



OFFICE
of the
**SANGGUNIANG
BAYAN**



MONCADA, TARLAC

EXCERPT FROM THE MINUTES OF THE 15th REGULAR SESSION FOR CY 2024 OF THE 11th SANGGUNIANG BAYAN OF MONCADA, TARLAC HELD ON THE 7th DAY OF MAY 2024 AT THE SB SESSION HALL, SB-ABC-SK BUILDING.

PRESENT:

HON. JANIUS M. YASAY

..MEMBER / TEMPORARY P.O.

HON. RODOLFO C. ESPEJO, JR.

..MEMBER

HON. THELMAFLOR A. ESPEJO

..MEMBER

HON. CELESTE A. AYSON

..MEMBER

HON. GEORGE MICHAEL P. AGUILAR

..MEMBER

HON. CONSTANCE NESTOR A. FAVIS

..MEMBER

HON. DEAN MICHAEL V. DUQUE

..MEMBER

HON. BERNADINE C. FERRER

..LNB PRESIDENT

HON. JAYVEE B. NATIVIDAD

..MFSK PRESIDENT

NOT PRESENT:

HON. RAMON BENITO M. AQUINO

**..VICE MAYOR / PRESIDING OFFICER
(Official Business – District Hospital)**

HON. ALBERTO C. MARZAN, JR., MD

..MEMBER (Official Leave)

RESOLUTION NO. 2024-044

RESOLUTION ADOPTING THE DECISION FOR THE ADMINISTRATIVE CASE FILED BY MR. KYLE RAMOS DANTES AGAINST BARANGAY KAGAWAD CARLO ARSENIO P. STO DOMINGO OF BARANGAY POBLACION 3, THIS MUNICIPALITY

Sangguniang Bayan En Banc

WHEREAS, private individuals seeking redress for improprieties or for any other offenses as enumerated in the Local Government Code committed against them by public officials themselves is a relief offered under the Code as a deterrent to the abuse of vested authority by and violation of the code of conduct among said officials;

WHEREAS, the Sangguniang Bayan by virtue of its quasi-judicial functions, is empowered under the Local Government Code to conduct investigations and render decisions thereof relating to administrative cases;

WHEREAS, in instant administrative case, the Sangguniang Bayan, sitting en banc as an investigative panel, strongly believes that respondent failed to live up to the established norms and standards expected from a duly elected public official;

WHEREAS, under circumstances, the SB, by a unanimous vote, finds the respondent culpable for his acts and shall suffer the sanction of suspension from the service;

NOW, THEREFORE, on motion unanimously presented and approved;





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RESOLVED, that the Sangguniang Bayan of Moncada hereby adopts the decision for the administrative case filed by Mr. Kyle R. Dantes against barangay kagawad Carlo Arsenio P. Sto Domingo of Barangay Poblacion 3, this Municipality;

RESOLVED FURTHER, that the Decision shall form integral part of this Resolution and the promulgation thereof shall be presented to both parties, or their counsel, if any;

RESOLVED FINALLY, that the Decision is hereby rendered, to wit:

DECISION

Before this Sanggunian is an Administrative Complaint seeking the suspension or removal from office of a barangay official on the grounds enumerated under Section 60 of Republic Act 7160 or the Local Government Code of 1991, specifically items (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 prison mayor; (e) Abuse of Authority, and; (h) Such other grounds as may be provided in this Code and other laws.

Below are the facts of the case.

The administrative complaint was filed by complainant Kyle Ramos Dantes ("Dantes" for brevity), resident of Barangay Poblacion 3, Moncada, Tarlac against respondent Carlo Arsenio Sto. Domingo ("Sto Domingo" for brevity), also a resident of the aforementioned barangay. Sto Domingo is one of the incumbent Sangguniang Barangay Member (Kagawad) of Brgy. Poblacion 3, Moncada, Tarlac.

In his verified complaint received by this office dated February 14, 2024, Dantes alleged that last December 30, 2023, at around 1 o'clock in the daybreak, Sto Domingo mauled, kicked, and smashed him on the head with a glass bottle that caused him multiple physical injuries. Said commotion stemmed from a hostile altercation between Dantes' uncle, Mr. Albert B. Ramos, and a certain Michael Duco. Due to Dantes' proximity to the area of incident, he tried to pacify and intervene in the confrontation, which eventually led to Sto Domingo's involvement, which allegedly worsened the situation. With his sustained injuries, Dantes was brought to the Cong. Enrique "Henry" M. Cojuangco Memorial District Hospital in Brgy. San Julian of this municipality for evaluation and management of his injuries. Medico-Legal Certificate obtained by Dantes reveals that he has had Multiple Physical Injury secondary to Mauling, with a head laceration of 2-3 centimeters along his left frontal area. Also stated in the certificate that he was intoxicated with alcohol during his medical examination dated December 30, 2023. Complainant Dantes also filed a criminal case against Sto Domingo before the Office of the Provincial Prosecutor last January 17, 2024 for Attempted Homicide.

In answer to the complaint, Sto Domingo denied the allegations hurled against him by Dantes. He averred that he was just restraining the individuals involved in the commotion, with the intent of averting further physical injuries to both the parties. He alleged that it was Dantes who first attacked him that caused him to fall onto the ground where he picked up a glass bottle of beer that he had used to smash Dantes on the head, which he maintained, as a form of self-defense. Sto Domingo also claimed that a certain Reimar Cuchapin, Dantes' alleged accomplice, also punched him on his nape. Dantes' assumed friends, Vien James Sado, Patrick Mahor and a certain Epeng Apostol, were also poised to attack Sto Domingo, which then prompted the "Barangay Tanods" to bring the respondent inside the barangay outpost for his protection against the alleged wave of retaliation from Dantes and company.





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This Sanggunian commenced the investigation on March 13, 2024, following the respondent's submission of his verified answer. During the hearing, Dantes narrated what transpired during the commotion on December 30, 2024 as duly reflected in his sworn affidavit. During the question hour by the Council members, Dantes confessed that he was indeed intoxicated with alcohol during that time. After which, the Council gave the respondent the opportunity to narrate his side of the story. Sto Domingo told the members that it was Dantes who first attacked, prompting him to smash the latter with a glass of beer bottle that he obtained as he fell onto the ground. Sto Domingo also admitted that he was drunk at the time of the incident. The statements by Sto Domingo was consistent with his sworn statement filed before this Body.

On March 19, 2024, the hearing resumed. The Council allowed the presentation of both the complainant's and respondent's video evidences. It was ascertained during the hearing and upon perusal of the videos by the Body that Dantes made the first attack from behind Sto Domingo. The action resulted in Sto Domingo retaliating towards Dantes by hitting him with a glass bottle of beer causing the latter's injuries, not to mention that the former also sustained physical injuries due to mauling brought by the commotion and Dantes' attack.

The details and root cause of the commotion was corroborated by the parties during the resumption of hearings on March 19, April 8, 24, and 30, 2024 wherein substantial evidences were established by the Sanggunian.

Coming now to the issues of this case, this Sanggunian, acting *en banc* as investigative panel thereof, could only deduce the following, viz:

(1) Whether or not Respondent Sto Domingo is guilty of (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 prison mayor; (e) Abuse of Authority, and; (h) Such other grounds as may be provided in this Code and other laws.

(2) Whether or not Respondent Sto Domingo should be held administratively liable for the acts complained of.

At the outset, the Sangguniang Bayan **found liability** on the respondent as he was directly being accused as the person who mauled and smashed Dantes with a beer bottle that left the victim inflicted with injuries on the head and elsewhere on his body.

The quantum of evidence required in administrative cases is only substantial evidence. Substantial evidence has been defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The purpose of the administrative proceedings is to mainly protect the public service, based on time-honored principle that public office is a public trust (*AM No. P-98-1284, Caña vs Gebusion*).

Section 60 of the Local Government Code provides for the grounds for disciplinary actions, to wit:

"SECTION 60. Grounds for Disciplinary Actions. – An elective local official may be disciplined, suspended, or removed from office on any of the following grounds:

- (a) Disloyalty to the Republic of the Philippines;
- (b) Culpable violation of the Constitution;





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(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 prison mayor;

(e) Abuse of Authority;

(f) Unauthorized absence for fifteen (15) consecutive working days, except in the case of members of the sangguniang 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 (emphasis ours).

The complainant filed the following administrative charges against Respondent Sto Domingo, to wit:

1. Dishonesty, Oppression, Misconduct in Office, Gross Negligence, or Dereliction of Duty;
2. Commission of any offense involving moral turpitude or an offense punishable by at least prison mayor;
3. Abuse of Authority, and;
4. Such other grounds as may be provided in this Code and other laws.

The grounds relied upon by the complainant, the administrative charges for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, or Dereliction of Duty; Commission of any offense involving moral turpitude or an offense punishable by at least prison mayor; and Abuse of Authority, lack basis. The acts complained of, which were allegedly committed by Sto Domingo are not related to the performance of his official duty as a Sangguniang Barangay Member.

The respondent is reminded that ["the Constitution mandates that a public office is a public trust and public officers must at all times be accountable to the people; serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice; and lead modest lives"]. These constitutionally enshrined principles, oft-repeated in case law, are not mere rhetorical flourishes or idealistic sentiments. They should be read and implemented as working standards by everyone in the public service.

The Sangguniang Bayan stresses **Republic Act No. 6713**, otherwise known as the "The Code of Conduct and Ethical Standards for Public Officials and Employees," enunciates, *inter alia*, the State policy of promoting a *high standard of ethics and utmost responsibility in the public service* (emphasis supplied).

Section 4 (c) of the said Code commands that "[public officials and employees] shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety, and public interest." By his actuation, the respondent failed to live up to this standard.

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer. The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law or to disregard established rules which must be proved by substantial evidence. [Civil Service Commission v. Ledesma, G.R. No. 154521, September 30, 2005, citing BIR v. Organo, 424 SCRA 9 and CSC v. Lucas, 361 Phil. 486 (1999)].





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In this case, Sto Domingo, who is accused of smashing a beer bottle on a person had demonstrated utter disregard of the law, evident by his unlawful behavior, thereby merits the ground for Grave Misconduct and violation of Republic Act 6713 otherwise known as "The Code of Conduct and Ethical Standards for Public Officials and Employees."

When Sto Domingo inflicted injuries to Dantes, he was not motivated by any official consideration, but a form of self-defense that went out of control. On the contrary, it appears that it was more of a personal reason that he had committed such acts. It can be found on the records that there had been an existing issue between the families of the involved parties prior to the incident.

The foregoing does not in any way countenance the acts of Sto Domingo nor does this Sanggunian allow injustice to be done. The alleged acts of retaliation that worsened the commotion are an apparent disregard for respect and consideration due another's human dignity. As a public official, Sto Domingo **should have exercised restraint**, if not nobility, in the situation in which he had found himself. Said actions bring his office into disrepute and lowered the honor thereof in the eyes of the common public. The Sanggunian cannot, as fellow public officials, condone such actions. He should be punished and sanctioned, as he is hereby punished and sanctioned.

Article 19 of the Civil Code of the Philippines provides; "Every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith."

An elective local official may be disciplined, suspended or removed from office on such other grounds as may be provided in this Code and other laws (Section 60 [h] of the Local Government Code).

Section 60 [h] of the Local Government Code was invoked or specifically named by the Complainant in their complaint as a ground on which they seek the suspension or removal of Sto Domingo. The allegations of the complainant clearly show that they are denouncing and complaining Sto Domingo's act of striking Dantes on the head with a beer bottle. What determines the act complained of is not the title of the Complaint but the allegations thereof.

It is the principle consistently adhered to in this jurisdiction that it is not the caption but the facts alleged which give meaning to the complaint. This is because courts are called upon to pierce the form and go into the substance thereof (Canana et al., vs Pecson, et al., CA-G.R. No. 1051-A, 29 April 1953; Galutina vs. Ramones, CA-G.R. No. 10354-R, 23 June 1955).

Thus, in the case of Ras vs. Sua, 25 SCRA 153, the Supreme Court declared: "The rule is well-settled that it is not the caption of the pleading, but the allegations thereof that determine the nature of action, that even without the prayer for a specific remedy, proper relief may nevertheless be granted by the court, of the facts alleged in the complaint and the evidence introduced so warrant."

In the present case, the determining element in this action would be the allegations pleaded in the complaint.

ACCORDINGLY, it is respectfully submitted that Respondent Sto Domingo be held liable under Section 60(h) of the Local Government Code. The principle is when an officer or employee is disciplined, the object sought is not the punishment of such officer or employee, but the improvement of the public service and the



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preservation of the public's faith and confidence in the government (Remolona vs CSC, 362 SCRA 304 [2001]).

WHEREFORE, premises considered and in the light of the foregoing disquisitions, judgment is hereby rendered:

That Respondent Sangguniang Barangay Member **CARLO ARSENIO P. STO DOMINGO** of **Poblacion 3, Moncada, Tarlac** be held liable under Section 60 [h] of Republic Act 7160 or the Local Government Code and Republic Act 6713, and that he be meted the penalty of **SUSPENSION** from office for **SIXTY (60) DAYS WITHOUT PAY** with stern warning that repetition of the same or similar infractions will warrant a more severe penalty;

LET COPIES of this **DECISION** be furnished the Honorable Mayor Estelita M. Aquino for her appropriate action, the Punong Barangay Carina Sto Domingo-Tiu of Poblacion 3, to both parties, and to the Office of the Municipal Local Government Operations Officer (MLGOO) for their information;

SO ORDERED.

Unanimously Adopted by the SB En Banc, this 7th day of May, 2024 at Moncada, Tarlac:


RODOLFO C. ESPEJO, JR.
SB Member


THELMAFLOR A. ESPEJO
SB Member

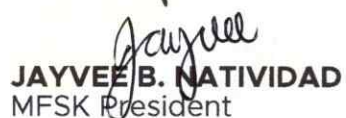

CELESTE A. AYSON
SB Member


GEORGE MICHAEL P. AGUILAR
SB Member


CONSTANTE NESTOR A. FAVIS
SB Member


DEAN MICHAEL V. DUQUE
SB Member


BERNADINE C. FERRER
LnB President


JAYVEE B. NATIVIDAD
MFSK President

Certified Correct:


VICTOR SANDINO S. MOLINA
Secretary to the Sanggunian

Attested:


JANIUS M. YASAY
Temporary Presiding Officer

