

**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 AUGUST 1, 2023 AT THE SAMPAGUITA FARM,
SAMPAGA, BATANGAS CITY**

PRESENT:

Hon. Alyssa Renee A. Cruz	Presiding Officer
Hon. Hamilton G. Blanco,	Councilor
Hon. Karlos Emmanjuel A. Buted,	”
Hon. Andrea Loise F. Macaraig,	”
Hon. Nestor E. Dimacuha,	”
Hon. Oliver Z. Macatangay,	”
Hon. Armando C. Lazarte,	”
Hon. Nelson J. Chavez,	”
Hon. Jose Jonash Luis F. Tolentino,	”
Hon. Zester Carlo M. Hernandez,	”
Hon. Isidra “Ched” M. Atienza,	”
Hon. Lorenzo A. Gamboa, Jr.,	”
Hon. Michael C. Villena,	”
Hon. Angelito Dondon A. Dimacuha,	(ABC-Rep.)
Hon. Marjorie A. Manalo,	(SK-Rep.)

“On motion of Councilor Macatangay seconded by Councilor Angelito Dondon Dimacuha, the following Resolution was Adopted:

RESOLUTION NO. 22-308 S. 2023

**ADOPTING THE REPORT AND DECISION OF THE COMMITTEE ON ETHICS AND
GOOD GOVERNMENT ON SP ADMIN. CASE NO. 22-001-2023 FOR MISCONDUCT
AND INSUBORDINATION AS MEMBER OF THE SANGGUNIANG BARANGAY
(BRGY. CAPT. DANTE V. CLARIN, COMPLAINANT VS.
BRGY. KAGAWAD ENRIQUE B. ORENSE, RESPONDENT)**

RESOLVED, to adopt the report of the Committee on Ethics and Good Government and the recommendations stated therein on SP Admin. Case No. 22-001-2023 for Misconduct and Insubordination as Member of the Sangguniang Barangay (Brgy. Capt. Dante V. Clarin, Complainant versus Brgy. Kagawad Enrique B. Orense, Respondent).

RESOLVED FURTHER, to adopt the decision of the Committee on Ethics and Good Government as the decision of the Sangguniang Panlungsod.

UNANIMOUSLY APPROVED.”

Continuation of Resolution No. 22-308 S. 2023

ADOPTING THE REPORT AND DECISION OF THE COMMITTEE ON ETHICS AND GOOD GOVERNMENT ON SP ADMIN. CASE NO. 22-001-2023 FOR MISCONDUCT AND INSUBORDINATION AS MEMBER OF THE SANGGUNIANG BARANGAY (BRGY. CAPT. DANTE V. CLARIN, COMPLAINANT VS. BRGY. KAGAWAD ENRIQUE B. ORENSE, RESPONDENT)

I hereby certify that the foregoing Resolution No. 22-308 S. 2023 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on August 1, 2023.


GERARDO M. DIMAANO
Board Secretary III

ATTESTED:


ATTY. ALYSSA RENE A. CRUZ
Presiding Officer



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 722-0304

COMMITTEE REPORT

DATE : July 31, 2023
FROM : The Committee on Ethics and Good Government
TO : The Presiding Officer and Members
Sangguniang Panlungsod Council Members
Batangas City
SUBJECT : SP Admin Case No. 22-001-2023
Misconduct and Insubordination as Member of the Sangguniang
Barangay

HON. DANTE V. CLARIN
Barangay Captain
Poblacion 09 Batangas City
Petitioner

- **VERSUS** -

HON. ENRIQUE B. ORENSE
Barangay Kagawad
Poblacion 09 Batangas City
Respondent

The above-mentioned case was referred to the Committee on Ethics and Good Government on March 21, 2023. The Committee required the respondent to submit his verified answer.

The respondent Barangay Kagawad Enrique Orense submitted his verified answer in the form of an apology letter on April 17, 2023. After submission, the Committee commenced the formal investigation and hearing of the case.

The initial hearing was held on April 18, 2023 at 10:00 in the morning at Sampaguita Farms, Sampaga, Batangas City. Present during the Hearing were the Chairman of the Committee on Ethics and Good Governance, Councilor Oliver Z. Macalangay, Coun. Michael Villena, Coun. Jose Jonash Luis F. Tolentino, Coun. Nestor Dimacuha and Coun. Zester Carlo Hernandez, all members of the Committee. Also present during the hearing were Vice Mayor Atty. Alyssa Renee A. Cruz, and Sangguniang Panlungsod Members Coun. Hamilton G. Blanco, Coun. Karlos Emmanjuel Buted, Coun. Andrea Loise F. Macaraig, Coun. Armando C. Lazarte, Coun. Nelson J. Chavez, Coun. Zester Carlo M. Hernandez, Coun. Isidra "Ched" M. Atienza, Coun. Lorenzo A. Gamboa Jr. and SK President Marjorie Manalo. Also present were the parties: Barangay Captain Dante Clarin and Barangay Kagawad Enrique Orense, and the other Barangay Kagawads of Barangay Poblacion 09, Batangas City.



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Continuation

Committee Report

**SUBJECT : SP Admin Case No. 22-001-2023
Misconduct and Insubordination as Member of the Sangguniang
Barangay**

HON. DANTE V. CLARIN
Barangay Captain
Poblacion 09 Batangas City
Petitioner

- VERSUS -

HON. ENRIQUE B. ORENSE
Barangay Kagawad
Poblacion 09 Batangas City
Respondent

FINDINGS:

The complainant Barangay Captain Dante Clarin narrated that he wants to discipline and remind Kagawad Enrique Orense of his role as a public official, and that he should not violate the law. He also wants to protect the recognition given to their Barangay as awardee of Barangay Seal of Good Local Governance in Region IV-A for two (2) consecutive years.

The respondent, Kagawad Orense sincerely admitted his mistakes that he violated the Memorandum Circular of the DILG. He humbly apologized in front of the Committee and other Sangguniang Panlungsod Members, to the complainant barangay captain, and to the other barangay officials present. The Committee took notice of the fact that this was the respondent barangay kagawad's first offense and that he promised that it will never happen again.

The complainant barangay captain Dante Clarin stated his willingness to **withdraw his complaint** on the condition that Barangay Kagawad Enrique Orense will comply with sincerity his commitment not to repeat the act complained of for the welfare of their barangay.

The Committee acknowledges that the complainant Barangay Captain Dante Clarin and the respondent Barangay Kagawad Enrique Orense have reached amicable settlement, and therefore, the committee requested the Barangay Captain Dante Clarin to submit his affidavit of desistance or a sworn statement withdrawing the complaint.

Considering the foregoing, the Committee recommends:

1. The adoption of the attached **DECISION** for Administrative Case No. 22-001 Series 2023 as the decision of the Sangguniang Panlungsod in the instant Administrative Case.
2. The adoption of this Committee Report.

Respectfully submitted. August 01, 2023.



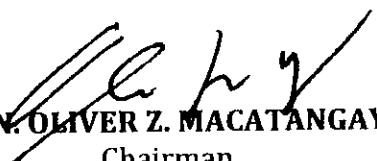
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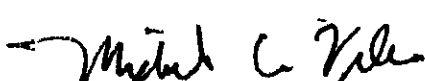
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COMMITTEE ON ETHICS AND GOOD GOVERNMENT


HON. OLIVER Z. MACATANGAY
Chairman


HON. MICHAEL C. VILLENA
Member


JOSE JONASH LUIS T. TOLENTINO
Member


HON. NESTOR E. DIMACUHA
Member


HON. ZESTER CARLO M. HERNANDEZ
Member



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ANNE

HON. DANTE V. CLARIN

Barangay Captain
Barangay Poblacion 09, Batangas City

Complainant

- versus -

SP Admin Case No. 22-001-2023

FOR: **Misconduct and
Insubordination as Member
of the Sangguniang
Barangay**

HON. ENRIQUE B. ORENSE

Barangay Kagawad
BARANGAY Poblacion 09, Batangas City

Respondent,

X - - - - - X

DECISION

FACTS:

On March 16, 2023, Complainant Barangay Chairman Dante V. Clarin submitted his Sworn Complaint against Barangay Kagawad Enrique B. Orense for the alleged Misconduct and Insubordination as Member of the Sangguniang Barangay. Upon receipt of the Complaint, the Committee furnished copy of the same to the respondent Barangay Kagawad Enrique B. Orense and instructed him to answer the allegations against him and to submit his verified answer not later than April 18, 2023 for the Committee to commence the investigation.

Respondent Barangay Kagawad Enrique B. Orense submitted his "Sworn Apology Letter" to the Sangguniang Panlungsod on April 17, 2023. The Committee on Ethics and Good Government took note of the said Sworn Apology Letter submitted by the respondent and held the initial hearing on April 18, 2023, 10:00 o'clock in the morning at Sampaguita Farms, Sampaga, Batangas City.

The Chairman called for appearances, the parties appeared on their own behalf, without counsel.

Under oath, petitioner Barangay Captain Dante V. Clarin testified on the alleged misconduct committed by Barangay Kagawad Enrique B. Orense. The complaint is rooted on the respondent kagawad's absence and travel abroad without approved leave of absence, which is a violation of applicable laws and rules on



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Decision

SUBJECT : SP Admin Case No. 22-001-2023
Misconduct and Insubordination as Member of the Sangguniang
Barangay

HON. DANTE V. CLARIN
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Respondent

government officials and employees. The complainant exhibited pictures showing that respondent Kagawad Enrique B. Orense indeed travelled and stayed out of the country while he had nno approved Application for Leave of Absence.

Under oath, respondent Kagawad Enrique B. Orense humbly admitted he indeed went abroad without approved leave of absence, that it was his mistake to have not acted prudently on the requirement for approved leave of absence before travel, and that he committed a violation of the rules on leave of absence required for government officials and employees. He apologized and humbly asked forgiveness before the Committee and other Sangguniang Panlungsod members, the complainant barangay captain and other Sangguniang Barangay members. The Committee took note that it was his first offense and that he promised that it will never happen again.

The Chairman of the Committee asked the parties for the possibility of amicable settlement. He asked the complainant Barangay Captain for his response to the apology of the respondent Barangay Kagawad Enrique B. Orense. Complainant manifested his willingness to forgive the respondent on the condition that the respondent will comply with his commitment sincerely for the welfare of their barangay. Considering the foregoing, the complainant and respondent have reached an amicable settlement, thereby, the Committee requested the complainant to submit to the Sangguniang Panlungsod his affidavit of desistance or a manifestation that he is withdrawing his Complaint.

The Committee sent an Order dated May 30, 2023 to the complainant requiring him to submit his Manifestation of Withdrawal or Affidavit of Desistance. Until date, the complainant has not complied with the Order, which prompted the Committee to convene another hearing to clarify the status of the Administrative Case.



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Continuation....

Decision

**SUBJECT : SP Admin Case No. 22-001-2023
Misconduct and Insubordination as Member of the Sangguniang
Barangay**

HON. DANTE V. CLARIN
Barangay Captain
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- VERSUS -

HON. ENRIQUE B. ORENSE
Barangay Kagawad
Poblacion 09 Batangas City
Respondent

The second hearing was held on July 13, 2023, 9:00 o'clock in the morning at Sampaguita Farms, Sampaga, Batangas City.

The Committee inquired from the complainant why he had not complied with the Order of the Committee to submit his Affidavit of Desistance, which shall be attached to the Committee Report. Complainant Barangay Chairman Dante V. Clarin stated that the respondent Barangay Kagawad "continues his act of misconduct". The Committee explained that the complainant had already manifested forgiveness during the first hearing. The Committee called the attention of the complainant that the Committee has not issued yet its Decision on the Administrative Case. Should there be new misconduct committed by respondent Barangay Kagawad Enrique B. Orense, the complainant has the right to file a new case against him before the Sangguniang Panlungsod. The Committee reminded him of his statement of accepting the apology offered by the respondent during the initial hearing, quoted hereunder:

"Ito'y bukal, alam nyo isinasa alang-alang ko rin kayong mga nasa Sangguniang Panlungsod dahil kung yung pride ko lang susundin, idederetso ko ito. Pero alang alang sa inyo baka ako hindi iboto ninyo, yung lang. Yun nga sinabi nyo sakin ... ako pa ang nagpapasimuno at yung aking nasa likod na kung magpa-file pa ng kaso uli idederetso ko ito, parang yun na rin yun eh, alam nyo na dahil gusto ko lang talaga mabigyan ng leksyon na hindi laang sa sesyon ng barangay kundi sa harapan nyo. Alang alang sa Sangguniang Panlungsodpati kay Mayor, kay Vice Mayor at sa lahat sa inyo sa dalawang (2) Board Member **pinatatawad ko na.**"

The Committee assured the parties that although there is an amicable settlement between complainant Barangay Chairman Dante Clarin and respondent Barangay Kagawad Enrique Orense, the Decision would be in accordance with law.



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Decision

SUBJECT : SP Admin Case No. 22-001-2023
Misconduct and Insubordination as Member of the Sangguniang
Barangay

HON. DANTE V. CLARIN
Barangay Captain
Poblacion 09 Batangas City
Petitioner

- **VERSUS** -

HON. ENRIQUE B. ORENSE
Barangay Kagawad
Poblacion 09 Batangas City
Respondent

ISSUE:

The lone issue to be resolved in this case is whether or not the respondent Barangay Kagawad is guilty of the offense charged, that is, Misconduct and Insubordination.

DECISION:

Section 60 of the Local Government Code of 1991 enumerates the Grounds for Disciplinary Actions for elective local official, to wit:

Section 60. Grounds for Disciplinary Actions. - An elective local official may be disciplined, suspended or removed from office on any of the following grounds:

- (a) Disloyalty to the Republic of the Philippines;
- (b) Culpable violation of the Constitution;
- (c) Dishonesty, oppression, misconduct in office, gross negligence, or dereliction of duty;
- (d) Commission of any offense involving moral turpitude or an offense punishable by at least prison mayor;
- (e) Abuse of authority
- (f) Unauthorized absence for fifteen (15) consecutive working days, except in the case of members of the Sangguniang Panlalawigan, Sangguniang Panlungsod, Sangguniang Bayan, and Sangguniang Barangay;



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Decision

**SUBJECT : SP Admin Case No. 22-001-2023
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HON. DANTE V. CLARIN
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(g) Application for, or acquisition of, foreign citizenship or residence or the status of an immigrant of another country; and

(h) Such other grounds as may be provided in this Code and other laws. An elective local official may be removed from office on the grounds enumerated above by order of the proper court.

On February 10, 2017, the DILG issued Memorandum Circular No. 2017-30 entitled: Foreign Travel Authority on-Line System of Local Government Officials and Employees. This MC provides for the procedure of securing authority for foreign travel from the DILG for government officials and employees.

Also relevant to the issue at hand is Section 47 of The Local Government Code which provides for the Approval of Leaves of Absence of local elective officials, more particularly that the leave of absence of a barangay kagawad shall be approved by the Punong Barangay.

Clearly, the law requires an elective local government official to file Leave of Absence whenever he intends to leave his post and his responsibilities as an elective official for a considerable length of time, more specially when he intends to leave the country. The essence of this requirement is obviously to avoid hampering the delivery of public service and to make his absence authorized.

The respondent failed to comply with the requirements of the law to officially inform his Sangguniang Barangay of his intended travel and absence from office, as well as file the approved Leave of Absence required of him by law.



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Decision

**SUBJECT : SP Admin Case No. 22-001-2023
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Barangay Kagawad
Poblacion 09 Batangas City
Respondent

The respondent's admission, coupled by his inability to present any defense or any iota of proof contradicting the evidences presented by the complainant is evidence substantial to support the misconduct complained of.

Notwithstanding the apologies offered by the respondent and accepted by the complainant, the Committee holds that transgressions of the express provisions of the law or non-compliance thereof, makes the act unlawful. It is an offense committed against the state as it is the state that requires compliance with the law, with the end in view that the good of the people will be served. The unlawful act, therefore, could not, and should not be subject of compromise or amicable settlement between the transgressor and the individual who called him up on his transgression. In the case at hand, it is not the complainant who suffered injury due to the unlawful act of the respondent, thus, he has no authority to condone the unlawful act. To rule otherwise is allowing the complainant to enjoy powers not vested on him.

During the initial hearing of this case, the complainant agreed and manifested his willingness to submit a manifestation withdrawing the complaint to give essence to the amicable settlement between him and the respondent. It is in the light of that manifestation of willingness to withdraw the complaint that the Committee issued the Order dated May 30, 2023. The effect of withdrawal of the case is to have no case at all. The Committee shall have no jurisdiction to take up the issues and rule on the issues because the controversy did not ripen into actionable cause. In such a case, the Committee, and the Sangguniang Panlungsod as a whole, act as mediator and conciliator. The complainant's failure to comply with the Order of the Committee is taken to be his disagreement and unwillingness to withdraw his complaint.



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Decision

**SUBJECT : SP Admin Case No. 22-001-2023
Misconduct and Insubordination as Member of the Sangguniang
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HON. DANTE V. CLARIN
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Barangay Kagawad
Poblacion 09 Batangas City
Respondent

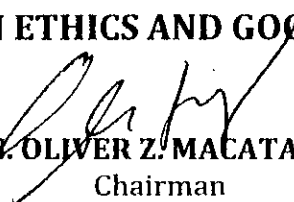
WHEREFORE, considering all the foregoing, the Committee finds substantive evidence that the respondent Barangay Kagawad is **GUILTY** of the offense charged committed through violating the following:

1. Memorandum Circular No. 2017-30, Series of 2017 and amended on November 9, 2018 as Memorandum Circular No. 2018-197,
2. Section 47 of the Local Government Code of 1991.

Section 60 of Local Government Code 1991 authorizes the imposition of disciplinary action appropriate for this case. Thereby, the Committee on Ethics and Good Government recommends the **SUSPENSION** of respondent Barangay Kagawad Enrique B. Orense of Barangay Poblacion 09, Batangas City for seven (7) days.

SO ORDERED. August 1, 2023.

COMMITTEE ON ETHICS AND GOOD GOVERNMENT


HON. OLIVER Z. MACATANGAY
Chairman


HON. MICHAEL C. VILLENA
Member


JOSE JONASH LUIS T. TOLENTINO
Member


HON. NESTOR E. DIMACUHA
Member


HON. ZESTER CARLO M. HERNANDEZ
Member