

REPUBLIC OF THE PHILIPPINES
BATANGAS CITY

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY
ON NOVEMBER 24, 2020 AT THE SANGGUNIANG SESSION HALL

PRESENT:

Hon. Emilio Francisco A. Berberabe Jr.,	Presiding Officer
Hon. Alyssa Renee A. Cruz,	Councilor
Hon. Aileen Grace A. Montalbo,	“
Hon. Nestor E. Dimacuha,	“
Hon. Karlos Emmanjuel A. Buted,	“
Hon. Gerardo A. Dela Roca,	“
Hon. Oliver Z. Macatangay,	“
Hon. Nelson J. Chavez,	“
Hon. Julian B. Villena,	“
Hon. Michael Thomas T. Pastor,	“
Hon. Isidra “Ched” M. Atienza,	“
Hon. Maria Aleth A. Lazarte,	“
Hon. Lorenzo A. Gamboa, Jr.,	“
Hon. Angelito “Dondon” A. Dimacuha,	ABC-Rep.
Hon. Marjorie A. Manalo,	SK-Fed. Pres.

“On motion of Councilor Nestor Dimacuha seconded by Councilor Chavez, the following Resolution was Adopted:

RESOLUTION NO. 351 S. 2020

ADOPTING THE REPORT OF THE COMMITTEE ON ETHICS AND GOOD
GOVERNMENT ON THE COMPLAINT OF BRGY. KAGAWAD JUVY NELIA C.
MENDOZA ET AL. AGAINST BRGY. CAPTAIN ENGR. REYNALDO B. DOCE OF
TABANGAO APLAYA, BATANGAS CITY AND APPROVING THE DECISION FOR
THE SUSPENSION OF THE RESPONDENT

RESOLVED, to adopt the report of the Committee on Ethics and Good Government and the recommendations stated therein on the Complaint of Brgy. Kagawad Juvy Nelia C. Mendoza, et al., against Brgy. Captain Engr. Reynaldo B. Doce of Tabangao Aplaya, Batangas City.

RESOLVED FURTHER, to approve the **DECISION FOR THE SUSPENSION** of Barangay Captain Reynaldo B. Doce for thirty (30) days.

APPROVED.

I hereby certify that the foregoing Resolution No. 351 S. 2020 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on November 24, 2020.


ATTY. OLIVA D. DELEGATOS
Secretary

ATTESTED:


EMILIO FRANCISCO A. BERBERABE, JR.
Presiding Officer

Republic of the Philippines
Batangas City

OFFICE OF THE SANGGUNIANG PANLUNGSOD

COMMITTEE REPORT

DATE : NOVEMBER 24, 2020

TO : THE HONORABLE VICE MAYOR DR. EMILIO FRANCISCO A. BERBERABE JR. &
THE HONORABLE SANGGUNIANG PANLUNGSOD MEMBERS

SUBJECT : RESOLUTION NO. 274, S. 2020
COMPLAINT OF BARANGAY KAGAWAD JUVY NELIA C MENDOZAA ET. AL,
AGAINST BRGY. CAPTAIN ENGR. REYNALDO B. DOCE OF TABANGAO
APLAYA, BATANGAS CITY.

Sir/Mesdames:

Referred to the Committee on Ethics and Good Governance is the aforementioned subject to which the undersigned is reporting it back to this honorable august body for your outmost consideration.

It was September 4, 2020 at exactly 9:00 in the morning when the Committee on Ethics and Good Governance convened into quasi-judicial body as part of the legislative functions of the Sangguniang Panlungsod, with power to decide Administrative Cases filed against Barangay Elective Officials, chaired by the undersigned who called the order of the proceedings. Both the Complainants Barangay Councilor Primitiva D. Halili, Barangay Councilor Juvy Nelia C. Mendoza, Mr. Efren G. Caringal and Mr. John Paul G. Aguilar and the Respondent Barangay Captain Engineer Reynaldo B. Doce were advised to approach the bench by the Committee Chairman who humbly cajoled the parties lastly hoping the possibility of ardent settlement. However, both parties declined to the request, wherefore the undersigned has reasons to believed that the hearing must proceed, firstly reminding them of Rule VIII anent the Rules of Procedure in Administrative Cases in the investigation of Barangay Officials. "If the Respondent at the start of the proceedings appears without any counsel, the Chairman of the Investigating Authority shall inform him of his right to avail one if he so desires. This right may however be waived by Respondent expressly or impliedly".

Further, Rules of Procedure in Administrative Case in the investigation was judiciously and discreetly observed and exercised by the Sangguniang Panlungsod as a Disciplining Authority from the beginning until it concludes.

From Series of hearings conducted dated September 24, October 5, October 12, and October 20, 2020 accordingly, Complainants and Respondents were given the chance to state and succinctly explain their testimonies and were able to present witnesses who collaborated their statements.

After careful study & judicious scrutiny of the materials and evidences submitted by both the Complainants, Barangay Councilor Primitiva D. Halili, Barangay Councilor Juvy Nelia C. Mendoza, Mr. Efren G. Caringal and Mr. John Paul G. Aguilar against Barangay Captain Engineer Reynaldo B. Doce, the Committee finds the following to wit:

1. Grave abuse of discretion was often performed and exercised.
2. Conduct unbecoming as Barangay Captain was arrogantly and truculently displayed.

Therefore, the undersigned recommends the **SUSPENSION** of the Respondent, Barangay Captain Engineer Reynaldo B. Doce.

Considering the veracity of the report, the following are hereby submitted for considerations:

1. Adoption of the Committee Report.
2. Approval of the decision for the **SUSPENSION** of Respondent, Barangay Captain Engineer Reynaldo Doce.

Respectfully Submitted: November 24, 2020

COMMITTEE ON ETHICS AND GOOD GOVERNMENT



HON. NESTOR "BOY" E. DIMACUHA
Chairman



HON. ATTY. ALYSSA RENEE C. ATIENZA
Member



HON. AILEEN GRACE A. MONTALBO
Member

Republic of the Philippines
Batangas City

OFFICE OF THE SANGGUNIANG PANLUNGSOD

SP ADM Blg. 01-20
For Grave Abuse of Discretion
Conduct Unbecoming

Barangay Councilor Primitiva Halili,
Barangay Councilor Juvy Nelia C. Mendoza,
Mr. John Paul Aguilar,
Mr. Efren G. Caringal, et al.

COMPLAINANTS

Vs.

Barangay Captain Engineer Reynaldo B. Doce

RESPONDENT

DECISION

FACTS:

During the proceedings held, the Complainants Brgy. Coun. Primitiva D. Halili, Brgy. Coun. Juvy Nelia C. Mendoza, John Paul G. Aguilar and Efren G. Caringal submitted their Sworn Testimonies which were marked as Exhibits No. 1, 2, 3, 4, and 5. They manifested their disappointment to the unethical character displayed by the Respondent Brgy. Captain Engineer Reynaldo B. Doce in many instances, particularly in their Sangguniang Barangay Regular Sessions where details of which are written in their Minutes of Regular Session. The Barangay Councilors, as Complainants encountered vehemently berating behavior from the Respondent stating harsh rhetoric "Mag-Pangulo ka muna..." suppressing their participation as Members of the Barangay Council.

It was succinctly explained to the Respondent, that he as the Chief Executive of Barangay whose role is not limited to preside the session is endowed with powers, duties, and functions as provided for in Section 389 of Republic Act 7160, otherwise known as Local Government Code of 1991. Such powers vested by the Code are not absolute and shall not allow suppression or any form of abuse. The truculent behavior often displayed by the Respondent cannot be tolerated.

The Law recognizes the value of respect and the need for the concurrence of the Sangguniang Barangay Members as provided for in Section 394, 395, and 396 of the Local Government Code of 1991 to promote the general welfare of Barangay. Therefore, the power to appoint and remove vested through a Barangay Chairman shall not solely be his decision but shall always consider the concurrence of the Sangguniang Barangay Members. Furthermore, with utmost prudence termination of Barangay Secretary Mr. Efren G. Carinngal and Disaster Officer John Paul Aguilar should have been given due process before such action taken.

It was also disclosed and revealed from the evidence obtained by the quasi-judicial body marked as Exhibit No. 1, 2, 3, 4, 5, and 6 the obvious improprieties and alleged collusion between the Respondent Barangay Chairman Engineer Reynaldo Doce and the Barangay Treasurer in the person of Cristeta Pangan who manipulated the disbursement of the funds intended for the activities such as Clean and Green Program and the granting of Hazard Payment in the present pandemic.

The Material Evidence submitted by both the Complainant and Respondent were carefully examined and their actual Statements were impartially evaluated. Also, the testimonial evidences presented were collaborated by the witnesses present during the series of proceedings.

ISSUES:

- ***Rights of the Kagawad*** - Under the Fundamental Principle of Parliamentary Procedure, Members have equal rights as those of any of his colleagues, however are not absolute, and not be suppressed or restrained to exercise their rights, among others, to speak and be heard of any measure brought before the assembly. (Parliamentary Rules by Antonio Orendain).
- ***Impartiality of the Barangay Captain.***

In consonance to the Internal Rules of Procedure the Barangay Tabangao Council employing Barangay Captain as the Chief Executive of Barangay government presiding over the hearing / session is not as easy as it may seem. His function is comprised of great responsibilities and requires not only Parliamentary skill but also delicate exercise of sound personal judgement and discretion as Brgy. Captain.

As Barangay Captain, it must be understood that aside from his duty of steering the hearing or session to the accomplishment of its objectives, he as the Presiding Officer is often called upon to act as Moderator in heated debates in which personalities and opinion oftentimes clash.

However, refusal of the latter to accede while presiding over the Council Session shows his exasperation and frustration which has sparked a high level of concern among the Council Members, which we thought that every manifestation they individually shared will only be in hobbled. So, what all of this means about their future and direction? Ultimately, they're fear it could even depress and deprive their constituency of the delivery of basic services.

Moreover, the quixotic arguments of the Respondent against the Complainants are dividing, therefore creating animosity and divisiveness.

RULING:

Wherefore, the Committee on Ethics and Good Government highly recommends the **SUSPENSION** of Brgy. Captain Engr. Reynaldo B. Doce for **THIRTY (30)** days effective immediately.

As to Barangay Tabangao Aplaya Officials having displayed and exhibited an often disagreement or arguments during the session, which causes serious disruption to the point of manifesting unprofessional behavior as public figure. Therefore, they are hereby **REPRIMANDED** and are enjoined to take refresher course regarding Internal Rules and Procedures as provided for in Section 50 of RA 7160 otherwise known as the Local Government Code of the Philippines 1991.

SO ORDERED!

COMMITTEE ON ETHICS AND GOOD GOVERNMENT



HON. NESTOR "BOY" E. DIMACUHA
Chairman



HON. ATTY. ALYSSA RENEE C. ATIENZA
Member



HON. AILEEN GRACE A. MONTALBO
Member

CONFORME:



HON. KARLOS EMMANUEL A. BUTED



HON. GERARDO A. DELA ROCA



HON. OLIVER Z. MACATANGAY



HON. NELSON J. CHAVEZ



HON. JULIAN B. VILLENA



HON. MICHAEL THOMAS PASTOR



HON. ISIDRA M. ATIENZA



HON. MARIA ALETH A. LAZARTE




HON. LORENZO A. GAMBOA JR.



HON. MARJORIE A. MANALO

HON. ANGELITO DONDON A. DIMACUHA



HON. EMILIO FRANCISCO A. BERBERABE JR.
Presiding Officer