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OFFICE OF THE SANGGUNIANG 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 November 6, 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. 976-2023

APPROVING AND ADOPTING AS ITS DECISION EN BANC, THE RESOLUTION OF THE COMMITTEE ON GOOD GOVERNMENT AND ACCOUNTABILITY OF PUBLIC OFFICERS, JUSTICE AND HUMAN RIGHTS IN SP ADMINISTRATIVE CASE NO. 02-2021

WHEREAS, the Sangguniang Panlalawigan is in receipt of an Administrative Complaint filed on August 2, 2021 by Barangay SK Chairmen Edward John V. Ulep, Abegail C. Dulay, Jennelyn D. Rodrigo, Jacky S. Valdez and Czarielle S. Prestoza against SK Federation President, Councilor Jared Zayin C. Bandiola 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. 02-2021 by 10th Sangguniang Panlalawigan;

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. 48-2023** by the Sangguniang Panlalawigan, to wit;

DECISION

Before this Committee is an administrative complaint for suspension or removal in office of Jared Zayin C. Bandiola as the President of the Sangguniang Kabataan Federation of San Nicolas, Pangasinan ("SK Federation") filed by the Complainants on August 2, 2021. The following are the SK Federation Officers of the Municipality of San Nicolas, Pangasinan:

*Jared Zayin C. Bandiola – President
Ma. Rhemia Vi G. Ancheta – Vice President
Marion N. Curate – Secretary
Jodhigail Alexia B. Andaya – Auditor
James P. Nanali – Relation Officer
Michael Vincent S. Padilla – Sergeant-at-Arms*



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In the perusal of the Joint Complaint-Affidavit, it has been alleged that the Respondent failed to observe and perform the following functions and duties of his office being the incumbent SK Federation President:

- a. To conduct a first regular session following the elections of the Pederasyon Officers and within ninety (90) days thereafter in order to formulate its Internal Rules of Procedure (IRP) as mandated in Section 27, VI of the Joint Memorandum Circular No. 2017-01 dated June 23, 2017 and submit a copy thereof to the Sangguniang Bayan.*

Copies of the Certification of No Record issued by the SK Pederasyon Secretary of San Nicolas Marion Curate and Secretary of Sangguniang Bayan of San Nicolas Rosemay Asia-Rico are hereto attached as Annexes "A" and "B";

- b. To hold a regular meeting with Local Youth Development (LYD). A copy of the Affidavit of SK Pederasyon Treasurer Jessa J. Domenden as officer of SK Pederasyon attesting that no LYD meeting was held is hereto attached as Annex "C";*
- c. To render annual report before the end of January of each year to the Pambayang Pederasyon ng mga SK. A copy of the Joint Affidavit of SK Chairmen Edward John C. Ulep, Abegail C. Dulay, Jennelyn D. Rodrigo, Jacky S. Valdez, Czarielle C. Prestoza, and Jairus Thom D. Dulay, all members of Pambayang Pederasyon ng mga SK of San Nicolas, Pangasinan attesting to the said fact is hereto attached as Annex "D";*
- d. To initiate the formulation of a Local Youth Development Plan. Copies of the Certificate of No Record issued by Mr. Ramon C. Caldez, the designated Local Youth Development Officer (LYDO) and Rosemay Asia-Rico, the Sangguniang Bayan Secretary of San Nicolas, attesting that, there has been no LYD Plan submitted to the LYDO and Office of the Sangguniang Bayan, since the assumption of office in 2018 of SK President Bandiola, respectively, as prescribed under Section 24 1(f) are hereto attached as Annexes "E" and "B"; and*
- e. To hold a regular quarterly meeting as mandated by law and its IRR. Copies of the Certificate of No Record of any meeting conducted from the time respondent Bandiola assumed the office of SK Federation President up to present duly issued by the SK Federation Secretary Marion N. Curate is hereto attached as Annex A; xxx*

The Respondent filed his Answer on October 21, 2021 and in his defense, the Respondent alleged that the formulation of Internal Rules of Procedure of the SK Federation, the filing of Annual Report, the initiation of Local Youth Development Plan together with the holding of Local Youth.



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Development meetings with Local Development Youth Council were all held in abeyance due to Covid-19 pandemic. In relation thereto, the Respondent submitted copies of the special sessions and minutes of the meetings held by the Federation which purports to show that the SK Federation conducted special sessions and meetings relative to the implementation of its projects and programs.

ISSUES

Heretofore, as culled from the foregoing factual antecedents, the issue is whether or not the respondent may be suspended and/or removed from Office as the incumbent President of the SK Federation based on his alleged failure to perform his functions and duties based on the evidence provided by the herein Complainants.

RULING

The records of the case show that the Complainant submitted a Certification from the SK Federation Secretary Marion N. Curate as Exhibit A in the Complaint Affidavit as evidence. This exhibit attempts to prove that there is no record of special session or meeting by the SK Federation was held. However, this Certification is not sufficient enough to impute negligence in the performance of duty towards the Respondent alone. The said Certification did not even state the covered period within which it was imputed that there was no special session or meeting held.

It is important to note that in Section 28(2) of the Joint Memorandum Circular No. 2017-01, the call for a special session or meeting of the SK Federation may be called by the President or by the majority of the Officers of the Federation. Therefore, a special session or meeting of the SK Federation can be called upon by two parties: first, by the President and second, by the majority of the SK Federation Officers.

*Assuming *arguendo* that the President is unable to call for a special session or meeting, the majority of the SK Federation Officers are permitted by the same Joint Memorandum Circular to call a special session or meeting of the SK Federation. In the same vein, the members of the SK Federation can demand both the President or the other Officers, constituting a majority thereof, to call for a special session or meeting in order to commence their activities.*

The Complainants claiming to be bona fide members of the SK Federation should have petitioned the Officers to call for a special session or meeting in case there is a refusal from the Respondent to hold such. The Complainants failed to provide any evidence to prove that there is a blatant refusal from the Respondent to initiate, convene and conduct a special session or a meeting. The records are bereft of any evidence to prove that Complainants have made a formal petition to the other SK Officers to call for a special session or a meeting in response to the absence of any call by the Respondent.



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The aforementioned exhibit was also proffered to prove that there has been no record of any copy or draft of the IRP of the SK Federation and consequently conduct its first regular session. In reference with Section 27 of the same Joint Memorandum Circular, the formulation of the IRP are duties of all the SK Federation Officers. It is clear therefore that it is incumbent upon all of the SK Federation Officers to initiate the formulation of the IRP of the Federation as it is not the duty of the President alone. Hence, the imputation of failure to perform this particular duty must be attributed not only to the Respondent but should have been made to all of the SK Federation Officers.

The Complaint-Affidavit also offered a certification from the Sanggunian Secretary Rose May S. Asia-Rico to prove that there has been no record of a Local Youth Development Plan (LYDP). Based on National Youth Commission Memorandum Circular No. 2019-151, LYDP has been defined as a three-year strategic youth development plan formulated at the provincial, city or municipal, initially drafted by the respective SK Pederasyon and finalized by the Local Youth Development Commission (LYDC). This shall be submitted to the local chief executive for inclusion in the Local Development Plan and subsequently endorsed to the Sanggunian of the local government unit concerned for approval.

It is the SK Federation as a whole who is tasked to formulate and draft the provisions of the said plan. Therefore, it is improper and prejudicial to assign to the Respondent alone the failure of the SK Federation to have the LYDP during the time it should have been completed. More importantly, in Section 7 of Republic Act 11768, it is one of the functions and duties of both the SK Federation and the LYDC to draft the LYDP. It is also their mandate to convene quarterly to ensure the implementation of the LYDP and alignment of Comprehensive Barangay Youth Development Program and Annual Barangay Youth Investment Program to the LYDP.

Anent the allegation of the Complainants that the Respondent has failed to render annual report and remiss as the over-all-in-charge of the SK Federation's activities, the Committee deemed the joint-affidavit proffered by the Complainants as evidence as insufficient, therefore unfounded. In Section 29(1) of the Joint Memorandum Circular No. 2017-01, the SK Federation shall need a quorum to transact official business in order to validly act upon every decision the SK Federation shall conduct. Any activities which shall require approvals and concurrence among its members are required to have the majority approval of the SK Federation Officers in order to have efficacy and validity.

The Respondent has no power to arrogate unto himself such power which devolves among the SK Federation Officers as a whole body. Therefore, the SK Federation Officers are tasked to convene and constitute a quorum in order to commence or transact official business of the SK Federation. To reiterate, majority of the SK Federation Officers are allowed to call upon a special session or a meeting among the SK Federation members. Then the President shall be tasked to preside but to have actual implementation of the plans, programs and activities to materialize, it will need the due consensus from the majority from among its officers.



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In relation thereto, the SK Federation Officers together with its members are mandated to actively participate in all of the federation's programs and activities. It is a fact that all of these parties are Sangguniang Kabataan Chairpersons in their respective Barangays, it is expected that they are accountable to fully support and initiate such plans, programs and activities of the SK Federation to which they are a part of. The duty to plan and execute the federation's projects are all imposed upon its officers and members. Therefore, to attribute all the culpability to one person alone is flawed and inexcusable without sufficient evidence to support such allegation.

The quantum of proof in administrative proceedings necessary for a finding of guilt is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. The burden to establish the charges rests upon the complainant. The Complainants in this case failed to establish the guilt of the Respondent based on certifications and affidavits alone. The Committee finds that the corresponding certifications and affidavits which forms part of the evidence of the Complainants cannot be construed as substantial evidence strong enough to impose the penalty of suspension or removal to the Respondent. These declarations are mere self-serving statements having no probative value and which purports only to serve the Complainants' particular interests.

The Committee agrees with the Supreme Court in the case of Hon. Joson III vs. Sangguniang Panlalawigan of Nueva Ecija where it held that the penalty of suspension or removal requires that evidence of guilt must be strong and that given the gravity of the offense, there is great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence. xxx Suspension from office of an elective official would deprive the electorate of the services of the person they have voted into office. The plain truth is that it has been ill at ease with suspensions because it is out of the ordinary to have a vacancy in local government. Therefore, the failure of the Complainants to present strong evidence to prove the guilt of the Respondent does not merit the imposition of the penalty of suspension or removal from his office.

*WHEREFORE, premises considered, the Complaint is hereby **DISMISSED** and the Committee hereby rules in favor of Jared Zayin C. Bandiola.*

SO ORDERED.

Lingayen, Pangasinan. November 6, 2023.

Respectfully Submitted:

SP MEMBER HAIDEE S. PACHECO
Chairman



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

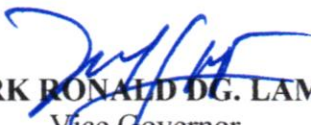
RESOLVED, by the Sangguniang Panlalawigan in session assembled to approve, as it is hereby approved and adopted as its decision en banc, the Decision of the Committee on Good Government and Accountability of Public Officers in **SP Administrative Case No. 02-2021**;

RESOLVED FURTHER, that copies of this resolution be furnished to Barangay SK Chairmen Edward John V. Ulep, Abegail C. Dulay, Jennelyn D. Rodrigo, Jacky S. Valdez and Czarielle S. Prestoza, SK Federation President Councilor Jared Zayin C. Bandiola, all of San Nicolas, Pangasinan and respective counsels, for their information and guidance.

CERTIFIED BY:


VERNA T. NAVA-PEREZ
Secretary to the Sanggunian

ATTESTED:


MARK RONALD D.G. LAMBINO
Vice Governor
(Presiding Officer)