



Republic of the Philippines
Province of Laguna
MUNICIPALITY OF LOS BAÑOS
Special Science and Nature City
OFFICE OF THE SANGGUNIANG BAYAN
Municipal Hall, National Highway, Brgy. Timugan,
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EXCERPTS FROM THE MINUTES OF THE TWELFTH (12TH) SPECIAL SESSION OF THE SANGGUNIANG BAYAN HELD ON SEPTEMBER 15, 2021 AT THE SANGGUNIANG BAYAN SESSION HALL, NATIONAL HIGHWAY, BRGY. TIMUGAN, LOS BAÑOS, LAGUNA.

Present : Vice Mayor Josephine Sumangil – Evangelista, Presiding Officer
S.B. Member Miko C. Pelegrina
S.B. Member Janos S. Lapiz
S.B. Member Geronimo A. Ciceron
S.B. Member Marlo PJ A. Alipon
S.B. Member Mark Lester B. Dizon
S.B. Member Cris Dayril B. Bagnes
S.B. Member Rodora Perez-Loares
S.B. Member Arlene P. delos Santos, Liga President
S.B. Member Jozlyn N. Manansala, SK Fed. President
Secretary Dona T. Alborida
Ms. Jellyn S. De Una, LLSA I

Absent : S.B. Member Mike Dexter A. Concio (O.B.)

Visitor(s) : None

RESOLUTION NO. 2021 - 194

RESOLUTION RENDERING DECISION OF THE SANGGUNIANG BAYAN ON THE ADMINISTRATIVE CASE NO. SB-2021-01 ENTITLED "TANDANG, ET. AL. VS. MATEO.

Author: Councilor Janos S. Lapiz

WHEREAS, on March 18, 2021, Sangguniang Kabataan (SK) Kagawad Kent Novy R. Tandang, Jhon Robin C. Corcuera and Michael Angelo P. Macapua of Barangay Bayog, Los Baños, Laguna, filed a Joint - Complaint - Affidavit against SK Chairperson Leslie Anne B. Mateo before the Office of the Sangguniang Bayan of Los Baños;

WHEREAS, the verified complaint was calendared and read in the March 22, 2021 Regular Session of the Sangguniang Bayan, and was docketed as Administrative Case No. 2021-01. The Sangguniang Bayan decided that the AIC be convened immediately to start formal inquiry and investigation. Unfortunately, the province was placed on Enhanced Community Quarantine which caused the proceedings to be delayed by two weeks;

WHEREAS, as resolved in its April 5, 2021 Regular Session and communicated the following day, the Sangguniang Bayan furnished a copy of the Verified Complaint to the Respondent, with instructions to file her Verified Answer within 15 working days. The respondent was able to file her verified answer on April 16, 2021.

WHEREAS, on April 16, 2021, a Verified Answer was submitted by SK Chairperson Leslie Anne B. Mateo;

WHEREAS, copies of both the Verified Complaint and the Verified Answer were given to the Members of the Administrative Investigative Committee (AIC) of the 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 Janos S. Lapiz, duly seconded by Councilor Cris Dayril B. Bagnes and approved by the councilors present;

RESOLVED AS IT IS HEREBY RESOLVED, to render the Decision of the Sangguniang Bayan on Administrative Case No. SB-2021-01: TANDANG, ET.AL. -VS- MATEO :

ADMINISTRATIVE CASE NO. 2021-01
Gross Neglect of Duty/ Gross Negligence
In violation of Section 9 and 13 of RA10742

KENT NOVY R. TANDANG
JHON ROBIN C. CORCUERA
MICHAEL ANGELO P. MACAPUA
SK KAGAWAD
(Complainant)

-VS-

LESLIE ANNE B. MATEO
SK CHAIRPERSON
(Respondent)

X-----X

DECISION

On March 18, 2021, COMPLAINANT Kent Norvy R. Tandang, Jhon Robin C. Corcuera, and Michael Angelo P. Macapua, all honorable members of the Sangguniang Kabataan of Barangay Bayog of this municipality, filed to this office, a verified complaint against the RESPONDENT, their incumbent SK Chairperson, Hon. Leslie Anne B. Mateo, for Gross Neglect of Duty/ Gross Negligence in violation of RA 10742 otherwise known as the SK Reform Act of 2019. The verified complaint are hereto attached as Annex 1.

As manifested in their complaint, the COMPLAINANT alleged that the SK Chairperson failed to initiate projects since their last activity dated December 30, 2020, and failed to implement the policies, programs, and projects contained in the Annual Barangay Youth Investment Program.

Further stated that the SK Chairperson has since been not performing her functions as mandated by law, and that she failed to convene the Katipunan ng Kabataan for the entire year of 2020, and failed to convene the regular Sangguniang Kabataan Meetings.

The complainant thereby prayed that the respondent be disciplined and removed from office, subject to provisions of RA 7160 and RA 10742.

SUMMARY OF PROCEEDINGS

The verified complaint was calendared and read in the March 22, 2021 Regular Session of the Sangguniang Bayan, and was docketed as Administrative Case No. 2021-01. The Sangguniang Bayan decided that the Administrative and Investigative Committee or AIC be convened immediately to start formal inquiry and investigation. Unfortunately, the province was placed on Enhanced Community Quarantine which caused the proceedings to be delayed by two weeks.

On April 15, the complainants were summoned by the AIC, minutes of proceedings hereto attached as Annex 2.

- a. The investigation process and governing rules were explained to the complainant.
- b. The complainants were requested to expound further on the issues and concerns as indicated in their verified complaint. According to them, the SK funds of Barangay Bayog has not been used because the SK doesn't have a program or project that was implemented, and that no SK meetings transpired to discuss and plan on SK activities.
- c. The complainant further insinuated that the SK Chairperson and SK Secretary are fabricating minutes of the meetings even though there are no meetings that were conducted. They are then asked to sign the said minutes. To their knowledge, the last minutes they signed was way back in 2019.
- d. Members of the AIC suggested for possible conciliation. However, complainants declined because they feel that their constituents have openly expressed their dissatisfaction with the SK officials.

As resolved in its April 5, 2021 Regular Session and communicated the following day, the Sangguniang Bayan furnished a copy of the Verified Complaint to the Respondent, with instructions to file her verified answer within 15 working days. The respondent was able to file her verified answer on April 16, 2021, hereto attached as Annex 3, salient points contained therein are listed as follows:

- a. The Respondent denied that the complainants have previously approached and requested her for the implementation or execution of certain projects;
- b. The SK was not able to spend or use the SK funds because they (SK Chair and Treasurer) are not yet authorized to disburse as they are not yet bonded. The

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Respondent blamed the Barangay Treasurer for not providing funds to secure their bond;

c. Even without funds, the Respondent stated that the SK conducted several activities during that height of the pandemic, such as distribution of hygiene kits, school supplies, distribution of quarantine pass, SAP encoding and distribution;

d. She prayed that the complaint against her be instantly dismissed.

On April 29, 2021, the Respondent was summoned by the AIC, minutes of the hearing are hereto attached as Annex 4. In the said hearing, RESPONDENT:

a. denied further the allegations presented by the complainants. She said that as a matter of fact, one complainant, Kent Norvy Tandang is the one not attending all the scheduled meetings, and that he (Tandang) has already tendered his resignation;

b. expressed that the SK are conducting regular meetings, and that they have available documents ready to be presented. She was instructed by the AIC to submit the said documents immediately;

c. Several members of the AIC also asked the respondent for possible conciliation. She expressed her willingness but it all depends on the complainant.

On April 26, the Youth Development Officer, acting on the request of the complainants, issued a certification that the SK of Barangay Bayog has not submitted their accomplishment reports to the YDO. The said certification was submitted to the AIC together with screenshots of group chats where the respondent is requesting SK kagawads to sign documents.

On May 19, 2021, The respondent submitted to the Sangguniang Bayan photocopies of minutes of meetings, accomplishment reports, and photos of SK activities. They are listed as follows:

a. Katitikan ng Ika-1 Pangkarinawang Pagpupulong ng SK Bayog, Enero 28, 2020, with "Received Copy" signed by 6 SK Kagawads, Resolution approving the 2020 annual budget in the amount of P883,650.00, and the Annual Investment Plan of SK Bayog;

b. Katitikan ng Ika-2 Pangkaraniwang Pagpupulong ng SK Bayog, Pebrero 27, 2020, with "Received Copy" signed by 6 Kagawads, and photos of SK about to have dinner. (5 kagawads signed the minutes);

c. Katitikan ng Ika-3 Pangkaraniwang Pagpupulong ng SK Bayog, Marso 16, 2021, with photos of Quarantine pass preparation and distribution, repacking of hygiene kits, distribution of 10 kilo rice from MGLB;

d. Katitikan ng Ika-1 Di-Pangkaraniwang Pagpupulong, Abril 2, 2020, with photos of relief goods distribution;

e. Katitikan ng ika-4 na Pangkaraniwang Pagpupulong ng SK Bayog, Hulyo 18, 2020, with photos of distribution of Quarantine Pass dated August 2020;

Atty. John Robin Corcueras

f. Katitikan ng Ika-5 Pangkaraniwang Paggupulong ng SK Bayog, Setyembre 5, 2020. (Hon. John Robin Corcueras is in the minutes, but has no signature) with photos of school supplies distribution, hygiene kits;

John Robin Corcueras

g. Copy of the resignation letter of Kent Novy Tandang dated February 22, 2019, addressed to SK Chairperson;

John Robin Corcueras

h. SK Committee Monthly Accomplishments Reports for November 2018, submitted by 6 SK Kagawads;

John Robin Corcueras

i. Committee Monthly Accomplishment Reports of Hon. Michael Angelo Macapua, January to June 2019;

John Robin Corcueras

j. Committee Accomplishment Reports of Hon. Kathleen Lapitan, January to June 2019, and ;

John Robin Corcueras

k. SK Activity photos, assorted, 2019.

The AIC was twice convened with both Complainants and Respondent invited. However the complainants failed to appear, as they are on quarantine and exposed to persons that are covid 19 positive. The purpose of the meetings was to verify issues and concerns stated in their submitted documents. However, community quarantine status and health and safety protocols has again provided limitations to the ongoing investigation. No face to face meetings were allowed.

On June 11, 2021, both parties were advised to submit additional documentary evidences. They were given 7 working days to comply.

On June 30, 2021, the AIC was again convened to discuss on the status of the investigation. The Complainants and Respondent were already advised to submit additional documentary evidences and statements from their witnesses. However, no additional documents has been submitted by both parties. The committee decided to again give them 7 days to submit additional evidences, as the pandemic has been hampering the schedule of the investigation.

On July 14, 2021, the AIC was again convened to a hearing for additional information from concerned agencies. The YDO Revilyn Dela Paz and DILG - MLGOO Michiko Escalante were invited. However the MLGOO was unable to attend due to ongoing DILG activities. The YDO stated that she is not aware of any directive that the SK must submit minutes of the meeting to the YDO. However, there were instructions that monthly accomplishment reports must be submitted by all SKs to the YDO. The YDO further informed the AIC that the SK of Bayog has not submitted any report since 2019. Ms. Dela Paz also hinted that the SK must submit her accomplishment reports, to include the conduct of SK meetings/sessions, to the Sangguniang Barangay, as a basis for her to claim her honorarium.

Atty. Robert Laviña

The issue of document authenticity was raised and tackled. There are allegations from the complainant that the respondent fabricated the documents/minutes of meetings. In fact, they have petitioned the Mayor to exercise Section 60 of RA 7160, which gives powers to the Mayor to suspend preventively any official that may use her authority to rig the outcome of the investigation.

It was decided to invite the Municipal Administrator, Atty. Robert Laviña to the next AIC hearing to shed light on this matter. As to the activities of the SK of Bayog, it was also

decided to invite the former Barangay Chairman Joben Manarpaac and the Barangay Treasurer Teresa Lopez to see if they can provide some information on this case.

The AIC was again convened on July 21, 2021. Present during the hearing were Atty. Laviña, DILG - MLGOO Michiko Escalante, Brgy Treasurer Teresa Lopez, and former Barangay Chairman Joben Manarpaac. Minutes of proceedings are hereto attached as Annex 5.

a. Atty Laviña is not aware of any petition for preventive suspension. However, upon researching on some jurisprudence, he advised that the Sangguniang Bayan should approve a resolution first to recommend to the Mayor the imposition of a preventive suspension;

b. MLGOO Escalante stated the the DILG has not received any report or minutes of meeting from any SK in Los Banos. However, there is no existing Memo or directive from DILG that the SK is required to do so. It is the YDO that is mandated to monitor the activities of the SK;

c. Former Chairman Manarpaac stated that he is not aware of those documents submitted by SK Mateo, as SK Mateo is not coordinating SK matters to his office. He therefore cannot attest that the documents are authentic or legal as these were not submitted to his office. The SK fund has not been used since 2019 because of the absence of coordination and consultation and that the SK has no self activities. Activities of the SK presented in the photos are actually barangay activities that SK officials attended. Even during sessions, the SK is not reporting any accomplishment report because there is no actual activity;

d. The Barangay Treasurer attested that SK Leslie did not submit any accomplishment reports despite her frequent pleading. There may be some activities before, like Summer Sports League, Bañamos events that the SK funds were used in coordination with the Punong Barangay and the Treasurer. However, the SK Chair and Treasurer is still not bonded, which the Barangay Treasurer disagree that it is her fault contrary to what SK Mateo has stated in her verified answer. The Barangay Treasurer has already prepared all documentary requirements for the cash bond, but SK Mateo did not pursue. Contrary to the SK's statement, funds for the cash bond cannot be taken from the Barangay Fund, it can be reimbursed only from the SK Fund. She further stated that to date, the SK still has not conducted any meeting.

The AIC was again convened on July, 2021. Invited to the hearing were members of the SK of Bayog, SK Secretary, and SK Treasurer. The SK Secretary stated that all the meetings were documented as submitted.

In its proceeding Regular Session dated, the Sangguniang Bayan decided to conclude the investigation. Both complainant and respondent were given 15 working days to submit any other documentary evidences. The period lapsed on August 24, 2021 and no further documents were submitted.

FINDINGS BASED ON PERTINENT PROVISIONS OF RA 10742

The AIC based its findings and recommendations on testimonies and evidences submitted, and gave emphasis on Section 9 of RA 10742, which states that: ... *Meetings of the Sangguniang Kabataan. The Sangguniang Kabataan shall meet regularly once a month on a date, time and place to be fixed by the said sanggunian....*

The Sangguniang Barangay and the Municipal YDO shall be furnished with notices of regular and special meetings and minutes of the meetings thereafter.

The authenticity of submitted minutes of meetings and accomplishment reports cannot be verified and therefore are not official documents since it has never been furnished to the LYDO and Sangguniang Barangay. The said provision was therefore clearly violated, and that the SK Chairperson and SK Secretary may be held liable for such negligent act.

Further, Section 13 of RA 10742, states that “the SK Chairperson shall: (a) Preside over all meetings of the Sangguniang Kabataan and Katipunan ng Kabataan; (c) Ensure the implementation of programs, plans and activities’s contained in the Annual Investment program, and (g) coordinate such activities with the sangguniang barangay and youth organizations.”

Section 18 of RA 10742 further states that “the SK Chairperson may be Suspended or removed from office if he or she: (b) Fails to convene the KK; (c) Fails to convene the regular SK meetings for 3 consecutive months; (e) Fails to implement the Annual Youth Investment Program; and, (h) Fails in the discharge of duty.”

Based on submitted evidences, it was evident that the Sangguniang Kabataan of Barangay Bayog failed to fix or follow regularly scheduled meetings and that the authenticity of the minutes of meetings presented may be put into question, as no notices and copies of the minutes were submitted to the Sangguniang Barangay and LYDO.

The SK Chairperson also failed to convene the Katipunan ng Kabataan in the entirety of CY 2020, in violation of Section 18 (b) of RA 10742.

Assuming that the minutes of meetings submitted are authentic, still there are no meetings called for or conducted in the months of May, June, August, October, November and December, which is also violative of Section 18 (c) of RA 10742.

The Annual Youth Investment Program for 2020, was not implemented as the SK funds has never been used or disbursed to the detriment of the youth sector of the barangay.

DECISION

The Honorable Members of the Sangguniang Bayan of this Municipality, in a Special Session convened for the purpose of rendering judgement on this case last September 15, 2021, hereby renders this decision:

By a majority vote of eight (8) against one (1), the Sangguniang Bayan finds the RESPONDENT, SK Chairperson Leslie Anne B. Mateo, GUILTY of Gross Neglect of Duty/Gross Negligence in violation of Section 9 and 13 of RA 10742.

By a majority vote of Five (5) against (4), the Sangguniang Bayan imposes a ONE MONTH SUSPENSION against the RESPONDENT, effective immediately upon receipt of this resolution, a copy of which shall also be furnished to the LYDO, the DILG, the Sangguniang Barangay of Bayog, and the Office of the Local Chief Executive.

The RESPONDENT will not be entitled to any of its privileges stated in RA10742 during the term of her suspension, and that by rule of succession, the highest ranking SK

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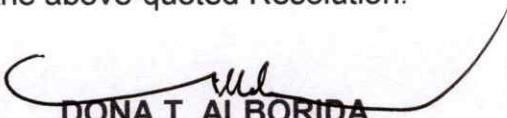
Kagawad shall perform the duty of the SK Chairperson for the duration of the suspension.

The RESPONDENT may appeal this decision to the Sangguniang Panlalawigan within 30 days.

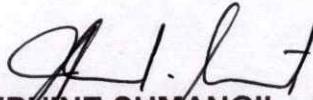
SO ORDERED, this 15th of September, 2021.

RESOLVED FINALLY, that copies of this Resolution be duly furnished SK Kagawad Kent Novy R. Tandang, Jhon Robin C. Corcuera, Michael Angelo P. Macapua and SK Chairperson Leslie Anne B. Mateo, the Office of the Mayor, and the MLGOO for information, guidance and appropriate action.

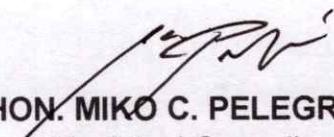
I HEREBY CERTIFY to the correctness of the above-quoted Resolution.

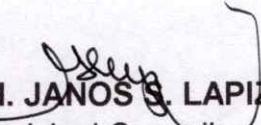

DONA T. ALBORIDA
Secretary to the Sangguniang Bayan

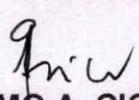
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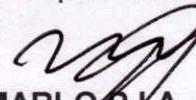

HON. JOSEPHINE SUMANGIL - EVANGELISTA
Vice Mayor / Presiding Officer

WITH THE CONCURRENCE OF THE
SANGGUNIANG BAYAN:


HON. MIKO C. PELEGRINA
Municipal Councilor


HON. JANOS S. LAPIZ
Municipal Councilor

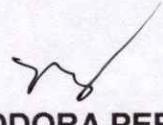

HON. GERONIMO A. CICERON
Municipal Councilor

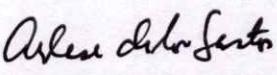

HON. MARLO P.J.A. ALIPON
Municipal Councilor

Absent (O.B.)
HON. MIKE DEXTER CONCIO
Municipal Councilor


HON. MARK LESTER DIZON
Municipal Councilor


HON. CRIS DAYRIL BAGNES
Municipal Councilor


HON. RODORA PEREZ- LOARES
Municipal Councilor


HON. ARLENE P. DELOS SANTOS
Municipal Councilor


HON. JOZLYN MANANSALA
Municipal Councilor