

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 JUNE 4, 2019 AT THE SANGGUNIANG SESSION HALL

PRESENT:

Hon. Armando C. Lazarte,	Acting Presiding Officer
Hon. Aileen Grace A. Montalbo,	Councilor
Hon. Sergie Rex M. Atienza,	“
Hon. Hamilton G. Blanco,	“
Hon. Alyssa Renee A. Cruz,	“
Hon. Oliver Z. Macatangay,	“
Hon. Julian B. Villena,	“
Hon. Gerardo A. Dela Roca,	“
Hon. Nestor E. Dimacuha,	“
Hon. Nelson J. Chavez,	“
Hon. Julian Pedro M. Pastor,	“
Hon. Marjorie A. Manalo,	SK-Fed. Pres.
Hon. Emilio Francisco A. Berberabe Jr.,	Presiding Officer
Hon. Karlos Emmanjuel A. Buted,	Councilor
Hon. Angelito “Dondon” A. Dimacuha,	ABC-Rep.

“On motion of Councilor Pastor duly seconded, the following Resolution was Adopted:

RESOLUTION NO. 155 S.2019

**ADOPTING THE REPORT OF THE COMMITTEE OF THE WHOLE AS THE
DECISION OF THE SANGGUNIANG PANLUNGSOD IN ADMINISTRATIVE CASE
NO. 5 JOSEPH SAVELLANO VS. RODOLFO G. MENDOZA FOR VIOLATION OF
BOUNCING CHECK LAW AND GRAVE MISCONDUCT**

WHEREAS, the Committee of the Whole chaired by the Committee on Ethics and Good Government rendered a report on Administrative Case No. 5 Joseph C. Savellano vs. Rodolfo G. Mendoza for Violation of Bouncing Check Law and Grave Misconduct;

WHEREAS, the aforesaid Report is hereby made integral part of this Resolution;

NOW THEREFORE, be it resolved as it is hereby resolved by the Sangguniang Panlungsod in session assembled, to adopt, as it hereby adopts, the Report of the Committee of the Whole as the Decision of the Sangguniang Panlungsod in Administrative Case No. 5.

UNANIMOUSLY APPROVED.”

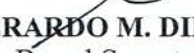
888. Agay Co-10-2019
Maria Anna A. Agay

Continuation of Resolution No. 155 S. 2019

**ADOPTING THE REPORT OF THE COMMITTEE OF THE WHOLE AS THE
DECISION OF THE SANGGUNIANG PANLUNGSOD IN ADMINISTRATIVE CASE
NO. 5 JOSEPH SAVELLANO VS. RODOLFO G. MENDOZA FOR VIOLATION OF
BOUNCING CHECK LAW AND GRAVE MISCONDUCT**

SPONSOR : COUN. JULIAN PEDRO M. PASTOR

I hereby certify that the foregoing Resolution No. 155 S. 2019 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on June 4, 2019.


GERARDO M. DIMAANO
Board Secretary III
Sangguniang Panlungsod

NOTED:


ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

ATTESTED:


ARMANDO C. LAZARTE
Acting Presiding Officer

ODT/GMD/ystingchuy...

REPUBLIC OF THE PHILIPPINES
BATANGAS CITY
OFFICE OF THE SANGGUNIANG PANLUNGSOD

TO : The Honorable Presiding Officer
And Members of the Sangguniang Panlungsod

FROM : Committee of the Whole

SUBJECT : Administrative Case No. 5 Joseph C. Savellano vs
Rodolfo G. Mendoza for Violation of Bouncing
Check Law and Grave Misconduct

COMMITTEE REPORT

That COMPLAINANT, Joseph C. Savellano, Senior Credit Manager of UNION GALVASTEEL CORPORATION (UGC) filed a complaint against RESPONDENT, Rodolfo G. Mendoza on April 24, 2018 to the Deputy Ombudsman for Luzon, Adoracion A. Agbada. By and through respondent, Rodolfo G. Mendoza, Simlong Development and Logistics Corporation subcontracted UGC (of which project there is no indication) for the supply of labor and materials, the terms and conditions were set forth in a Memorandum of Agreement (MOA).

The complaint arose when a ROBINSONSBANK check of SDLC and signed by Rodolfo Mendoza issued to UGC amounting to P38,245,985.89 bounced. A notice of check dishonor and demand for payment was made on March 6, 2018 for collection purposes but to no avail. On March 12, 2019, the Deputy Ombudsman referred the matter to the Sangguniang Panlungsod. The Sangguniang Panlungsod through Resolution No. 137 S. 2019 referred the case to the Committee of the Whole.

That RESPONDENT, Rodolfo G. Mendoza, an incorporator of SIMLONG DEVELOPMENT AND LOGISTICS CORPORATION (SDLC) furnished the Office of the Vice Mayor with a copy of his Counter Affidavit on May 7, 2019. He stated that the case against him should be dismissed in that the issuance of the check was between the two corporations, SDLC and UGC and of the check in his capacity as an authorized officer of the SDLC.

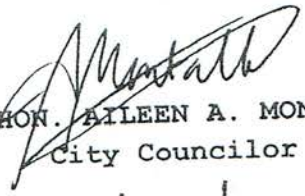
FINDINGS : The complainant in his letter to the Ombudsman and which was extended to the Batangas City Office of the Vice Mayor was seeking both criminal and administrative cases against the respondent. The respondent on his part reiterated in his counter-affidavit that the case is between the two corporations to settle. Furthermore, according to the Corporation Code, a corporation is an artificial being and has a personality separate and distinct from its stockholders. The rule is that the stockholders of the corporation may not be made to answer for acts of liabilities of the corporation and vice versa.


RECOMMENDATIONS :

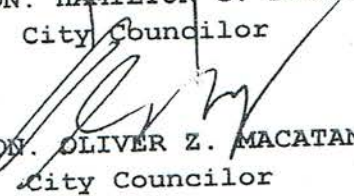
1. The Committee of the Whole states that any charges that are criminal are not in the jurisdiction of the Sangguniang Panlungsod and therefore, has to be settled in the Judicial Court.
2. The Sangguniang Panlungsod through a Quasi-Judicial Body embodied by the Committee of the Whole chaired by the Committee on Ethics and Good Government can prosecute legal proceedings that are administrative in nature. However, the basis of such administrative case in order for the committee to hear will be the outcome of a judicial proceeding, whether the respondent was acquitted or convicted.
3. The Committee of the Whole recommends the dismissal of the complaint.

COMMITTEE OF THE WHOLE



HON. JULIAN PEDRO "NITO" PASTOR
City Councilor-Chairman


HON. AILEEN A. MONTALBO
City Councilor


HON. HAMILTON G. BLANCO
City Councilor



HON. OLIVER Z. MACATANGAY
City Councilor

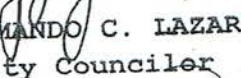
HON. KARLOS EMMANJUEL A. BUTED
City Councilor

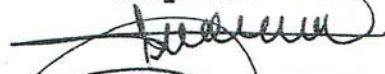

HON. GERARDO A. DELA ROCA
City Councilor



HON. NELSON J. CHAVEZ
City Councilor


HON. SERGIO REX M. ATIENZA
City Councilor


HON. ALYSSA RENEE CRUZ-ATIENZA
City Councilor


HON. ARMANDO C. LAZARTE
City Councilor


HON. JULIAN B. VILLENENA
City Councilor


HON. NESTOR E. DIMACUHA
City Councilor

HON. ANGELITO A. DIMACUHA
City Councilor

DR. EMILIO FRANCISCO BERBERABE JR.
VICE MAYOR