



EXCERPTS FROM THE MINUTES OF THE NINTH (9TH) REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD ON SEPTEMBER 12, 2022 AT THE SANGGUNIANG BAYAN SESSION HALL, NATIONAL HIGHWAY, BRGY. TIMUGAN, LOS BAÑOS, LAGUNA.

Present : Vice Mayor Josephine Sumangil – Evangelista, Presiding Officer
S.B. Member Leren Mae M. Bautista
S.B. Member Marlo PJ A. Alipon
S.B. Member Jonathan Bryan S. Siytiap
S.B. Member Miko C. Pelegrina
S.B. Member Mark Lester B. Dizon
S.B. Member Julius A. Molinawe
S.B. Member Benedicto S. Alborida
S.B. Member Mike Dexter A. Concio
S.B. Member Jozlyn N. Manansala, SK Federation President
Ms. Dona T. Alborida, Secretary to the Sangguniang Bayan
Ms. Jellyn S. De Una – Javier, LLSA II

Absent : S.B. Member Arlene P. delos Santos, Liga President (O.B.)

Visitor : PLTCOL. Rolly Buhisan Liegen, PNP Chief of Los Baños

RESOLUTION NO. 2022 - 135

A RESOLUTION RENDERING THE DECISION OF THE SANGGUNIANG BAYAN ON ADMINISTRATIVE CASE NO. 2022-01: VALBUENA VS. KALAW

[Signature]
Author: Councilor Mark Lester B. Dizon

WHEREAS, on February 8, 2022, Mr. Froebel L. Valbuena filed a complaint against Honorable Ian N. Kalaw, Barangay Chairman of Barangay Batong Malake before the Office of the Sangguniang Bayan;

WHEREAS, the verified complaint was calendared and read in the February 8, 2022, 6th Regular Session of the Sangguniang Bayan.

WHEREAS, the respondent was requested to submit his verified answer on February 22, 2022. On the same date Honorable Ian N. Kalaw submitted his answer. The case was docketed as Administrative Case No. 2022-01;

WHEREAS, on March 17, 2022, the Administrative and Investigative Committee (AIC), informed the Complainant that the Committee hearing proper for the investigation of the case shall be held in abeyance until May 9, 2022 pursuant to Chapter 4 - Disciplinary Actions, Section 62 Paragraph (c) of Republic Act No. 7160 otherwise known as the Local Government Code of 1991:

(c) However, no investigation shall be held within ninety (90) days immediately prior to any local election, and no preventive suspension shall be imposed within the said period.
If preventive suspension has been imposed prior to the 90-day period immediately preceding local election, it shall be deemed automatically lifted upon the start of aforesaid period.¹

WHEREAS, on June 20, 2022, the previous Sangguniang Bayan passed a Resolution forwarding the Administrative Case No. 2019-01 : Valbuena versus Barangay Captain Ian N. Kalaw to the incoming administration of Sangguniang Bayan Members;

WHEREAS, copies of both the Verified Complaint and the Verified Answer were given to the Members of the Administrative Investigative Committee (AIC) of the current Sangguniang Bayan;

WHEREAS, after careful perusal and deliberations of the merits of the case, the Sangguniang Bayan rendered its decision on the case;

NOW THEREFORE, on motion of Councilor Mark Lester B. Dizon, duly seconded by Councilor Marlo PJ A. Alipon and approved by the councilors present;

RESOLVED AS IT IS HEREBY RESOLVED, to render the Decision of the Sangguniang Bayan on **Administrative Case No. 2022-01: VALBUENA VS. KALAW.**

FROEBEL L. VALBUENA

Complainant,

Administrative Case No. 2022-01

-versus-

IAN N. KALAW

Respondent.

X ----- X

¹ Chapter 4 - Disciplinary Actions, Section 62 (c), Republic Act No. 7160.

JL
DR

H J Mala *K* *J. K. L. de la Torre* ²

DECISION

The Case

This is an action filed by **FROEBEL L. VALBUENA** ("Complainant") against **IAN N. KALAW** ("Respondent") before the *Sangguniang Bayan* for abuse of authority under Sections 60 and 61 of the Local Government Code of 1991.

Respondent is an elected *Punong Barangay* in Brgy. Batong Malake, Los Baños, Laguna. On February 8, 2022, the *Sangguniang Bayan* received a verified complaint from herein Complainant against the Respondent for abuse of authority. The subject of the complaint is the barangay outpost constructed by the Respondent along Lopez Avenue, Brgy. Batong Malake, Los Baños, Laguna. (**ANNEX A**)

The Facts

On November 15, 2021, Complainant, through his lawyer, sent a letter to Respondent requesting him to explain the construction of a barangay outpost, waiting shed for barangay tanods, and an open-air garage for the barangay fire truck along Lopez Avenue. Complainant alleged that he is the court-appointed administrator of the property in which the aforementioned structures were installed. (**ANNEX B**)

In his November 24, 2021 letter, Respondent explained that he was not informed that the property was managed by the Complainant. Moreover, Respondent committed to contact the Complainant as soon as possible to formally ask permission to use the subject property in delivering basic services to the constituents of Barangay Batong Malake. (**ANNEX C**)

On December 3, 2021, Complainant sent another letter to the Respondent reminding him of his commitment to contact Complainant as soon as possible to formally ask permission to use the property as a barangay outpost. (**ANNEX D**)

Finally, in his letter dated December 14, 2021, Complainant made a final demand for Respondent to vacate the property and remove the structures installed therein. Otherwise, Complainant would be compelled to institute a case against the Respondent before the proper courts. (**ANNEX E**)

On February 8, 2022, a verified Complaint was filed by the Complainant with the *Sangguniang Bayan* against the Respondent for abuse of authority. The case was then referred to the Administrative and Investigative Committee (AIC) of the previous *Sangguniang Bayan*.

On February 22, 2022, the *Sangguniang Bayan* sent a letter to the Respondent directing the latter to explain why they were refusing to leave the premises located in Agapita, Batong Malake owned by the heirs of Natividad L. Valbuena.

[Handwritten signatures and initials follow, including "JL", "DR", "Q", "T", "PLB", "F.X.L.", "GMB", and "3".]

Consequently, Respondent filed his Answer with the *Sangguniang Bayan* last February 22, 2022. The Respondent claimed that sometime in May 2020, Mr. Freian Valbuena, one of the heirs of Natividad Valbuena and co-owner of the property, gave his permission and consent for the barangay to establish an outpost to provide security in the area. In addition, Respondent alleged that they never intended to deprive its owners of their rights over their property. It was done in the spirit of public service as the *Punong Barangay* of Brgy. Batong Malake. (**ANNEX F**)

With the upcoming May 9, 2022 elections, the previous *Sangguniang Bayan* sent a letter to the Complainant dated March 17, 2022 informing him that the investigation of the case shall be held in abeyance. This is in compliance with Chapter 4 - Disciplinary Actions, Section 62 Paragraph (c) of the Local Government Code which provides, to wit:

(c) However, no investigation shall be held within ninety (90) days immediately prior to any local election, and no preventive suspension shall be imposed within the said period. If preventive suspension has been imposed prior to the 90-day period immediately preceding local election, it shall be deemed automatically lifted upon the start of aforesaid period.² (**ANNEX G**)

During the Second Regular session of the current *Sangguniang Bayan* last June 27, 2022, the complaint was immediately referred to the newly-constituted Administrative and Investigative Committee (AIC).

On June 28, 2022, AIC convened and discussed the verified Complaint and Answer filed with the *Sangguniang Bayan*. During the meeting, it was clarified that herein Complainant Froebel Valbuena is the brother of Mr. Freian Valbuena, one of the heirs of the property who gave permission to the Respondent to install the barangay outpost. It was likewise recommended that the Committee send a formal letter to Mr. Freian Valbuena to confirm whether or not he has permitted Respondent to use the subject property as a barangay outpost. (**ANNEX H**)

On August 1, 2022, the *Sangguniang Bayan* received a letter dated May 2, 2022 from Mr. Freian Lopez Valbuena. In his letter, Mr. Freian Valbuena claimed that he is the owner of the subject property at 9487 Lopez Avenue, Los Baños, Laguna and has been residing therein since April 2018. Moreover, he confirmed that he has given permission to the Respondent to use the area as a barangay outpost up to date. (**ANNEX I**)

On August 11, 2022, another committee meeting was called by the AIC. Both the Complainant and the Respondent were invited to attend the meeting. However, only the Complainant was able to attend. (**ANNEX J**)

During the meeting, Complainant was given the opportunity to explain the allegations in his complaint. He narrated his legal dispute with his brother Freian since 2017 concerning the administration of the estate of Natividad Valbuena. The Committee noted that based on the entirety of the complaint, it can be deduced that the Complainant has only one prayer which is for Respondent to vacate the premises.

² Chapter 4 - Disciplinary Actions, Section 62 (c), Republic Act No. 7160.

[Handwritten signatures and initials]

On September 2, 2022, AIC once again convened to further discuss the case. The lack of jurisdiction of the *Sangguniang Bayan* over the subject matter was soon raised due to the prayer indicated in the Complaint. Since the *Sangguniang Bayan* has no authority to grant the Complainant's prayer for the Respondent to vacate the premises, it was recommended to dismiss the case.

Our Ruling

The Sangguniang Bayan has no jurisdiction over the subject matter

In the case of *Malabanan v. Republic*, the Supreme Court ruled that "the jurisdiction of a court over the subject matter is determined from the **allegations in the complaint**, the law in force at the time the complaint is filed, and the **character of the relief sought**, irrespective of whether the plaintiff is entitled to all or some of the claims averred."³

Herein Complainant properly alleged that the Respondent is the Barangay Captain of Brgy. Batong Malake, Los Banos, Laguna. As an elected barangay official, the *Sangguniang Bayan* would have jurisdiction over the complaint against his person pursuant to Section 61 (c) of the Local Government Code, to wit:

Section 61. Form and Filing of Administrative Complaints.- A verified complaint against any erring local elective official shall be prepared as follows:

xxx

(c) A complaint against any elective barangay official shall be filed before the sangguniang panlungsod or sangguniang bayan concerned whose decision shall be final and executory.

However, based on the allegations and prayer stated in the complaint, it is evident that the subject matter of the complaint is not disciplinary or administrative in nature. Instead, it is civil in nature and concerns solely the right to possess a property which is already beyond the jurisdiction of the *Sangguniang Bayan*.

I. The Sangguniang Bayan has no authority to order the Respondent to vacate the premises.

Based on the complaint at bar, the only relief sought by the Complainant is for the Respondent to vacate the premises. In paragraphs 7 and 8 of the Complaint, it was stated that

7. Finally, as my pleas all fell on deaf ears, I requested my lawyer to send a FINAL demand letter to B[rgy. Capt. Kalaw] for him and his personnel to vacate the **subject premises** which they are illegally occupying [...]

³ *Malabanan v. Republic*, G.R. No. 201821, September 19, 2018.

8. Despite receipt of our demand letter, B[r]gy. Capt. Kalaw has not taken any action to vacate the subject premises which is part of the estate that I am legally tasked to manage, conserve and preserve.

With this factual backdrop, I implore the honorable members of the Sangguniang Bayan of Los Banos to please take action on my formal complaint against B[r]gy. Capt. Ian N. Kalaw of B[r]gy. Batong Malake, Los Banos, Laguna.⁴

During the committee meeting last August 11, 2022, the Complainant was given the opportunity to further explain the contents of his complaint. However, the Complainant merely insisted to grant his prayer for Respondent to vacate the premises, to wit:

[...] Ngayon, gusto ko ulit mabawi sa kanya, ito nga po yung sulat naming issued February 2021 na umalis doon kasi ako dapat ang nasa pwesto na iyon. Pero nagmatigas siya at hindi nga po nakikipag hearing yan kasi umiiwas siya, ganun sya kapasaway.⁵

In addition, it is worth noting that the Complainant did not seek for the imposition of any disciplinary measure stated in Section 60 of the Local Government Code which provides, to wit:

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;
- (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 *prision 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; and
- (h) Such other grounds as may be provided in this Code and other laws.

An elective local official may be removed from office on the grounds enumerated above by order of the proper court.⁶

As stated in the aforementioned provision, the authority of the *Sangguniang Bayan* is only limited to the imposition of disciplinary measure against a barangay official such as suspension from service⁷. Although the Complainant averred that he has filed the case against Respondent for abuse of authority under Sections 60 and 61 of the Local Government Code, nowhere was it mentioned in the complaint that the Complainant is seeking for the appropriate disciplinary punishment against the Respondent.

⁴ Verified Complaint against B[r]gy. Capt. Ian N. Kalaw dated February 8, 2022.

⁵ Katitikan ng Pagpupulong ng Administrative and Investigative Committee noong August 11, 2022.

⁶ Section 60, Republic Act No. 7160.

⁷ Section 66 (b), Republic Act No. 7160.

JH *Dela* *A* *J. X. H. S.* *BB* *grb* *

II. *The Sangguniang Bayan has no authority to decide on issues of ownership and/or possession of property.*

The powers and functions of the *Sangguniang Bayan* are enumerated in Section 447 of the Local Government Code. Accordingly, the Local Government Code is wanting of any provision granting authority to the *Sangguniang Bayan* to resolve issues of ownership and/or possession of property. It is a settled rule in statutory construction that where a statute, by its terms, is expressly limited to certain matters, it may not, by interpretation or construction, be extended to other matters.⁸

Moreover, Article 536 of the Civil Code emphasized the need to resort to the courts in resolving issues of possession of property. Article 536 provides that

In no case may possession be acquired through force or intimidation as long as there is a possessor who objects thereto. **He who believes that he has an action or right to deprive another of the holding of a thing, must invoke the aid of the competent court**, if the holder should refuse to deliver the thing.⁹

It is, therefore, apparent that the *Sangguniang Bayan* has no authority to decide on the issue of ownership and/or possession of the subject property. Neither does it have the authority to order the Respondent to vacate the property. These matters are best left to the wisdom of the courts.

WHEREFORE, in view of the foregoing, the *Sangguniang Bayan* hereby resolves to DISMISS the case for lack of jurisdiction over the subject matter, subject to the filing of the appropriate action before the proper courts.

WHEREFORE, during its 9th Regular Session last September 5, 2022, the *Sangguniang Bayan* passed **Resolution No. 2022-135** effectively dismissing Administrative Case No. 2022-01.

SO ORDERED, this 12th day of September 2022.

RESOLVED FINALLY, that copies of this Decision be duly furnished, Froebel L. Valbuena, Hon. Ian N. Kalaw, the Office of the Mayor, and the MGLOO for information, guidance and appropriate action.

I HEREBY CERTIFY to the correctness of the above-quoted Resolution.


DONA T. ALBORIDA
Secretary to the Sangguniang Bayan

ATTESTED:

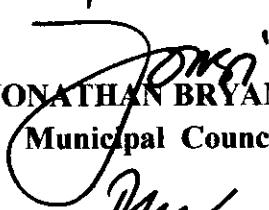

HON. JOSEPHINE SUMANGIL-EVANGELISTA
Vice Mayor / Presiding Officer

⁸ Development Bank of the Philippines v. Commission on Audit, G.R. No. 221706. March 13, 2018.

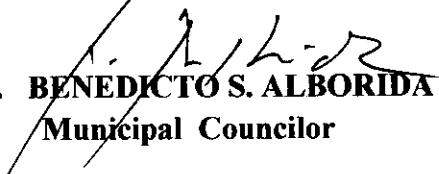
⁹ Article 536, Civil Code of the Philippines.

**WITH THE CONCURRENCE OF THE
SANGGUNIANG BAYAN:**


HON. LEREN MAE M. BAUTISTA
Municipal Councilor


HON. JONATHAN BRYAN S. SIYTIAP
Municipal Councilor

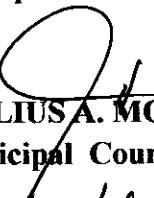

HON. MARK LESTER B. DIZON
Municipal Councilor


HON. BENEDICTO S. ALBORIDA
Municipal Councilor

Absent (O.B.)
HON. ARLENE P. DELOS SANTOS
Municipal Councilor


HON. MARLO P.J.A. ALIPON
Municipal Councilor


HON. MIKO C. PELEGRENA
Municipal Councilor


HON. JULIUS A. MOLINAWE
Municipal Councilor


HON. MIKE DEXTER A. CONCIO
Municipal Councilor


HON. JOZLYN N. MANANSALA
Municipal Councilor