



Republic of the Philippines
PROVINCE OF PANGASINAN
Lingayen
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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 October 4, 2021 at Lingayen, Pangasinan, the following provincial resolution was approved:

Authored by SP Member Noel C. Bince

PROVINCIAL RESOLUTION NO. 844-2021

APPROVING AND ADOPTING AS ITS DECISION EN BANC, THE RESOLUTION OF THE COMMITTEE ON GOOD GOVERNMENT AND ACCOUNTABILITY OF PUBLIC OFFICERS IN SP ADMINISTRATIVE CASE NO. 06-2020

WHEREAS, the Sangguniang Panlalawigan is in receipt of a verified administrative complaint filed on September 14, 2020 by Armando C. Rivera and Noel I. Talania against Municipal Councilors Ronald C. Catabay, Philip O. Estabillo, Elmer N. Ocampo, Amelia R. Olores, Warlie C. Dollaga and Mark Gringo B. Ampler all of Bani, Pangasinan for Abuse of Authority which was referred to the Committee on Good Government and Accountability of Public Officers as SP Administrative Case No. 06-2020;

WHEREAS, the Committee on Good Government and Accountability of Public officers, Justice and Human Rights on 4 October 2021 submitted its Resolution embodied in **Committee Report No. 46-2021**, to wit:

COMMITTEE REPORT NO. 46-2021

SB MEMBER ARMANDO C. RIVERA
SB MEMBER NOEL I. TALANIA,
Complainants,

*SP Adm. Case NO. 06-2020
For: Abuse of Authority*

-versus-

SB MEMBER RONALD C. CATABAY
ET. AL., All of Bani, Pangasinan
Respondents,
X-----X



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RESOLUTION

This pertains to the Motion to Dismiss filed by the Respondents, dated June 22, 2021, praying for the dismissal of the instant administrative complaint on the ground that the said administrative complaint is an unsigned scrap of paper under the NEW RULES of COURT and for utter lack of merit.

Respondent further asserted that the administrative complaint is a trump up charge invoking a Supreme Court Ruling particularly in the case of Spouses Antonio and Fe Yusay vs. CA and the City Council of Mandaluyong, GR. no. 156684, April 6, 2011.

In their Comment/Opposition to the Motion to Dismiss, complainants claim that the requirement of verification of a pleading is a formal and not a jurisdictional requisite.

In addition, complainant emphasized that the instant administrative case is not entirely governed by the Rules of Court. In fact, the provision of the Rules of Court may only be given supplementary application and strict adherence thereto is not warranted.

On the issue that the subject resolution may not bring forth an administrative case, complainant contented that not every resolution is based on majority in numbers. Majority in numbers may only count when the passage of the resolution is intrinsically void and ultra-vires. Majority of one member is enough to dismantle it to the ground.

Furthermore, complainant asserted that in the instant case the passage of the subject resolution is tainted with fraud if not corruption. The procedures of the Sangguniang Bayan were by passed if not trampled upon by the so called majority. Moreover, it is not within the power of any man, not even by the majority in numbers, to trample upon any set of rules of procedures designed to prevent abuses.

In its Rejoinder to Complainant's Opposition, Respondents maintain that the administrative case be DISMISSED for the proper Verification is required under the law and that the Resolution under consideration is an Authorized Expression of Opinion.

RULING

After an exhaustive study and meticulous analysis of the contentions of the parties in the instant administrative complaint, this Committee is inclined to favor the version of the respondents.

The updated meaning of Verified Pleading as provided for under Rule 7, Section 4 of the Rules of Court in conjunction with Sec. 61 of RA 7160 or the Local Government Code should be followed to its letter.

It provides, among others, "that the pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation".

A careful look on the attached Verification of the Administrative Complaint filed by the Complainants verily does not show that the pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation in utter disregard of the updated meaning of a Verified Complaint set forth under Rule 7, Section 4 of the Rules of Court.