



Republic of the Philippines
PROVINCE OF BENGUET
La Trinidad
SANGGUNIANG PANLALAWIGAN OFFICE
REGULAR MEETING: December 09, 2013

PRESENT: HON. NELSON C. DANGWA, Vice Governor, Presiding Officer
HON. CONCEPCION D. BALAO, Board Member
HON. JOHNNY D. WAGUIS, Board Member
HON. FLORENCE B. TINGBAOEN, Board Member
HON. ESTEBAN T. PIOK, Board Member
HON. JACK I. DULNUAN, Board Member
HON. ALFONSO L. FIANZA., Board Member
HON. NARDO B. CAYAT, Board Member
HON. BENJAMIN C. SAGUID, Board Member
HON. ROBERT M. NAMORO, Board Member
HON. JIM G. BOTIWEY, Board Member
HON. LEONARDO L. LAWANA, PCL President, Ex- Officio Member

ABSENT: NONE

PROVINCIAL ORDINANCE NO. 2013-162

**PRESCRIBING THE RULES OF PROCEDURE IN THE FILING
AND INVESTIGATION OF ADMINISTRATIVE COMPLAINTS
AND ADMINISTRATIVE APPEALS BEFORE THE
SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF
BENGUET**

WHEREAS, the Local Government Code of 1991 provides for grounds of disciplinary actions against elective local officials;

WHEREAS, Section 61 (b) and Section 67 (a) of the Code conferred upon the Sangguniang Panlalawigan the power to hear and decide administrative complaints against elective Municipal Officials and the power to decide administrative appeals in case of decisions of the Sangguniang Bayan, respectively;

WHEREAS, in order to achieve a simplified, just and expeditious determination of administrative cases, there is a need to establish a clear and concise rules of procedure to be adhered to;

NOW THEREFORE on motion of Hon. Jim G. Botiwey, Hon. Robert M. Namoro and Hon. Leonardo L. Lawana duly seconded,

BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF BENGUET IN SESSION ASSEMBLED THAT:

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PRELIMINARY PROVISIONS

RULE I. TITLE. This Ordinance shall be known and cited as the "Rules of Procedure of the Sangguniang Panlalawigan of the Province of Benguet".

RULE II. SCOPE. The rules prescribed herein shall govern the procedure in the investigation of administrative disciplinary cases filed in the following manner:

- 1) Administrative cases filed before the Sangguniang Panlalawigan involving elective municipal officials of Benguet Province; and
- 2) Administrative cases originally filed before the Sangguniang Bayan of the Municipalities of Benguet Province involving elective Barangay Officials and the decisions therein are appealed before the Sangguniang Panlalawigan.

RULE III. VENUE. The venue of investigation or conduct of hearings of administrative cases shall be held at the session hall or where the Sangguniang Panlalawigan conducts its regular sessions.

ADMINISTRATIVE CASES INVOLVING ELECTIVE MUNICIPAL OFFICIALS

RULE IV. GROUNDS FOR ADMINISTRATIVE DISCIPLINARY ACTIONS. An elective municipal official maybe disciplined, suspended or removed from office on the following grounds:

- 1.) Disloyalty to the Republic of the Philippines;
- 2.) Culpable violation of the Constitution;
- 3.) Dishonesty, oppression, misconduct in office, gross negligence or dereliction of duty;
- 4.) Commission of any offense involving moral turpitude or an offense punishable by at least prision mayor (6 years and 1 day to 12 years imprisonment);
- 5.) Abuse of authority;
- 6.) Unauthorized absence for fifteen (15) consecutive working days in case of municipal mayors and vice mayors, and unjustifiable absences for four (4) consecutive sessions in the case of members of the Sangguniang Bayan.
- 7.) Application for, or acquisition of, foreign citizenship or residence or the status of an immigrant of another country; and
- 8.) Such other grounds as may be provided in RA 7160 and other laws.

RULE V. COMPLAINT

Section 1. How Initiated. An administrative complaint maybe initiated by filing a sworn statement complaint against any elective municipal official before the Sangguniang Panlalawigan through the Office of the Secretary to the Sanggunian.

Section 2. Form of Complaint. The complaint must be verified, accompanied by affidavits of witnesses or evidences in support thereof, and copy furnished the Office of the Provincial DILG and the Office of the Provincial Governor.

It shall be filed in such number of copies as there are members of the Sangguniang Panlalawigan including the Presiding Officer, the Secretary and file copy.



In the event that the complaint is neither verified nor copy furnished the Office of the Provincial DILG, the Sangguniang Panlalawigan shall immediately dismiss the same.

Section 3. Duty of the Secretary to the Sanggunian. Upon receipt of the complaint, the Secretary shall immediately enter the complaint in the dockets, assign the corresponding administrative case number and include such in the calendar of business for the immediately following regular session of the Sangguniang Panlalawigan. If no regular session be held within seven (7) days upon receipt of the complaint, the Secretary shall inform the Presiding Officer to set a special meeting within said period to consider such complaint. Moreover, the Secretary shall within forty eight (48) hours from receipt of the complaint, transmit copies thereof to the Presiding Officer and the members of the Sangguniang Panlalawigan.

The Secretary may, however, refuse in the meantime to receive the complaint until the number of copies and the copy furnish to the Office of the Governor as prescribed in the preceding section are accomplished.

RULE VI. 90 DAY BAN. No investigation of administrative cases shall be conducted within ninety (90) days immediately prior to any local election. If the investigation of a particular administrative case started prior to the ninety (90) day ban, the continuance thereof shall be automatically suspended until the lapse of the ban herein prescribed.

RULE VII. PRELIMINARY DETERMINATION

Section 1. Conduct of Preliminary Determination. Within seven (7) days from the filing of the complaint, the Sangguniang Panlalawigan shall on the basis of the complaint and the accompanying affidavits and evidences, make a preliminary determination whether to dismiss outright the complaint or to undertake further proceedings.

Section 2. Outright Dismissal. If the Sangguniang Panlalawigan decides to dismiss outright the complaint based on any of the following reasons: (a) For being patently without merit; (b) For failure to comply with the substantial or formal requirements in filing administrative complaint; (c) For lack of jurisdiction; (d) For failure to state cause of action; (e) For violating the No Forum Shopping Rule, and (f) For being moot and academic, it shall render the order of dismissal stating therein the basis of the decision and shall immediately be furnished the complainant, the Provincial DILG and the Governor.

Section 3. Notice. If the Sangguniang Panlalawigan decides to undertake further proceedings, it shall within seven (7) days from the filing of the complaint, issue an order requiring the respondent to submit his verified answer to the complaint within fifteen (15) days from receipt of the order.

RULE VIII. ANSWER

Section 1. Form of answer. The answer must be verified, accompanied by affidavits of witnesses or evidences in support of the defense, with proof of service of acopy of such answer to the complainant or his counsel, copy furnished the ProvincialDILG and the Governor, and filed in such number of copies as there are

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members of the Sangguniang Panlalawigan including the Presiding Officer, the Secretary and file the Sangguniang Panlalawigan including the Presiding Officer, the Secretary and file copy with the Sangguniang Panlalawigan through the Secretary who shall authenticate all the pertinent documents presented.

Failure to file a verified answer, to serve copy thereof to the complainant or his counsel, or to copy furnish the Provincial DILG shall be considered as if no answer is filed.

Section 2. Duty of the Secretary. Upon receipt of the answer, the Secretary shall immediately inform the Presiding officer of the fact thereof and, upon direction of the Presiding Officer, calendar the administrative case for preliminary investigation within ten (10) days from receipt of the answer.

The Secretary may, however, refuse in the meantime to receive the answer until the number of copies and the copy furnish to the Office of the Governor as prescribed in the preceding section are accomplished.

Moreover, the Secretary shall within forty eight (48) hours from receipt of the answer, transmit copies thereof to the Presiding Officer and the members of the Sangguniang Panlalawigan.

Section 3. Effect of failure to answer. Failure of the respondent to file answer within the prescribed fifteen (15) day period shall be considered as waiver of his right to present evidence in his behalf. The Sangguniang Panlalawigan motu proprio or upon motion of the complainant shall immediately render judgment as maybe warranted by the facts alleged in the complaint and the accompanying affidavits or evidences.

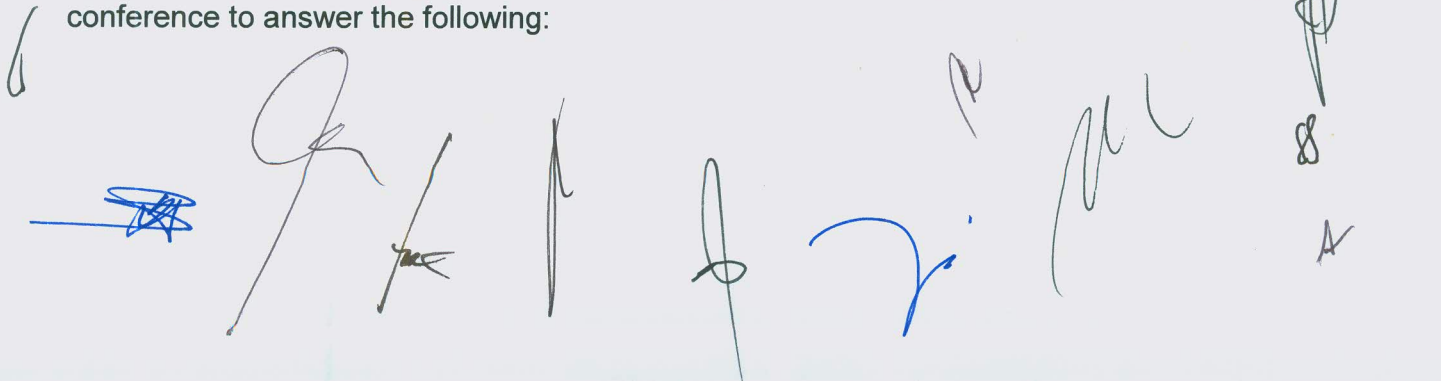
However, if the Sangguniang Panlalawigan is of the opinion that further proceedings is necessary, the same shall be conducted notwithstanding the absence of an answer.

RULE IX. PRELIMINARY INVESTIGATION

Section 1. Evaluation. Within ten (10) days from receipt of the answer prescribed in the preceding rule, the Sangguniang Panlalawigan shall conduct preliminary investigation to evaluate the complaint and the answer and determine whether or not there is a prima facie case to warrant formal administrative proceedings of the case.

Section 2. Motu proprio dismissal. If the Sangguniang Panlalawigan determines that there is no prima facie case to warrant further proceedings of the case, it shall motu proprio dismiss the same thereby issuing an order of dismissal stating therein the basis of the decision and immediately furnish the complainant, the defendant, the Provincial DILG and the Governor of copies of such order.

Section 3. Preliminary conference. If the Sangguniang Panlalawigan determines that there is a prima facie case to warrant the conduct of formal administrative proceedings. It shall immediately summon the parties to a preliminary conference to answer the following:



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- 1) Whether the parties desire a formal investigation or are willing to submit the case for resolution on the basis of the evidence on record; and
- 2) If the parties desire a formal investigation, to consider the simplification of issues, the possibility of obtaining stipulation or admission of facts and of documents to avoid unnecessary proofs, the limitation of number of witnesses and such other matters as may aid the prompt disposition of the case.

Section 4. Absence of the parties. Unreasonable failure of the complainant to appear in the preliminary conference shall be a cause for the dismissal of his complaint. Upon the other hand, unreasonable failure of the respondent to appear shall constitute a waiver of his right to participate in the preliminary conference.

Section 5. Preliminary conference order. Within five (5) days after the termination of the preliminary conference, the Sangguniang Panlalawigan shall issue an order reciting the matters taken up thereon, including the facts stipulated and the evidences marked, if any.

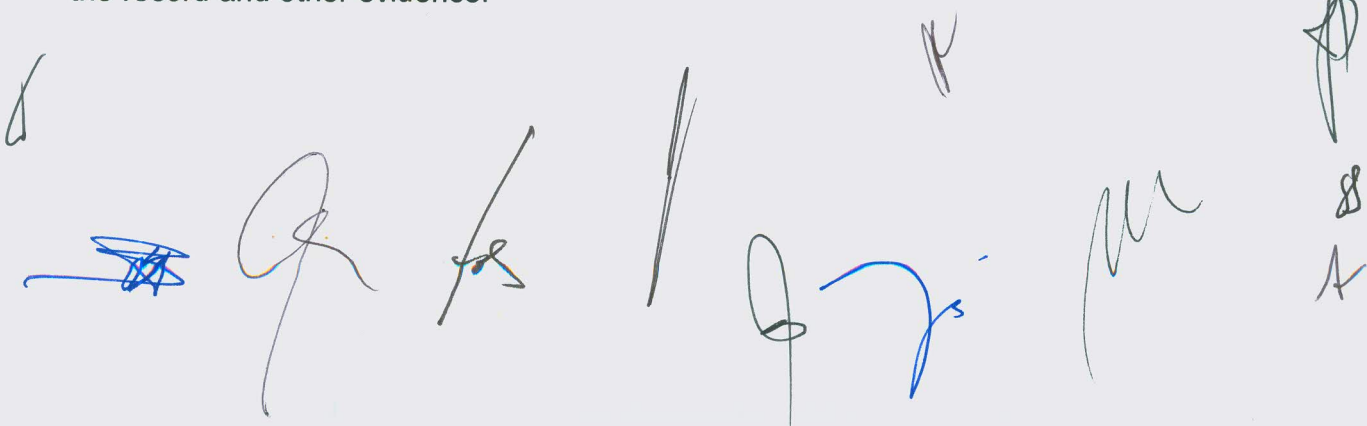
Such order shall limit the issues for hearing to those not disposed of by agreement or admission of the parties and shall schedule the formal investigation of the case within ten (10) days from its issuance, unless a later date is mutually agreed in writing by both parties.

The parties may, however, file their comments and/ or motions for correction within in three (3) days upon receipt of the order if so desired by either or both parties.

RULE X. ADDITIONAL AFFIDAVITS. Should a party desire to present additional affidavits or counter- affidavits as part of his direct evidence, he shall so manifest during the preliminary conference, stating the purpose thereof. If allowed by the Sangguniang Panlalawigan, the additional affidavits or counter affidavits shall be submitted to the Sangguniang Panlalawigan and served to the adverse party not later than three (3) days after the termination of the preliminary conference in such number of copies as there are member of the Sangguniang Panlalawigan including the Presiding Officer, the Secretary and for file. If the additional affidavits are presented by the complainants, the respondent may file his counter affidavits in such number of copies as herein required and serve the same to the complainant within three (3) days from receipt of said additional affidavit.

RULE XI. PREVENTIVE SUSPENSION

Section 1. Power to Impose. The Provincial Governor shall have the power to impose preventive suspension of a respondent upon recommendation of the Sangguniang Panlalawigan at any time after the issues are joined, that is, after respondent has answered the complaint, when the evidence of guilt is strong and given the gravity of offense there is a great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the record and other evidence.



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Section 2. 90 – day ban. No preventive suspension shall be imposed within ninety (90) days immediately prior to any local election. If the preventive suspension has been imposed prior to the ninety (90) day period immediately preceding a local election, it shall be deemed automatically lifted upon the start of the aforesaid period.

Section 3. Duration. Any single preventive suspension of a respondent shall not extend beyond sixty (60) days; provided that in the event that several administrative cases are filed against respondent, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension.

Section 4. Automatic reinstatement. Upon expiration of the preventive suspension, the suspended respondent shall be deemed reinstated in office without prejudice to the continuation of the proceedings against him, which shall be terminated within one hundred twenty (120) days from the time he was formally notified of the case against him. However, if the delay in the proceedings of the case is due to his fault, neglect or request, other than the appeal duly filed, the duration of such delay shall not be counted in computing the time of termination of the case.

Section 5. Salary of respondent pending suspension. The respondent, who is preventively suspended from office, shall receive no salary or compensation during such suspension; but, upon subsequent exoneration and reinstatement, he shall be paid his full salary or compensation including such emoluments accruing during such suspension.

RULE XII. FORMAL INVESTIGATION

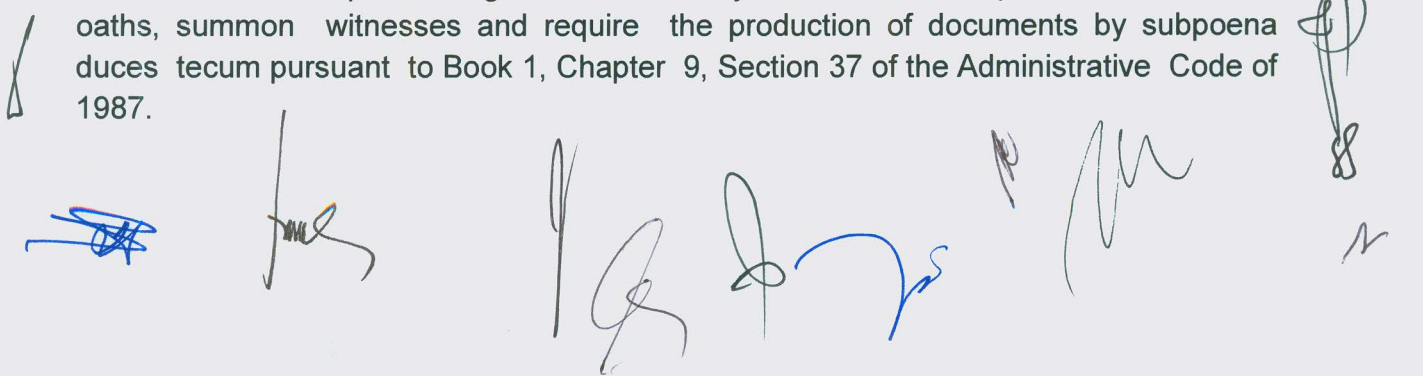
Section 1. Procedure of trial. The trial shall proceed as scheduled in the preliminary conference order or as mutually agreed by the parties in writing.

The affidavits submitted by the parties shall constitute the direct testimonies of the witnesses who executed the same. Witnesses who testified maybe subjected to cross- examination, redirect, or re- cross examination. Should the affiant fail to testify, his affidavit shall not be considered as competent evidence for the party presenting the affidavit, but the adverse party may utilize the same for any admissible purpose.

Except on rebuttal or surrebuttal, no witnesses shall be allowed to testify unless he had previously submitted an affidavit in accordance with the preceding rules.

Section 2. Rights of the respondent. The respondent shall be accorded full opportunity to appear and defend himself in person or by counsel, to confront and cross- examine the witnesses against him, and to require the attendance of witnesses and the production of documentary evidence in his favor through the compulsory process of subpoena or subpoena duces tecum.

Section 3. Power to take testimony or receive evidence. The Sangguniang Panlalawigan is hereby authorized to take testimony or receive evidence relevant to the administrative proceedings, which authority shall include the power to administer oaths, summon witnesses and require the production of documents by subpoena duces tecum pursuant to Book 1, Chapter 9, Section 37 of the Administrative Code of 1987.



Anyone who, without lawful excuse, fails to appear upon summons issued by the Sangguniang Panlalawigan or who, appearing before the Sangguniang Panlalawigan exercising the power therein defined, refuses to make oath, give testimony or produce documents for inspection, when lawfully required shall be subject to discipline as in case of contempt of court and, upon application by the Sangguniang Panlalawigan, shall be dealt with by the judge of the proper Regional Trial Court in the manner provided for under Book VII, Chapter 3, Section 13, in relation to Chapter 1, Section 2 (1) of the Administrative Code of 1987.

Section 4. Request for subpoena. If a party desires the attendance of a witness or the production of documents, he should make a formal request before the Sangguniang Panlalawigan through the Presiding Officer for the issuance of the necessary subpoena ad testificandum or subpoena duces tecum at least three (3) days before the scheduled hearing.

Section 5. Notice of hearings. The parties and their witnesses shall be notified by subpoena of a scheduled hearing at least five (5) days before the date thereof.

Section 6. Postponement. Postponement of investigation by parties shall be discouraged and shall be allowed only in meritorious cases, like illness of the parties or counsels and other similar cases. No postponement for a period longer than seven (7) days shall be allowed and in no case shall the total number of postponements for one party be more than twenty (20) days.

Section 7. Stenographic record of proceedings. The testimony of each witness and the manifestation of the parties and counsels during an investigation shall be taken in short hand or stenotype. A transcript of the proceedings made by the official stenographer or steno typist and duly certified by him/ her shall be, prima facie, considered a correct statement of such proceedings.

Section 8. Order of hearing. Unless otherwise directed by the Sangguniang Panlalawigan, the order of hearing shall be as follows:

- a. The complainant shall produce the evidence for his part;
- b. The respondent shall then offer evidence in support of his defense; and
- c. The parties may respectively offer rebutting evidences.

Section 9. Order of examination. The order which a witness may be examined shall be as follows:

- a. Direct examination by the proponent;
- b. Cross examination by the opponent;
- c. Re-direct examination by the proponent; and
- d. Re-cross examination by the opponent.

Section 10. Termination of formal investigation. The formal investigation shall be terminated by the Sangguniang Panlalawigan within ninety (90) days from the start thereof, in so far as practicable.



Section 11. Memoranda. The Sangguniang Panlalawigan may allow the parties to submit their respective memoranda within fifteen (15) days after the termination of the formal investigation.

RULE XIII. EVIDENCE

Section 1. Rules of evidence. In the investigation of administrative cases, the following rules of evidence govern:

- a. The Sangguniang Panlalawigan may admit and give probative value to evidence commonly accepted by reasonable prudent men in the discharge of their affairs;
- b. Documentary evidence maybe received in the form of certified photocopies if the original is not readily available. The parties shall be given opportunity to compare the copy with the original. If the original is in the official custody of a public officer, a certified copy thereof maybe accepted; and
- c. The Sangguniang Panlalawigan may take notice of judicially cognizable facts of common knowledge. The parties shall be notified and offered an opportunity to contest the facts so noticed.

Section 2. Affidavits. The affidavits required to be submitted under this Rules shall state only facts or direct personal knowledge of the affiant which are admissible in evidence as provided for under the Revised Rules of Evidence and shall show their competence to testify to the matters stated therein. Violation of said requirement shall be cause to expunge the inadmissible affidavit or portion thereof from the record.

Section 3. Marking. All documentary evidence or exhibits shall be properly marked by letter (A, B, C, etc.) if presented by complainant and by number (1, 2, 3, etc.) if presented by respondent. They shall be attached to the records or, if voluminous, kept in a separate folder marked "Folder of Exhibits", which shall also be attached to the records.

RULE XIV. DECISION

Section 1. Rendition of decision. Within 30 days after the termination of the formal investigation, the Sangguniang Panlalawigan shall render a decision in writing stating therein clearly and distinctly the facts and reasons for such decision and shall immediately be furnished the respondent and all interested parties.

Section 2. Finality of decision. The decision of the Sangguniang Panlalawigan shall become final and executory after the lapse of thirty (30) days from receipt of a copy thereof by the complainant or the respondent, as the case maybe, unless a motion for reconsideration is filed within the said period. Save in exceptional meritorious cases, only one (1) motion for reconsideration shall be allowed to either party, which motion shall suspend the running of the thirty (30) day reglementary period.

Section 3. Appeal. The decision or final order of the Sangguniang Panlalawigan shall be appealable to the Office of the President within thirty (30) days from receipt of the decision or final order and such an appeal shall be made directly to the Office of the President.



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Section 4. Execution pending appeal. An appeal shall not prevent a decision from becoming final and executory. The respondent shall be considered as having placed under preventive suspension during the pendency of an appeal in the event he wins such appeal. In the event the appeal results in an exoneration, he shall be paid his salary and such other emoluments during the pendency of the appeal.

RULE XV. PENALTIES

Section 1. Impossible penalties. The penalties that maybe imposed under this Rule shall be censure, reprimand, suspension and removal from office.

Section 2. Suspension. The penalty of suspension shall not exceed the unexpired term of the respondent or a period of six (6) months for every administrative offense, nor shall said penalty be a bar to the candidacy of the respondent so suspended as long as he meets the qualifications required for the office.

Section 3. Removal. The penalty of removal from office as result of the administrative investigation by the Sangguniang Panlalawigan shall be by order of the proper court.

The penalty of removal from office as a result of an administrative investigation shall be considered a bar to the candidacy of the respondent for any elective position.

Section 4. Effect of reelection. An elective municipal official cannot be penalized under this Rules for an administrative misconduct committed during a prior term. His reelection to office operates as a condonation of the official's previous misconduct without prejudice to appropriate civil or criminal liabilities, if any.

RULE XVI. ADMINISTRATIVE APPEAL.

Section 1. Notice of Appeal. The party who is not satisfied with the decision of Sangguniang Bayan may file a notice of appeal in the Sangguniang Bayan which rendered the decision, informing said Sangguniang Bayan that said party is appealing such decision to the Sangguniang Panlalawigan on the ground that the said decision is not supported by evidence or is contrary to law.

The Notice of Appeal shall be filed within a period of 30 days from notice of the decision of the Sangguniang Bayan. Notice of Appeal filed directly with the Sangguniang Panlalawigan shall not toll the running of the prescriptive period and shall not be entertained by the Sangguniang Panlalawigan.

Section 2. Title of Cases. In all cases removed to the Sangguniang Panlalawigan, the party bringing the case shall be called the "appellant" and the adverse party the "appellee", but the title of the case shall remain as it was in the Sangguniang Bayan which rendered the decision appealed from.

Section 3. Counsels. Counsels of the respective parties in the Sangguniang Bayan shall be considered as the counsels of the same parties respectively in the Sangguniang Panlalawigan. When others are appointed, notice thereof shall be served immediately on the adverse party and filed with the Sangguniang Panlalawigan.



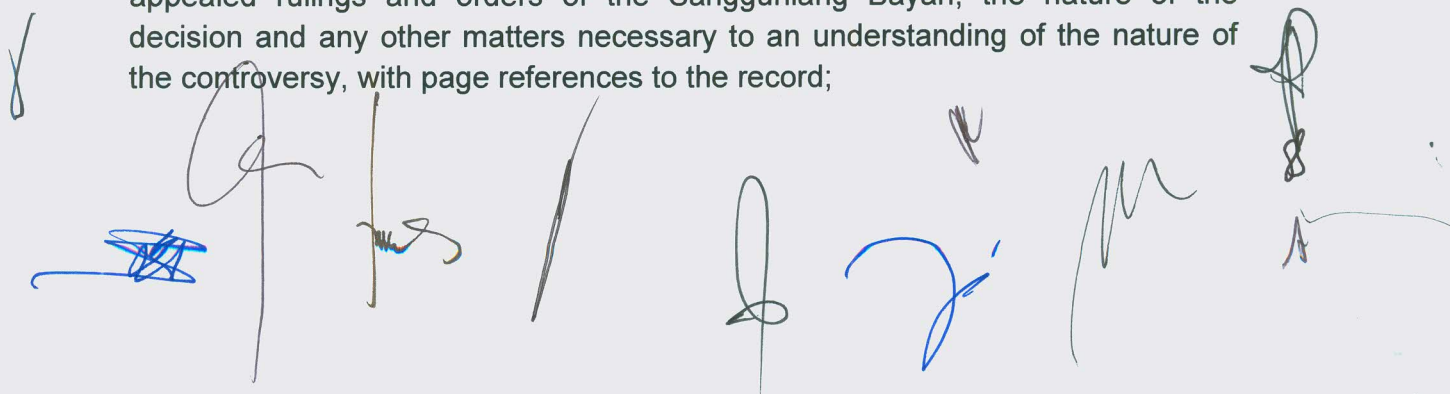
Section 4. Order of transmittal of records. If the records of the case is not received by the Sangguniang Panlalawigan within 30 days after the notice of appeal shall have been filed, the appellee may, upon notice to the appellant, move the Sangguniang Panlalawigan to grant an order directing the Municipal Secretary forthwith to transmit such records or to declare the same abandoned for failure to prosecute. However, within such 30-day period, the appellant may submit to the Sangguniang Panlalawigan a certified copy of each of the pleadings, motions or papers filed with or submitted to the Sangguniang Bayan in connection with the appealed administrative case in lieu of the records of the case. In either case, the appellant shall cause the reproduction of the records of the certified copies thereof in such number of copies as there are appellee's plus copies for each member of the Sangguniang Panlalawigan, the Presiding Officer, the Secretary and for file.

Section 5. Notice of receipt of record. The Provincial Secretary upon receiving the records of the case shall cause a notice of that fact to be served on the parties and shall require the appellant to reproduce the same in such number of copies as in the preceding section.

Section 6. Duty of the appellant upon receipt of Notice. It shall be the duty of the appellant, within 15 days from date of notice referred to in the preceding section, to cause the reproduction of the records of the case into such number of copies as hereinabove required and serve upon the appellee the copies intended for them and present to the Provincial Secretary proof of service of such copy of the records of the case. Failure to cause the reproduction of the records in such number of copies as required or to serve copy of the records of the case to the appellee or to present proof to the Sangguniang Panlalawigan of such service is a ground for dismissal of the appeal.

Section 7. Appellant's brief. Within 30 days following receipt of notice mentioned in Section 5 hereof, it shall be the duty of appellant to file with the Provincial Secretary as much copies of his brief together with proof of service of a copy thereof upon the appellee as the members of the Sangguniang Panlalawigan, the Presiding Officer, the Secretary and file copy. The appellant's brief shall contain in order herein indicated the following:

1. A subject index of the matter in the brief with a digest of the arguments and page references and a table of cases alphabetically arranged, textbooks and statutes cited with reference to the pages where they are cited;
2. An assignment of the errors intended to be urged. Such errors shall separately, distinctly and concisely stated without repetition, and shall be numbered consecutively;
3. Under the heading " Statement of the Case", a clear and concise statement of the nature of the administrative case, a summary of the proceedings, the appealed rulings and orders of the Sangguniang Bayan, the nature of the decision and any other matters necessary to an understanding of the nature of the controversy, with page references to the record;



4. Under the heading "Statement of Facts", a clear and concise statement in a narrative form of the facts admitted by both parties and of those in controversy, together with the substance of the proof relating thereto in sufficient detail to make it clearly intelligible, with page references to the record;
5. A clear and concise statement of the issues of fact or law to be admitted to the Sangguniang Panlalawigan for its judgement;
6. Under the heading "Argument" the appellant's arguments on each assignment of error with page reference to the record. The authorities relied upon shall be cited by the page of the report at which the case begins and the page of the report on which the citation is found;
7. Under the heading "Relief", a specification of the order or judgment which the appellant seeks; and
8. A copy of the decision or order appealed from shall be attached to the appellant's brief as an appendix thereof.

Section 8. Appellee's brief. Within 30 days from receipt of the appellant's brief, the appellee shall file with the Office of the Provincial Secretary as much copies of his brief together with proof of service of a copy thereof upon the appellant as in the preceding section. The appellee's brief shall contain in the order herein indicated the following:

1. A subject index of the matter in the brief with a digest of the arguments and page references and a table of cases alphabetically arranged, textbooks and statutes cited with reference to the pages where they are cited;
2. Under the heading "Statement of Facts", the appellee shall state that he accepts the statements of the facts in the appellant's brief, or under the heading "Counter-Statement of Facts" he shall point out such insufficiencies or inaccuracies as he believes exist in the appellant's statements of facts with references to the pages of the record in support thereof, but without repetition of matters in appellant's statement of facts; and
3. Under the heading "Arguments", the appellee shall set forth his arguments in the case on each assignment of error with page references to the record. The authorities relied on shall be cited by the page of the report at which the case begins and the page of the report on which the citation is found.

Section 9. Extension of time in filing brief. Extension of time for filing of briefs shall not be allowed.

Section 10. Grounds for dismissal of appeal. An appeal may be dismissed by the Sangguniang Panlalawigan, motu proprio or upon motion by the appellee, on any of the following grounds:

1. Failure of the notice of appeal to show on its face that the appeal was perfected within the reglamentary period to appeal;
2. Failure to file, within the reglamentary period to appeal, the notice of appeal;
3. Failure of the appellant to prosecute his appeal under Section 1 of hereof;
4. Failure of the appellant to serve and file the required number of copies of his brief within the time provided by these rules;
5. Want of specific assignment of errors in the appellant's brief, or of page reference to the record as required in Section 7; and

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6. Failure of the appellant to cause the reproduction of the records of the case in such number of copies herein required within the time set forth herein.

Section 11. Effects of dismissal. The dismissal of the appeal due to any grounds provided for in the immediate preceding section is immediately final and executory and the Provincial Secretary shall immediately return to the Sangguniang Bayan of origin the records of the case with a certificate under the seal of the Sangguniang Panlalawigan showing that the appeal has been dismissed.

Section 12. Referral to the Presiding Officer of the Sangguniang Panlalawigan. Upon submission of the appellee's brief, or upon the expiration of the period within which to file such appellee's brief and no appellee's brief is filed, the Provincial Secretary shall refer the same to the Presiding Officer who, shall calendar the same for consideration by the Sangguniang Panlalawigan.

Section 13. Form and notice of decision. Within 30 days after the appeal has been considered, the Sangguniang Panlalawigan shall render a decision in writing, stating therein clearly and distinctly the facts and the reasons for such decision. Copies of said decision shall immediately be furnished the respondent and all interested parties.

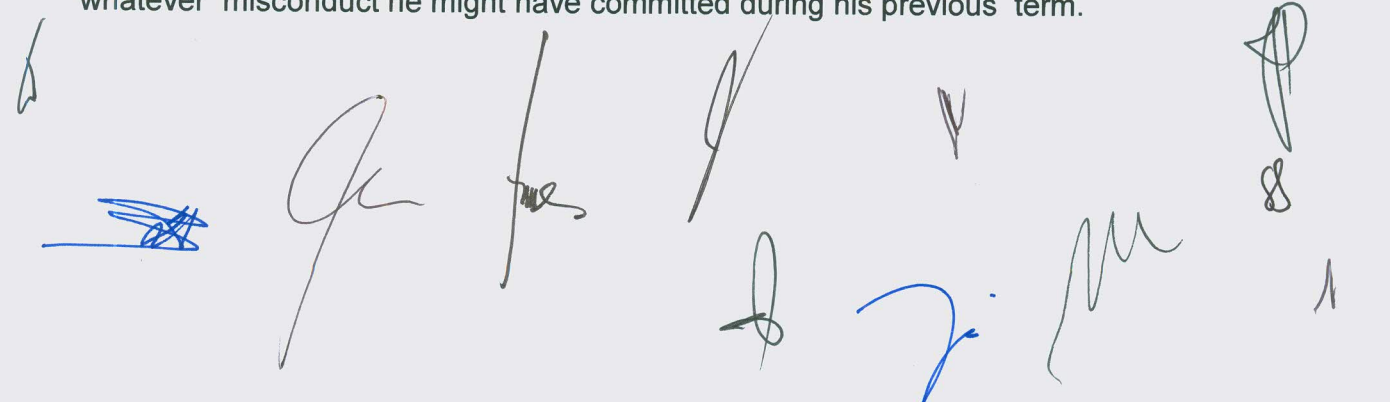
The penalty of suspension or removal imposed by the Sangguniang Bayan shall not be affirmed unless the same is considered by majority vote of all the members of the Sangguniang Panlalawigan.

COMMON PROVISIONS

RULE XVII. COLLECTIVE CONSULTATION. The decision of the Sangguniang Panlalawigan in any administrative case shall be reached in consultation before the case is assigned to a member for the writing of the opinion of the Sangguniang Panlalawigan. A certification of this effect, signed by the Presiding Officer, shall be issued and a copy thereof attached to the record of the case and served upon the parties. Any member who took no part, or dissented, or abstained from a decision or resolution must state the reason therefor.

RULE XVIII. VOTES. A simple majority of all the members present constituting a quorum shall be needed to arrive at any decision except when the penalty of suspension or removal is imposed. The penalty of suspension and removal may only be imposed or its imposition affirmed by a majority vote of all the members of the Sanggunian Panlalawigan

RULE XIX. OMISSION OF ADMINISTRATIVE INVESTIGATIONS. Any administrative disciplinary proceedings against a respondent shall be automatically abated if in meantime he is re elected. His reelection results in the condonation of whatever misconduct he might have committed during his previous term.



FINAL PROVISIONS

RULE XX. TRANSITORY PROVISION. Upon effectivity of this Rule all pending administrative cases which are not yet submitted for decision before the Sangguniang Panlalawigan shall be governed by this Rule. The parties shall be afforded the opportunity to comply with all the requirements herein set forth which they must do so within fifteen (15) days from receipt of a copy of this Rule.

RULEXXI. AMENDMENTS. Any provision of this Rule maybe amended, modified or altered by a vote of two-thirds (2/3) of all the members of the Sangguniang Panlalawigan

RULE XXII. REPEALING CLAUSE. All ordinances, rules or regulations in conflict with the provisions of this Rule are hereby repealed accordingly.

RULE XXIII. SEPARABILITY CLAUSE. Should any provision of this Rule be declared by competent courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

RULE XXIV. SUPPLEMENTARY RULE. The provisions of the Local Government Code of 1991, Administrative Code of 1987 and the Rules of Court shall apply to all matters not provided under this Rule.

RULE XXV. EFFECTIVITY CLAUSE. This Rule shall take effect immediately upon its approval.


CONCEPCION D. BALAO
Board Member


FLORENCE B. TINGBAOEN
Board Member


JOHNNY D. WAGUIS
Board Member

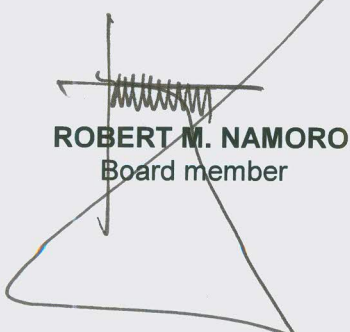

ESTEBAN T. PIOK
Board Member


JACK I. DULNUAN
Board Member


NARDO B. CAYAT
Board Member


ALFONSO L. FIANZA
Board Member


BENJAMIN C. SAGUID
Board Member


ROBERT M. NAMORO
Board member


JIM G. BOTIWEY
Board Member





LEONARDO L. LAWANA
PCL Pres., Ex-Officio Member

CERTIFIED CORRECT:



ATTY. FRENZEL A. AYONG
Secretary to the Sanggunian

ATTESTED BY:



NELSON C. DANGWA
Vice Governor & Presiding Officer

APPROVED:



NESTOR B. FONGWAN
Provincial Governor
Date: _____