



PAMAHALAANG BAYAN NG TAYTAY TANGGAPAN NG SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 109th REGULAR SESSION OF THE 11th
SANGGUNIANG BAYAN, TAYTAY, RIZAL, HELD ON OCTOBER 5, 2021, 1:37 PM
AT THE SESSION HALL OF THE MUNICIPAL BUILDING, TAYTAY, RIZAL

PRESENT:

Hon. Michell B. Bermundo	-	Vice Mayor/Presiding Officer
Hon. Sophia Priscilla L. Cabral	-	Councilor
Hon. Ma. Jeca B. Villanueva	-	"
Hon. Patrick John P. Alcantara	-	"
Hon. Joanne Marie P. Calderon	-	"
Hon. Ceferino R. Resurreccion Jr.	-	"
Hon. Kyle Georic Y. Gacula	-	"
Hon. Ma. Elaine T. Leonardo	-	"
Hon. Philip Jeison J. Cruz	-	"
Hon. Frank Luster L. Santos	-	LnB President
Hon. Roda May A. Diño	-	SK Federation President

Introduced by:

Vice Mayor Michell B. Bermundo
Coun. Sophia Priscilla L. Cabral
Coun. Ma. Jeca B. Villanueva
Coun. Patrick John P. Alcantara
Coun. Joanne Marie P. Calderon
Coun. Ceferino R. Resurreccion Jr.
Coun. Kyle Georic Y. Gacula
Coun. Ma. Elaine T. Leonardo
Coun. Philip Jeison J. Cruz
LnB Pres. Frank Luster L. Santos
SK Fed. Pres. Roda May A. Diño

RESOLUTION NO. 377 series of 2021

**A RESOLUTION RENDERING DECISION IN ADMINISTRATIVE CASE NO.
11-2021-AC-002, ENTITLED : CARLITO P. QUIMORA, COMPLAINANT,
VERSUS MICHAEL A. CRUZ, PUNONG BARANGAY OF BARANGAY
STA. ANA, TAYTAY, RIZAL**

STATEMENT OF THE CASE

Before the Sangguniang Bayan Committee En Banc, acting as a quasi-judicial body, an administrative case filed by Mr. Carlito P. Quimora (herein referred to as a Complainant) against Mr. Michael A. Cruz, Punong Barangay of Barangay Sta. Ana (hereinafter referred to as Respondent) for grave misconduct.

FACTS OF THE CASE

On January 25, 2021 an administrative complaint was filed by Mr. Carlito P. Quimora

against Mr. Michael A. Cruz, before the Office of the Sangguniang Bayan of Taytay, Rizal and on February 8, 2021, a supplemental affidavit was filed by the same against the respondent Cruz.

On July 15, 2021, after the suspension of the prescribe period for the administrative proceeding, Mr. Michael A. Cruz filed his answer. After due consideration of the submission before this Office, it now resolves the same.

RULING

The complaint claims that respondent, as barangay captain, acted with grave misconduct when he: (1) terminated the complainant as purok chairman; and (2) allegedly falsely accused the same as drug positive.

It is well established that administrative cases, as opposed to civil or criminal action, relates to acts, or conduct, or behavior by a public officer in the exercise of his office. Concomitantly, in *Field Investigation Office of the Ombudsman v. Rey Rueca Castillo*¹, the Supreme Court defined misconduct as wrongful, improper or unlawful conduct motivated by a premeditated, obstinate or intentional purpose. It is intentional wrongdoing or deliberate violation of a rule of law or standard of behavior and to constitute an administrative offense, the misconduct should relate to or be connected with the performance of the official functions and duties of a public officer. It is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer. (*emphasis supplied*).

A purok chairman is a designation in a barangay that is appointed by the sitting barangay captain, and its appointment is at the discretion of the latter. In the same vein, its termination is also at the discretion of the same. Hence, when respondent terminated complainant as purok chairman of Pag-asa I, the former, as the sitting barangay captain, merely exercised this discretion.

Here, respondent terminated complainant after testing “under observation” for methamphetamine in the Drug Test Results dated December 14, 2020, conducted by the barangay health nurse and volunteer doctor. Given the current Administration’s adamant campaign against illegal drugs, this Office finds itself unable to encroach upon the respondent’s wisdom as barangay captain. It is within respondent’s office to do acts he finds necessary for the promotion of the welfare of his constituents in Purok Pag-asa I, and it is not unlawful behavior nor grave misconduct if he finds terminating complainant is in keeping with the same. This Office cannot discipline a barangay captain for acts done within his capacity as a public officer.

Furthermore, complainant’s allegations of false accusation and besmirched reputation are criminal and civil in nature. It is not within the ambit of administrative cases which solely related to matters of public officers in the exercise of their office. Consequently, reliefs sought by complaint may be had in the proper criminal or civil action, and not in an administrative action.

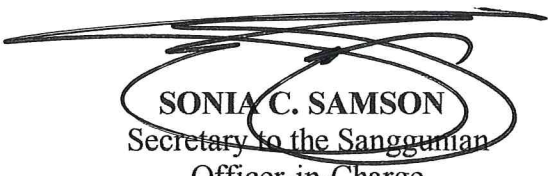
Still, if the respondent is so inclined he may, as a decent human being, issue an apology for the benefit of the complainant inasmuch as the latter appears to have been vindicated after all in view of the subsequent negative results he provided. Respondent is likewise reminded that complainant has diligently served their barangay and constituents for several years and deserves propriety. Nonetheless, this Office does not pretend to have any power to direct, much less order, the respondent to do the same. The Committee En Banc merely suggests this sentiment to avert any further rupture in their relationship and foster harmony in the community.

WHEREFORE, in view of the foregoing, Sangguniang Bayan Committee En Banc, acting as a quasi-judicial body, determines that there is no prima facie case to warrant the institution of formal administrative investigation. Therefore, this administrative case against Michael A. Cruz is hereby **DISMISSED**.

¹ G.R. No. 221848, August 30, 2016.

APPROVED, this 5th day of October, 2021, 2:58 PM at the Sangguniang Bayan Session Hall, Municipality of Taytay, Province of Rizal.

I HEREBY CERTIFY, to the correctness of the foregoing Resolution which was duly adopted by the Sangguniang Bayan of Taytay on second reading on October 5, 2021 and was passed on third and final reading on October 5, 2021 during the 109th Regular Session held on the 5th day of October, 2021.


SONIA C. SAMSON
Secretary to the Sanggunian
Officer-in-Charge

ATTESTED AND CERTIFIED TO BE DULY
ADOPTED BY HER HONOR


HON. MICHELLE B. BERMUNDO
Municipal Vice Mayor/Presiding Officer


HON. SOPHIA PRISCILLA L. CABRAL
Councilor


HON. MA. JECA B. VILLANUEVA
Councilor



HON. PATRICK JOHN P. ALCANTARA
Councilor



HON. JOANNE MARIE P. CALDERON
Councilor


HON. CEFERINO R. RESURRECCION JR.
Councilor


HON. KYLE GEORIC Y. GACULA
Councilor


HON. MA. ELAINE T. LEONARDO
Councilor


HON. PHILIP JEISON J. CRUZ
Councilor


HON. FRANK LUSTER L. SANTOS
LnB President


HON. RODA MAY A. DIÑO
SK Federation President