

**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 DECEMBER 14, 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 E. Dimacuha duly seconded, the following Resolution was Adopted:

RESOLUTION NO. 389 S. 2020

**RESOLUTION RETURNING THE MOTION FOR RECONSIDERATION SUBMITTED
BY TABANGAO APLAYA PUNONG BARANGAY HON. REYNALDO B. DOCE**

WHEREAS, the Motion for Reconsideration was received by the Sanggunian in December 11, 2020, in relation to the complaint of Brgy. Kagawad Juvy Nelia C. Mendoza, et. al against Brgy. Captain Reynaldo B. Doce, both of Tabangao Aplaya, Batangas City;

WHEREAS, the case and complaint of grave abuse of discretion and conduct unbecoming was heard by the Committee on Ethics and Good Government was highly recommended with the suspension of Brgy. Captain Hon. Reynaldo B. Doce for thirty days (30) effective immediately;

WHEREAS, it is improper to execute the **MOTION FOR RECONSIDERATION** considering that the decision was not yet been served;

WHEREAS, the Local Government Code Sec. 67 (a) states that decisions in administrative cases may, within thirty (30) days from receipt thereof, be appealed to the Sangguniang Panlalawigan, in the case of decisions of the Sangguniang Panlungsod of component cities and Sangguniang Bayan; further, the Internal Rules and Procedures of this Sanggunian does not provide the acceptance of the Motion for Reconsideration;

NOW THEREFORE, be it resolved as it hereby resolves by the Sangguniang Panlungsod in session assembled to return the Motion for Reconsideration submitted by Tabangao Aplaya Punong Barangay Hon. Reynaldo B. Doce.

Continuation of Resolution No. 389 S. 2020

**RESOLUTION RETURNING THE MOTION FOR RECONSIDERATION SUBMITTED
BY TABANGAO APLAYA PUNONG BARANGAY HON. REYNALDO B. DOCE**

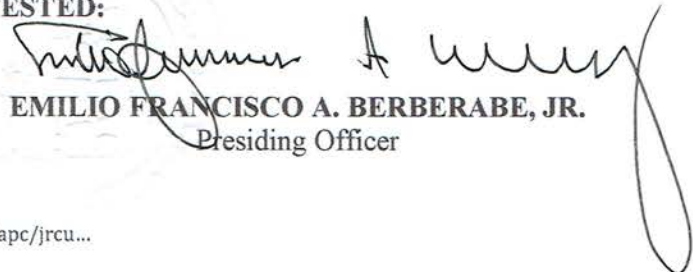
RESOLVE FURTHER, to furnish the Sangguniang Panlalawigan a copy of this Resolution.

UNANIMOUSLY APPROVED.

I hereby certify that the foregoing Resolution No. 389 S. 2020 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on December 14, 2020.


JOE ANTHONY P. CLAUS
Loc. Leg. Staff Officer I

ATTESTED:


EMILIO FRANCISCO A. BERBERABE, JR.
Presiding Officer

ODT/japc/jrcu...

REPUBLIC OF THE PHILIPPINES
BATANGAS CITY
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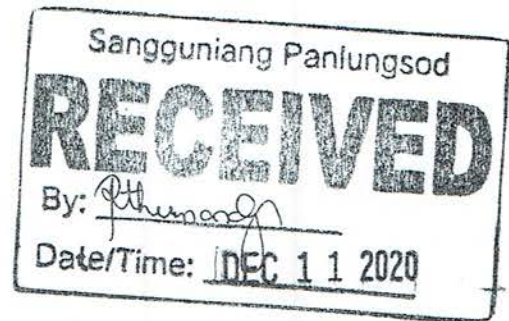
SP ADM Blg. 01 - 20
For: Grave Abuse of Discretion
Conduct Unbecoming

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

Versus

Brangay Captain Engoneer Reynaldo B. Doce,
Respondent.

X-----X



MOTION FOR RECONSIDERATION

RESPONDENT Barangay Captain Reynaldo B. Doce, by the undersigned counsel, and unto the Honorable august body, most respectfully states:

1. Respondent received on December 4, 2020 a copy of the undated DECISION, as well as Resolution No. 351 S. 2020 entitled **“ADOPTING THE REPORT OF THE COMMITTEE ON ETHICS AND GOOD GOVERNMENT ON THE COMPLAINT OF BRGY. KAGAWAD JUVY NELIA C. MENDOZA AT. AL AGAINST BRGY. CAPTAIN ENGR. REYNALDO B. DOCE OF TABANGAO APLAYA, BATANGAS CITY AND APPROVING THE DECISION FOR THE SUSPENSION OF THE RESPONDENT”**;
2. The Ruling in the aforesaid Decision reads:

“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. “xxxxxxx”
3. It is to be recalled that the instant controversy stems from the following Complaint of:
 - a. Efren Caringal (alleged illegal termination as Barangay Secretary);
 - b. Mr. John Paul Aguilar (alleged illegal termination as Disaster Officer);
 - c. Barangay Councilor Primitiva Halili (alleged illegal use of budget for midyear bonus, year - end bonus, cash gift, leave credit by way of hazard pay and “paghahamon na magpangulo muna”); and

- d. Councilor Juvy Nelia Mendoza ("pinasahod diumano ng treasurer ng perang batbat ng stapler", unlawful taking of the fund of Kalipi, and being shouted upon and was told to "maupo sa kanyang pwesto bilang Pangulo.");
4. As to the complaint of former Barangay Secretary Efren G. Caringal and Disaster Officer John Paul Aguilar, respondent wishes to call the attention of the Honorable Members of the Sangguniang Panlungsod to the powers and duties of the Local Chief Executive as enumerated in Section 389 of the 1991 Local Government Code;
 5. It is quite clear that the Punong Barangay, as the Chief Executive of the barangay government, shall exercise such powers and functions expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;
 6. Among the express power granted to a Barangay Captain is to appoint or replace the Barangay Secretary upon approval by a majority of all the members of the Sangguniang Barangay;
 7. In the case at bar, records clearly disclose that the removal of Secretary Efren G. Caringal was with the concurrence of the majority of the Members of the Sangguniang Barangay by virtue of Resolution No. 5 S. of 2020, dated March 10, 2020;
 8. As to the removal of Disaster Officer John Paul Aguilar, respondent maintains that it is within his authority to terminate the said officer as the latter could no longer perform his function due to his permanent employment somewhere else. Such power of removal is necessary and appropriate demanded by the prevailing condition that called for immediate action for the general welfare;
 9. The complaints of councilors Primitiva Halili and Juvy Nelia Mendoza alleging Grave Abuse of Discretion and Conduct Unbecoming of a Barangay Captain have no leg to stand on;
 10. Aside from the fact that respondent was able to explain in his answer each and every issue raised by complainants, the evidence failed to show any irregularity in the performance by respondent of his mandated and implied duties;
 11. It is to be emphasized that the Local Government Code (Section 60) enumerates the grounds for disciplinary actions against local elective officials, to wit:
 - 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 prision mayor;**
- e) **Abuse of authority;**
- f) **Unauthorized absence for fifteen (15) consecutive working days, except in the case of members of the sanggunang panlalawigan, sangguniang panlungsod, sangguniang bayan, and sangguniang barangay;**
- g) **Application for, or acquisition of, foreign citizenship or residence or the status of an immigrant of another country;**
- h) **Such other grounds as may be provided in this code and other laws.x x x x**

12. Obviously, the finding of the Sangguniang Panlungsod that respondent committed **Grave Abuse of Discretion and Conduct Unbecoming of a Barangay Captain**" are not among the grounds enumerated in the above - mentioned law;

13. The grounds as enumerated are exclusive, and unless the specific provision of the Local Government Code is amended, the Sangguniang Panlungsod of Batangas cannot include "Grave Abuse of Discretion and Conduct Unbecoming" as grounds to suspend any elected Barangay Official;

14. With all due respect to the members of the Sangguniang Panlungsod of Batangas, there is no sufficient basis to suspend respondent. To be administratively liable, an elected local official must have committed any of the acts expressly and exclusively enumerated in the Local Government Code;

15. To reiterate, as respondent discussed in his explanation and answer to the accusations against him, the actions and decisions he had made in the performance of his duties do not provide grounds for his suspension;

16. The bone of contention, as it appears, revolves around the personality or the perceived flaws in the character and style of leadership of respondent. For the sake of argument, granting without admitting that he has character flaws, do they warrant an immediate suspension as a form of punishment? During these unsettling times, instead of being ridiculed, what a

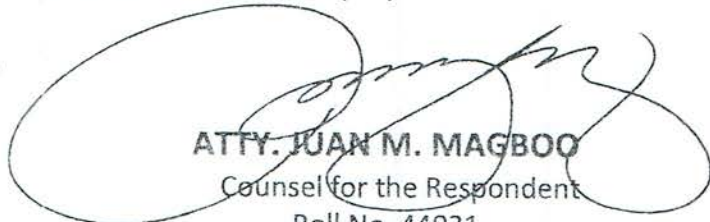
passionate, honest and sincere public servant like respondent deserves is cooperation and support.

PRAYER

PREMISES CONSIDERED, it is most respectfully prayed that the Sangguniang Panlungsod of Batangas reconsider Resolution No. 351 Series of 2020 and that its Decision suspending for thirty (30) days respondent Barangay Captain Engr. REYNALDO B. DOCE be set aside. With all due respect, it is further prayed that instead of suspension, Barangay Captain Reynaldo B. Doce, be reprimanded, and together with the members of Sangguniang Barangay of Tabangao Aplaya, be ordered to take a refresher course on Internal Rules of Procedure as provided for in Section 50 of Republic Act 7160.

Other reliefs, just and equitable in the premises, are likewise prayed for.

Batangas City, December 10, 2020.



ATTY. JUAN M. MAGBOO

Counsel for the Respondent

Roll No. 44031

MCLE VI Compliance No. 0011399

PTR No. 25443486/1-02-20/Bauan, Batangas

IBP No. 066474/01-29-2020/Batangas

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(043) 723-2634

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copy furnished:

- Councilor Primitiva D. Halili
- Councilor Juvy Nelia C. Mendoza
- Mr. John Paul G. Aguilar
- Mr. Efren G. Caringal

REGISTRY RECEIPT

Post Office _____
Letter/Packag _____
Posted on _____ 20 _____
Preserve this receipt for reference in case of inquiry _____
DEC 11 2020
RAJAN POST OFFICE,
4201 BATANGAS, PHILIPPINES
Postmaster/Teller _____

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