



**CITY OF HIMAMAYLAN**  
**Office of the Sangguniang Panlungsod**

EXCERPT FROM THE MINUTES OF THE 132nd REGULAR SESSION OF THE 9th  
SANGGUNIANG PANLUNGSOD OF HIMAMAYLAN HELD AT THE SP SESSION HALL, CITY  
HALL, CITY OF HIMAMAYLAN, NEGROS OCCIDENTAL ON JANUARY 8, 2025

PRESENT:	Hon. Justin Dominic S. Gatuslao_____	Vice Mayor/Presiding Officer
	Hon. Johny T. Ades _____	SP Member
	Hon. Janet T. Villafranca _____	SP Member
	Hon. Teresita A. Gamposilao _____	SP Member
	Hon. Pablo M. Libo-on _____	SP Member
	Hon. Marie Antoinette R. Limsiaco ____	SP Member
	Hon. Aly B. Tongson, Jr. _____	SP Member
	Hon. Richard N. Genada_____	SP Member
	Hon. Samuel R. Belarga _____	SP Member
	Hon. Michael Bern C. Javelosa_____	SP Member
	Hon. Kerwin L. Tongson _____	SP Member/ABC President
	Hon. Jedalyn Kaye N. Pampliega _____	SP Member/PPSK President
ABSENT:	Hon. Ricky T. Genova _____	SP Member

**RESOLUTION NO. 2025 - 001**

**RESOLUTION**

**ADOPTING THE RESOLUTION OF THE COMMITTEE OF THE WHOLE ON THE  
DISMISSAL OF ADMINISTRATIVE CASE NO. 2024-01 FILED BY COMPLAINANT  
RONA M. GAYONGA AGAINST HON. FRANCIS M. GELLANGARIN, BARANGAY  
KAGAWAD OF SARA-ET, HIMAMAYLAN CITY**

**WHEREAS**, Book 1 Chapter 4, Section 61 of the Local Government Code of 1991 gives the Sanggunian the disciplining authority and provides for the procedure for the filing of an administrative case against any elective barangay official;

**WHEREAS**, City Ordinance No. 08-010, otherwise known as the "*Rules of Procedures in the Conduct of Administrative Investigation Involving Elective Barangay Officials*", the Sangguniang Panlungsod of Himamaylan is empowered to take cognizance of administrative cases filed against elective barangay officials within the territorial jurisdiction of the City of Himamaylan.;

**WHEREAS**, an Indorsement from the Office of the Ombudsman, Cebu City was received by this office on 25 September 2024 forwarding the administrative aspect of the case filed by Rona M. Gayonga against Hon. Francis M. Gellangarin for *"Inefficiency and Incompetence in the performance of official duties"*, *"Grave Abuse of Authority"*, *"Conduct prejudicial to the public's interest"*, *"Serious Misconduct"*, *"Gross Ignorance of the Law"*, and *"Violation of RA 6713."*;

**WHEREAS**, in its 122<sup>nd</sup> Regular Session dated 22 October 2024, the Sanggunian though SP Resolution No. 2024-210 declared the existence of probable cause to believe that respondent is probably guilty of the offenses charged against him;

**WHEREAS**, the Ad Hoc Committee established by virtue of SP Resolution No. 2024-213 conducted a Preliminary Conference on November 18, 2024 where both parties manifested their intention to enter into an amicable settlement but requested that the said conference be rescheduled on 28 November 2024, to which the Ad Hoc Committee granted;

**WHEREAS**, during the rescheduled Conference, Complainant Ms. Gayonga manifested that she was no longer amenable or open to any compromise or amicable settlement and both parties agreed that their case will be submitted for resolution of the Committee and the SP, upon submission of their respective position papers together with their documentary evidences;

**WHEREAS**, position papers of both parties were received December 16, 2024 and were referred to the Committee of the Whole for their reference;

**WHEREAS**, after diligent and careful perusal of the respective position papers and evidence on record, the Committee of the Whole unanimously rules that Complainant Ms. Rona M. Gayonga failed to substantially prove that Hon. Francis M. Gellangarin is liable for an administrative offense;

**NOW, THEREFORE**, on motion of Hon. Teresita A. Gamposilao, seconded by Hon. Kerwin L. Tongson, it is;

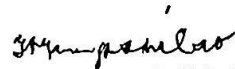
**RESOLVED**, to adopt the Resolution of the Committee of the Whole on the dismissal of Administrative Case No. 2024-01 filed by Complainant Rona M. Gayonga against Hon. Francis M. Gellangarin, Barangay Kagawad of Sara-et, Himamaylan City

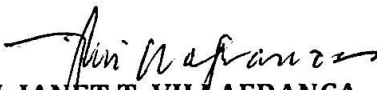
**RESOLVED FURTHER**, that the said Resolution of the Committee of the Whole be considered as an integral part of this resolution;

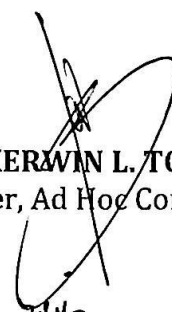
**RESOLVED FINALLY**, to furnish copy of this resolution to the herein complainant and respondents for their information.

**CARRIED.**


**CONCURRED BY:**

  
**HON. TERESITA A. GAMPOSILAO**  
Chairperson of Ad Hoc Committee  
Ponente

  
**HON. JANET T. VILLAFRANCA**  
Member, Ad Hoc Committee


  
**HON. KERWIN L. TONGSON**  
Member, Ad Hoc Committee

  
**HON. JOHNNY T. ADES**  
SP Member

  
**HON. PABLO M. LIBO-ON**  
SP Member

  
**HON. MARIE ANTOINETTE R. LIMSIACO**  
SP Member

  
**HON. ALY B. TONGSON JR.**  
SP Member

  
**HON. RICHARD N. GENADA**  
SP Member

  
**HON. SAMUEL R. BELARGA**  
SP Member

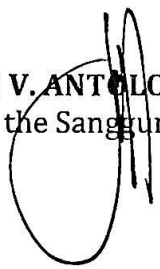
  
**HON. MICHAEL BERN C. JAVELOSA**  
SP Member

  
**HON. JEDALYN KAYE N. PAMPLIEGA**  
SP Member

**ABSENT:     HON. RICKY T. GENOVA**  
SP Member

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**CERTIFICATION**

I hereby certify to the correctness of the foregoing resolution.

  
**JULIE ANNE V. ANTOLO, J.D.**  
Secretary to the Sangguniang Panlungsod

Attested by:

  
**HON. JUSTIN DOMINIC S. GATUSLAO**  
Vice Mayor/Presiding Officer



OFFICE OF THE SANGGUNIAN PANLUNGSOD  
CITY OF HIMAMAYLAN

**RONA M. GAYONGA**

*Complainant*

- versus -

**ADMINISTRATIVE CASE. NO. 2024-01**

For: Violations of the Civil Service Law, specifically:  
Gross ignorance of the law, Gross abuse of  
authority, Conduct Prejudicial to the public's  
interest, Serious Misconduct, Inefficiency and  
Incompetence in the performance of the official  
duties, as well as Violation of Republic Act No.  
6713

**HON. FRANCIS M. GELLANGARIN**

*Respondent*

**RESOLUTION**

This resolves the complaint filed by Rona M. Gayonga ("Ms. Gayonga") against Barangay Kagawad of Sara-et, Himamaylan City, Hon. Francis M. Gellangarin ("Hon. Gellangarin") for Violations of the Civil Service Law, specifically: Gross ignorance of the law, Gross abuse of authority, Conduct Prejudicial to the public's interest, Serious Misconduct, Inefficiency and Incompetence in the performance of the official duties, as well as Violation of Republic Act No. 6713, commonly known as the "Code of Conduct and Ethical Standards for Public Officials and Employees".

**BRIEF STATEMENT OF RELEVANT AND MATERIAL FACTS**

This Office received an Indorsement from the Office of the Ombudsman, Cebu City on 25 September 2024, forwarding the administrative aspect of the aforementioned case for appropriate action of the Sangguniang Panlungsod ("SP"). The said Indorsement was included in the Order of Business and was referred to the Honorable Members of the Sangguniang Panlungsod in its 118th Regular Session on 2 October 2024. The same was docketed as SP Administrative Case No. 2024-01. The SP referred to City Ordinance No. 08-010<sup>1</sup>, otherwise known as the "*Rules of Procedures in the Conduct of Administrative Investigation Involving Elective Barangay Officials*", the Local Government Code, and other pertinent laws, as bases of its jurisdiction, the procedure to be undertaken, and the corresponding penalties to be imposed, if any.

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<sup>1</sup> City Ordinance No. 08-010, otherwise known as the "*Rules of Procedures in the Conduct of Administrative Investigation Involving Elective Barangay Officials*"



Thereafter, an Order was served to respondent Hon. Gellangarin on 3 October 2024 requiring him to submit his verified answer within fifteen (15) days from receipt thereof, in accordance with Sections 1-4 of City Ordinance No. 08-010. The SP received the verified answer of Hon. Gellangarin on 21 October 2024 and was considered to be filed on time. Thereafter, in a Committee Report by the Committee of the Whole of the SP on 29 October 2024, they found probable cause<sup>2</sup> to believe that Hon. Gellangarin is "probably guilty for "Inefficiency and Incompetence in the performance of official duties", "Grave Abuse of Authority", "Conduct prejudicial to the public's interest", "Serious Misconduct", "Gross Ignorance of the Law", and "Violation of RA 6713."<sup>3</sup> The same report was adopted by the SP by virtue of SP Resolution No. 2024-210.<sup>4</sup> In SP Resolution No. 2024-213, the SP established an Ad Hoc Committee in relation to the investigation of the said case.<sup>5</sup>

A Preliminary Conference<sup>6</sup> was conducted on 18 November 2024 to consider the following:

1. *Whether parties could agree on an amicable settlement;*
2. *Whether the parties desire a formal investigation or are willing to submit the case for resolution upon submission of their respective position papers together with their documentary evidences; or*
3. *If the parties desire a formal investigation, to consider the simplification of issues, the possibility of obtaining stipulation or admission of facts and documents, specifically affidavits and depositions, the limitation of the number of witnesses, dates of hearing, and such other matters as may aid the prompt disposition of the case.*

Both parties manifested their intention to enter into an amicable settlement. They requested that the said conference be rescheduled on 28 November 2024, to which the Ad Hoc Committee granted. Without prejudice to the outcome of the conference, they were also required to submit their respective Preliminary Conference Briefs at least three (3) days before the said schedule. On the said rescheduled Conference, Complainant Ms. Gayonga manifested that she was no longer amenable or open to any compromise or amicable settlement. Thereafter, the parties agreed that their case will be submitted for resolution of the Committee and the SP, upon submission of their respective position papers together with their documentary evidences<sup>7</sup>.

The respective position papers of both parties were received on 16 December 2024.

As synthesized from the Complaint, Preliminary Conference Brief, and Position Paper of Ms. Gayonga and that of the Answer, Preliminary Conference Brief, and Position Paper of Hon. Gellangarin, hereunder are the facts:

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<sup>2</sup> Rule 5, City Ordinance No. 08-010

<sup>3</sup> Committee Report, Committee of the Whole; 29 October 2024

<sup>4</sup> Resolution No. 2024-210: "A Resolution Determining the Existence of a Probable Cause in SP Administrative Case No. 2024-01 Re: Rona M. Gayonga versus Hon. Francis M. Gellangarin"

<sup>5</sup> Resolution No. 2024-213: "A Resolution Establishing the Composition of Ad Hoc Committee in Relation to the Investigation on the Administrative Cases Involving Elective Barangay Officials

<sup>6</sup> Section 1, Rule 7, City Ordinance No. 08-010

<sup>7</sup> Section 1, Rule 7, City Ordinance No. 08-010

## VERSION OF THE COMPLAINANT

Ms. Gayonga is the complainant in the criminal case for Grave Oral Defamation under Article 358 of the Revised Penal Code against the accused MARICEL ANASTA HERADO which was resolved by the City Prosecutor's Office, Himamaylan City on April 24, 2024. Prior to filing of the grave oral defamation case, another case with the same parties was referred to the Office of the Punong Barangay of Saraet, Himamaylan City, Negros Occidental where hearings were conducted on 12 December 2023, 21 December 2023, and 4 January 2024. Hon. Gellangarin presided over these hearings which were eventually settled, both parties agreeing that *"they can no longer interfere with one another."* Unfortunately, on the same day of the settlement, another altercation happened when Maricel Herado shouted defamatory remarks against Ms. Gayonga that ruined her reputation and held her in public contempt. The said actions of Maricel Herado was witnessed by the members of the Lupon and the Barangay Chairman. After these sad turn of events, conciliation proceedings remained useless which resulted to the Barangay issuing a Certificate to File Action to Ms. Gayonga against Maricel Herado for Grave Oral Defamation. Later, Ms. Gayonga discovered that Hon. Gellangarin went to the Public Attorney's Office (PAO), Himamaylan City, Negros Occidental to consciously and willingly execute his Affidavit<sup>8</sup> dated 22 April 2024 as one of the witnesses of Maricel Herado. Ms. Gayonga believes that there is *"conflict of interest because there was no more neutrality to speak of and there was not even a valid court order that justifies his actions in doing so. From bad to worse, the respondent never made any legal consultations before executing his affidavit. In conclusion, there was a clear one sided and bias approach being rendered by the respondent considering that it was grossly advantageous to the adverse party. His actuations were done in a deliberate manner, and as a result can be held guilty as charged."*<sup>9</sup>

## VERSION OF THE RESPONDENT

Hon. Gellangarin admits the execution of the Affidavit dated 22nd day of April 2024 in relation to a Grave Oral Defamation case between Ms. Gayonga and Maricel Herado. Such execution, however, was without bad faith and solely for the purpose of attaining justice. The said Affidavit only stated facts personally witnessed by Hon. Gellangarin relative to the incident on December 12, 2023 which was outside the performance of his official functions. The said incident occurred after the hearing of another case between the same parties which Hon. Gellangarin presided over but the said case was already settled and terminated before the occurrence of the incident subject matter of the Grave Oral Defamation Case. For Hon. Gellangarin, the Affidavit was only limited to the circumstances of the incident, which are factual in nature, witnessed by him personally on 12 December 2023. There was nothing in the Affidavit that mentioned information during the hearing/s in the barangay, if any.

## ISSUE

The position paper of Ms. Gayonga discussed numerous issues, some of which not discussed in her Pre-Trial Brief. The SP opines that the main issue in this case be focused on **"whether or not Hon. Gellangarin's execution of an affidavit constitutes an administrative offense."**

<sup>8</sup> Annex "A", Affidavit executed by Hon. Gellangarin dated 22 April 2024 (Annex A of the Complaint Affidavit)

<sup>9</sup> Page 3, Position Paper of the Complainant, 12 December 2024

## RULING

Preliminarily, the Local Government Code of 1991 gives the Sanggunian the disciplining authority over elective barangay officials pursuant to Section 61 thereof. The same provision also provides for the procedure for the filing of an administrative case against any elective barangay official. In the year 2008, the Sangguniang Panlungsod of the City of Himamaylan passed City Ordinance No. 2008-010 entitled "*Rules of Procedures in the Conduct of Administrative Investigation Involving Elective Barangay Officials*". This Ordinance lays the guidelines on how administrative cases will be handed from its commencement to its termination.

In the case under consideration, the pivotal issue is if, whether or not Hon. Gellangarin's act of executing an affidavit makes him liable for an administrative offense?

After diligent and careful perusal of the respective position papers and evidence on record, the Sangguniang Panlungsod unanimously rules in the **NEGATIVE**.

In ruling so, the SP is of the opinion that Ms. Gayonga failed to substantiate her allegations and to dispense the burden of proof required to hold Hon. Gellangarin liable for the long list of administrative charges filed against him.

### **THE AFFIDAVIT OF HON. GELLANGARIN DATED 22 APRIL 2024 SHOWS NO BIAS, ONE-SIDED APPROACH, OR DISCRIMINATION**

The Affidavit executed by Hon. Gellangarin on 22 April 2024 stated, among, others, the following:

*"...3. The truth of the matter is that on December 12, 2023, at around 2:00 o'clock in the afternoon, as a Kagawad of Brgy. Sara-et, I had a hearing presided over between Maricel Herado and Rona Gayonga in a case wherein the former was the complainant and the latter was the respondent at the session hall at the 2nd floor of the Barangay Hall of Brgy. Sara-et, Himamaylan city, Negros Occidental. Fortunately, there was a settlement between them;*

*4. After the hearing, we went down from the session hall at the 2nd floor. On our way down, Rona Gayonga was walking in front of Maricel Herado and I was behind the latter. Then I asked Maricel Herado, "Padiin ka Day?" (Where to, Day?) wherein she answered, "Mangape Nong" (To have coffee, Nong);*

*5. Because the Barangay Hall is crystalized, I saw from the stairs that Rona Gayonga was already outside the Barangay Hall near the gate. I went back to the session hall and had a chat with the members of the Lupon. I didn't hear and see any scandalous commotion at that time;*

*6. Then Maricel Herado went back to the session hall with a cup of coffee. It was almost around 4:00 o'clock in the afternoon when the members of the Lupon bid their goodbyes as well as Maricel Herado;..."*

Reading the aforementioned statements, the SP believes that the said affidavit only stated facts personally witnessed by Hon. Gellangarin on December 12, 2023.



There is nothing in his statements that would ultimately unduly prejudice Ms. Gayonga in her case against Maricel Herado for grave oral defamation. He only narrated circumstances of the incident, factual in nature, and personally witnessed by him. **His act of executing an affidavit as a witness to the circumstances he has personal knowledge of is not biased, not a one-sided approach, and not discriminatory.**

#### **MS. GAYONGA FAILED TO SUBSTANTIATE HER ALLEGATIONS**


It is a well-settled rule that in an administrative case, the *“complainant has the duty to prove by substantial evidence the allegations in his administrative complaint.”*<sup>10</sup> On him/her lies the burden of demonstrating plainly and distinctly, all facts essential to his right. In the case of National Bureau of Investigation (NBI) vs. Conrado M. Najera, G.R. No. 237522, the Supreme Court ruled that *“The quantum of proof in administrative proceedings necessary for a finding of guilt is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion”*<sup>11</sup>. *The burden to establish the charges rests upon the complainant. The case should be dismissed for lack of merit if the complainant fails to show in a satisfactory manner the facts upon which his accusations are based.*<sup>12</sup> *The respondent is not even obliged to prove his exception or defense.”*

Following the aforementioned jurisprudence, it is important that Ms. Gayonga is able to prove, with substantial evidence, her accusations against Hon. Gellangarin. The SP, however, believes that she has failed to do so. From her complaint-affidavit, pre-trial brief, up to the position paper, her accusations are all based on general conjectures and are mere conclusions of law. In the numerous offenses alleged by her against Hon. Gellangarin, she failed to allege specifically and sufficiently how or in what manner each offense was committed by the herein respondent. **The SP cannot make decisions, and ultimately cannot punish an elective barangay official, solely on baseless allegations.**

**WHEREFORE**, for being baseless and unsubstantiated, SP Administrative Case No. 2024-01 is hereby **DISMISSED FOR LACK OF MERIT**.

**SO ORDERED.**

8 January 2025, City of Himamaylan, Negros Occidental.

  
**HON. TERESITA A. GAMPOSILAO**  
Chairperson of Ad Hoc Committee  
Ponente

  
**HON. JANET T. VILAFRANCA**  
Member, Ad Hoc Committee

  
**HON. KERWIN L. TONGSON**  
Member, Ad Hoc Committee

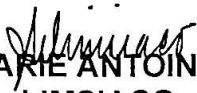
<sup>10</sup> De Jesus vs. Guerrero, 614 Phil 520

<sup>11</sup> Ombudsman vs. Manalastas, 791 Phil. 557 [2016]

<sup>12</sup> Santos v. Tanciongco, A.M. No. MTJ-06-1631, September 30, 2008, 567 SCRA 134; and Kilat v. Macias, A.M. No. RTJ-05-1960, October 25, 2005. 474 SCRA 101.

  
**HON. JOHNNY T. ADES**  
SP Member

  
**HON. PABLO M. LIBO-ON**  
SP Member

  
**HON. MARIE ANTOINETTE R. LIMSIAO**  
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SP Member

  
**HON. JEDALYN KAYE N. PAMPLIEGA**  
SP Member

**ABSENT: HON. RICKY T. GENOVA**  
SP Member

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**CERTIFICATION**

I hereby certify to the correctness of the foregoing:

  
**JULIE ANNE V. ANTOLO, J.D.**  
Secretary to the Sangguniang Panlungsod

Attested by:

  
**HON. JUSTIN DOMINIC S. GATUSLAO**  
Vice Mayor/Presiding Officer