



Republic of the Philippines
PROVINCE OF PANGASINAN
Lingayen
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OFFICE OF THE SANGGUNANG PANLALAWIGAN SECRETARY

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on July 17, 2023 at the Session Hall, Capitol Building, Lingayen, Pangasinan, the following provincial resolution was approved:

Authored by SP Member Haidee S. Pacheco

PROVINCIAL RESOLUTION NO. 638-2023

APPROVING AND ADOPTING AS ITS DECISION EN BANC, THE RECOMMENDATION OF THE COMMITTEE ON GOOD GOVERNMENT AND ACCOUNTABILITY OF PUBLIC OFFICERS, JUSTICE AND HUMAN RIGHTS IN SP ADMINISTRATIVE CASE NO. 03-2023

WHEREAS, the Sangguniang Panlalawigan was in receipt of a Memorandum of Appeal filed on December 28, 2022 by Punong Barangay Melinda G. Rodillas, through counsel, Atty. Jefferson T. Faculan against the Decision of the Sangguniang Bayan of San Nicolas, Pangasinan;

WHEREAS, the said case was referred to the Committee on Good Government and Accountability of Public Officers, Justice and Human Rights and was docketed as SP Administrative Case No. 03-2023;

WHEREAS, after several hearings, careful review and study on the said case, the Committee on Good Government and Accountability of Public Officers, Justice and Human Rights submitted its Decision which was adopted as **Committee Report No. 28-2023** by the Sangguniang Panlalawigan, to wit;

DECISION

“WHEREFORE, premises considered, the Sangguniang Bayan, acting as a quasi-judicial body, finds respondent Punong Barangay MELINDA G. RODILLAS, of Barangay San Rafael, Nicolas, Pangasinan administratively liable for ABUSE OF AUTHORITY, GRAVE MISCONDUCT, OPPRESSION under Rule II, Section 2 (4, 5 and 8) of the Ordinance Prescribing the Rules of Procedure in the Conduct of Administrative Investigation by the Sangguniang Bayan of San Nicolas, Pangasinan and hereby meted the penalty of SIX (6) MONTHS SUSPENSION from office.



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SO ORDERED. December 12, 2022, San Nicolas, Pangasinan."

BRIEF ANTECEDENTS

VERSION OF THE COMPLAINANT-APPELLEE

Complainant-Appellee and Respondent-Appellant entered into an agreement in which the latter will supply the UNO feeds for the piggery farm of the former, on credit. Per their agreement, they orally agreed that Complainant-Appellee shall pay the respondent when he is able.

On February 19, 2022, after a barangay meeting session, Respondent-Appellee told the Complainant-Appellee that she will take the latter's honorarium and mid-year bonus, as payment for his indebtedness.

Without Complainant-Appellee's consent, Respondent-Appellant took from the barangay treasurer, the former's honorarium and monetization in the amount of Php9,475.00.

VERSION OF THE RESPONDENT-APPELLANT

Complainant-Appellee, Eduardo C. Miranda Jr. is a member of the barangay council of Brgy. San Rafael East, San Nicolas, Pangasinan, as a Barangay Kagawad; while Respondent-Appellant Punong Barangay Melinda Rodillas is likewise a member of the barangay council of Brgy. San Rafael East, San Nicolas, Pangasinan as Punong Barangay.

Respondent-Appellant denies the allegation of Complainant-Appellee that due to personal and political motives, the former forcibly took the latter's Honorarium and Mid-year bonuses, without his consent, from the Barangay Treasurer.

According to Respondent-Appellant, the charges filed against her were motivated by ill will and was resorted to as diversionary tactic to evade Complainant-Appellee's monetary obligation.

ISSUE

The primordial issue to be resolved by this August body is whether the Office of the Sangguniang Bayan of San Nicolas, Pangasinan correctly found Respondent-Appellant administratively liable for Abuse of Authority, Grave Misconduct, and Oppression.



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OUR RULING

We find merit in this Appeal.

Oppression is also known as grave abuse of authority, which is a misdemeanor committed by a public officer, who under color of his office, wrongfully inflict upon any person any bodily harm, imprisonment or other injury. It is an act of cruelty, severity, or excessive use of authority.

Further, in *Ochate v. Deling*, oppression is defined as an act of cruelty, severity, unlawful exaction, domination or excessive use of authority.

Misconduct is intentional wrongdoing or deliberate violation of a rule of law or standard of behavior. To constitute an administrative offense, misconduct should relate to or be connected with the performance of the official functions and duties of a public officer. In grave misconduct, as distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of an established rule must be manifest. (Omission supplied)

In the offense of grave misconduct, the elements of corruption, clear intent to violate the law or flagrant disregard of established rule or regulation must be manifest.

In this case, Complainant-Appellee failed to offer any evidence that would support his allegation that Rodillas took, without his consent, his honorarium and monetization.

In fact, his signature as appearing in the payroll is contradictory to such a claim of taking without consent. His claim that he had no choice but to sign the same has no leg to stand on. He could have easily chosen to not sign the payroll and left the place where the meeting was held.

Unfortunately, what Complainant-Appellee did was to affix his signature in the payroll, then filed this case thereafter. Absent any compelling reason as to why he affixed his signature than that of his claim that he was forced to, it follows that Complainant-Appellee received the subject honorarium and monetization free from undue influence, before using the same as payment for his monetary obligation to herein Respondent-Appellant.

On this score, entries in the payroll, being entries in the course of business, enjoy the presumption of regularity under Section 43, Rule 130 of the Rules of Court, and absent any evidence presented showing the contrary, good faith must be presumed in the preparation and signing of such payrolls.



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While there is the affidavit of one Brgy. Kagawad Rommano C. Malapit, who claims to be present and has personal knowledge when the honorariums and monetization of the Complainant-Appellee were deducted by Rodillas without the former's consent, the same did not explain with certitude the presence of the Complainant-Appellee's signature.

As correctly argued by Rodillas in her Appellant's Memorandum, nowhere in the said affidavit could we find material allegations as to the due execution of the affixed signature of Complainant-Appellee.

The Court has consistently upheld the principle that in administrative cases, to be disciplined for grave misconduct or any grave offense, the evidence against the respondent should be competent and must be derived from direct knowledge. Reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on.

All told, Complainant-Appellee failed to muster the quantum of proof required in administrative cases, that is – substantial evidence. Complainants in administrative proceedings carry the burden of proving their allegations with substantial evidence xxx. (Omissions supplied)

More than a mere scintilla of evidence, substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, even if other minds equally reasonable might conceivably opine otherwise.

It must be emphasized that it is the Complainant-Appellee who had an outstanding monetary obligation to Rodillas. He had been given a wide latitude to pay the same under the "pay-when-able" arrangement. Rodillas could not be faulted for Abuse of Authority, Grave Misconduct, and Oppression just for asking the payment due to her as she was just exercising her right to collect the same from her debtor. It just so happened that Rodillas collected the payment on the day of their scheduled Barangay Council Meeting where Complainant-Appellee was a part of.

Respondent-appellant should even be lauded in lending a helping hand to the complainant-appellee. Conversely, complainant-appellee's act of instituting an administrative case against the Punong Barangay after the latter collected payments from him on an undisputed monetary obligation should not only be frowned upon but must be condemned. To do otherwise would set a dangerous precedent to unscrupulous individuals which will embolden them to file frivolous complaints against duly elected individuals in order for them to get even.

On a final note, members of Sangguniang Bayan are reminded that they should be more circumspect in their decisions especially in imposing the maximum allowable penalty of suspension of six (6) months. Assuming without admitting that the alleged acts of the respondent-appellant were true, the severe penalty of suspension of six (6) months is not only unwarranted but amounts to Oppression.



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WHEREFORE, based from the foregoing, **we find Respondent-Appellant not administratively liable for the charges against her.** The decision of the Office of the Sangguniang Bayan of San Nicolas, Pangasinan is hereby **REVERSED and SET ASIDE.** The administrative case against respondent respondent-appellant is hereby **DISMISSED.**

SO ORDERED.

Done this July 17, 2023 at Lingayen, Pangasinan.

Respectfully Submitted:

(Sgd.) SP MEMBER HAIDEE S. PACHECO
Chairman

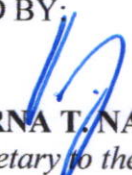
WHEREAS, the Sangguniang Panlalawigan finds the said Decision to be in order;

WHEREFORE, in view of the foregoing, on motion of SP Member Haidee S. Pacheco, duly seconded, it was__

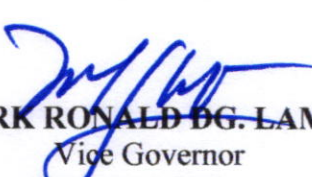
RESOLVED, by the Sangguniang Panlalawigan in session assembled to approve, as it is hereby approved and adopted as its decision en banc, the Decision of the Committee on Good Government and Accountability of Public Officers, Justice and Human Rights in SP Administrative Case No. 03-2023;

RESOLVED FURTHER, that copies of this resolution be furnished to Punong Barangay Melinda G. Rodillas, Mr. Eduardo C. Miranda, Jr, Sangguniang Bayan of San Nicolas, Pangasinan and their counsels, for their information and guidance.

CERTIFIED BY:


VERNA T. NAVA-PEREZ
Secretary to the Sanggunian

ATTESTED:


MARK RONALD DG. LAMBINO
Vice Governor
(Presiding Officer)