for the unserved suspension, since the suspension was ordered effective October 20, 2025, by virtue of the Order of Vice Mayor Narciso Javelosa.

WHEREAS, the Committee Report of the Quasi-Judicial Body recommended penalizing a fine equivalent to three (3) months of salary for Punong Barangay Nestor Garcia, Barangay Kagawad Victor Garcia, and SK Philip Saguire, instead of a four (4) month suspension, restoring them to office and ensuring the continuance of public services;

WHEREAS, the fine shall be remitted to the City Treasury of Sagay and executed according to law and existing rules and regulations;

WHEREFORE, on motion of Hon. Sixto Teofilo Roxas V. Guanzon, Jr. and unanimously seconded by all the members present except Hon. Arthur Christopher D. Marañon;

THE SANGGUNIANG PANLALAWIGAN RESOLVED, as it hereby resolves, that the findings of the Committee of the Whole, acting as the Quasi-Judicial Body, conclude that Hon. Nestor Garcia, Barangay Kagawad Victor Garcia, and SK Philip Saguire of Barangay Andres Bonifacio, City of Sagay, are guilty of grave abuse of authority and are hereby penalized with a fine equivalent to three (3) months of their salaries in lieu of their three (3) months unserved suspension;

FURTHER BE RESOLVED, in consideration of their public office and the need for continuance of essential public services, the fine shall be implemented in accordance with existing laws and rules, while the decision of the Quasi-Judicial Body shall be duly executed;

FURTHER BE RESOLVED, this decision finds support in existing jurisprudence and analogous resolutions, including:

1. A.M. No. P-07-2330 (Formerly A.M. OCA IPI No. P-03-1538-P), June 20, 2008 – Ludovico Rafael, Complainant, vs. Bernardo G. Sualog, Sheriff IV, RTC Branch 9, Kalibo, Aklan. Under the Uniform Rules on Administrative Cases in the Civil Service, the respondent was found guilty of grave abuse of authority (oppression), but fined equivalent to six (6) months' salary instead of suspension.



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Page 5 of SP Resolution No. 1259, Series of 2025

*[A.M. No. P-07-2330 (Formerly A.M. OCA IPI No. P-03-1538-P),
June 20, 2008]*

*LUDOVICO RAFAEL, COMPLAINANT, VS. BERNARDO G.
SUALOG, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 9,
KALIBO, AKLAN, RESPONDENT.*

Under the Uniform Rules on Administrative Cases in the Civil Service,[14] respondent is guilty of grave abuse of authority (oppression), which is defined as a "misdemeanor committed by a public officer, who under color of his office, wrongfully inflicts upon any person any bodily harm, imprisonment or other injury"; it is an "act of cruelty, severity, or excessive use of authority." [15] Grave abuse of authority is a grave offense punishable with suspension for six (6) months and one (1) day to one (1) year for the first offense, and dismissal from service for the second infraction.[16] In this case, it appears that respondent has not been previously faulted administratively. So as not to hamper the performance of the duties of his office,[17] instead of suspending him, he is fined in an amount equivalent to his six (6) months salary.

WHEREFORE, respondent BERNARDO G. SUALOG, Sheriff IV, Regional Trial Court, Branch 9, Kalibo, Aklan, is found GUILTY of grave abuse of authority (oppression) and is FINED in an amount equivalent to his six-months salary, with a STERN WARNING that a repetition of the same or similar act in the future shall be dealt with more severely.¹

2. Resolution No. 1358, Series of 2024 of the Quasi-Judicial Body of the 36th Sangguniang Panlalawigan of Negros Occidental, penalizing Hon. Marilyn Era, Mayor, Municipality of Calatrava, for grave abuse of authority and gross negligence, with an option of suspension or a fine equivalent to two (2) months' salary payable to designated parties.²

¹ A.M. No. P-07-2330 (Formerly A.M. OCA IPI No. P-03-1538-P), June 20, 2008 – Ludovico Rafael vs. Bernardo G. Sualog, Sheriff IV, RTC Branch 9, Kalibo, Aklan.

² Resolution No. 1358, Series of 2024, 36th Sangguniang Panlalawigan of Negros Occidental.)

FURTHER BE RESOLVED, that this Resolution shall serve as a basis for drafting a decision in legal format by the Secretariat of the 37th Sangguniang Panlalawigan of the Province of Negros Occidental.

FINALLY BE RESOLVED, that the accused, Brgy. Captain Hon. Nestor Garcia, Brgy. Kagawad Victor Garcia, and SK Chairman Philip Saguire, are sternly warned not to commit the same or similar offenses. For actions exceeding their authority, they must seek legal consultation first and foremost, as any repetition shall be dealt with accordingly.

ADOPTED UNANIMOUSLY.



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Page 6 of SP Resolution No. 1259, Series of 2025

This resolution shall take effect immediately upon approval.

CERTIFIED CORRECT:

HON. JOSE BENITO A. ALONSO
Vice-Governor/Presiding Officer

ATTESTED:

ATTY. MAKI ANGEL O. ASCALON
Provincial Secretary