

RESOLUTION NO. 2010-208

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RESOLUTION ADOPTING THE RULES ON SUMMARY PROCEDURE ON
ADMINISTRATIVE CASES BEFORE THE SANGGUNIAN PANLUNGSOD OF THE
CITY OF NAGA: -

Authors: Hon. Esteban R. Abonal
Hon. Salvador M. del Castillo

WHEREAS, the Sangguniang Panlungsod has been conducting hearings on Administrative Cases pursuant to the mandate under Chapter 4 on Disciplinary Actions, particularly Section 1 © of the Local Government Code, yet has no rules of procedure of its own;

WHEREAS, there is a need for the Sanggunian to achieve an expeditious and inexpensive determination of the cases brought before it;

BE IT RESOLVED, as it is hereby resolved, to adopt the Rules on Summary Procedure on Administrative Cases, which is as follows:

APPLICABILITY

SECTION 1. SCOPE. - This rules shall govern the summary procedure before the Sangguniang Panlungsod on complaints against any elective barangay officials in the City of Naga.

SECTION 2. HOW COMMENCED. - The filing of administrative cases shall be before the Sangguniang Panlungsod Secretary by complaint duly verified and with certificate of non-forum shopping. The complaint shall be accompanied by the affidavit of the complainant and of his witnesses and such documents or exhibits in support of his claim, and in such number of copies as there are respondents, plus fourteen (14) extra copies for each of the twelve members of the Sanggunian, the Presiding Officer and the Secretariat.

That should the complaint be not verified and without certificate of non-forum shopping the same shall be rejected for filing. Failure to provide the Sanggunian with the required number of copies of the complaint as required within a period of five (5) days, the case maybe dismissed.

SECTION 3. THE ANSWER. - The respondent shall upon receipt of the complaint within fifteen (15) days submit his written answer likewise verified or under oath and shall likewise be accompanied by his affidavit and of his witnesses as well as with documents or exhibits in support of his claim or defenses, copy furnished the complainant and the Sanggunian, fourteen (14) copies of each of the twelve members of the Sanggunian, the Presiding Officer and the Secretariat.

SECTION 4. NOTICE OF HEARING. - the Secretary of the Sangguniang Panlungsod shall upon receipt of the administrative complaint require the respondent to submit his verified answer within fifteen (15) days from receipt thereof, and shall immediately thereafter include the same in the Order of Business of the Sanggunian for referral to the Blue Ribbon Committee for investigation.

SECTION 5. EFFECT OF FAILURE TO ANSWER. - Should the defendant/respondent fail to answer the complaint within the period allotted to him as above provided, The Secretary shall report to the Sangguniang Panlungsod. The Sangguniang Panlungsod upon recommendation of the Blue Ribbon Committee may Motu proprio or on-motion of the complainant shall render judgment as maybe warranted by the facts alleged in the complaint and is limited to what is prayed for therein.

SECTION 6. PRELIMINARY CONFERENCE. - The Blue Ribbon Committee shall schedule the case and the parties to a Preliminary Conference for the possibility of amicably settling the case, simplification of issues, stipulation of facts and such other matters as the parties may agree for a speedy disposition of the case.

SECTION 7. SUBMISSION OF POSITION PAPER. - The Blue Ribbon Committee before conducting the hearing proper but after the preliminary conference shall require the parties to submit their respective position papers which shall contain their statement of their case, summary of the statements of their witnesses and of their documentary exhibits if any and their relevance or materiality to the case copy furnished the opposing party. Thereafter, the case maybe submitted for resolution or decision based on the position papers submitted.

SECTION 8. CLARIFICATORY HEARING. - That should the Blue Ribbon Committee or the Sangguniang Panlungsod find from the position papers submitted or from the affidavits of witnesses that there is a need for clarificatory question the Sanggunian may set the case for hearing for the purpose of advising accordingly the parties thereof.

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The witnesses who do not submit their Affidavits at the time of filing of the complaint and answer shall be disqualified to testify during the clarificatory hearing.

SECTION 9. Participation of the members of the Sangguniang Panlungsod in the hearing. All members of the Sanggunian may at all times, at their pleasure sit during the hearings of the case. The Blue Ribbon Committee shall after hearing submit their formal report and draft the corresponding Decision on the case for deliberation of the Sanggunian and/or adoption.

SECTION 10 PROMULGATION OF DECISION. - The Promulgation of the Decision which shall be in writing stating clearly and distinctly the facts and the reasons for such decision, shall be made and included in the regular session of the Sanggunian with prior notice to the parties, of which copies shall be furnished them.

SECTION 11. FINALITY OF DECISION. - Decision of the Sangguniang Panlungsod once promulgated shall be final and executory pursuant to Section 61 (c) of the Local Government Code but without prejudice the application of Section 67 also of the Local Government Code.

SECTION 12. EFFECTIVITY. This resolution shall take effect immediately upon its approval and after publication in a newspaper of local circulation.

APPROVED.

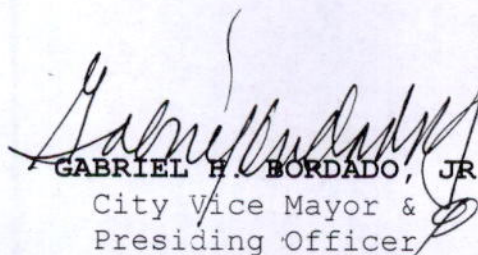
Adopted: July 20, 2010.

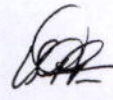
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WE HEREBY CERTIFY to the correctness of the foregoing resolution.


GABRIEL H. BORDADO, JR
City Vice Mayor &
Presiding Officer


GIL A. DE LA TORRE
Secretary to the
Sangguniang Panlungsod