



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

EXCERPT FROM THE MINUTES OF THE 140TH REGULAR SESSION OF THE 9th  
SANGGUNIANG PANLUNGSOD OF HIMAMAYLAN HELD AT THE SP SESSION HALL, CITY  
HALL, CITY OF HIMAMAYLAN, NEGROS OCCIDENTAL ON MARCH 5, 2025

PRESENT:	Hon. Justin Dominic S. Gatuslao _____	Vice Mayor/Presiding Officer
	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. Ricky T. Genova _____	SP Member
	Hon. Kerwin L. Tongson _____	SP Member/ABC President
	Hon. Jedalyn Kaye N. Pampliega _____	SP Member/PPSK President
ABSENT:	Hon. Johny T. Ades _____	SP Member

**RESOLUTION NO. 2025 - 064**

**RESOLUTION**

**ADOPTING THE RESOLUTION OF THE AD HOC COMMITTEE ON THE OUTRIGHT  
DISMISSAL OF THE MOTION FOR RECONSIDERATION FILED BY COMPLAINANT  
RONA M. GAYONGA IN SP ADMINISTRATIVE CASE NO. 2024-01**

**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**, after diligent and careful perusal of the respective position papers and evidence on record, the Committee of the Whole unanimously ruled on January 8, 2025 that Complainant Ms. Rona M. Gayonga failed to substantially prove that Hon. Francis M. Gellangarin is liable for an administrative offense;

**WHEREAS**, Complainant Gayonga received the said decision on January 24, 2025 and thereafter filed a Motion for Reconsideration on February 3, 2025;

**WHEREAS**, in a Committee Meeting held on February 19, 2025 with the City Legal Officer Atty. Clodualdo Subaldo, Jr., the Committee declared that the remedy availed of Complainant Gayonga is an improper remedy;

**WHEREAS**, the Committee Report for the aforementioned committee meeting was presented by Chairperson Hon. Teresita A. Gamposilao with the Honorable Members during the 140th Regular Session dated March 5, 2025;

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

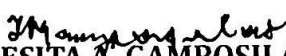
**RESOLVED**, to adopt the Resolution of the Ad Hoc Committee on the outright dismissal of the Motion For Reconsideration filed by Rona M. Gayonga in Administrative Case No. 2024-01

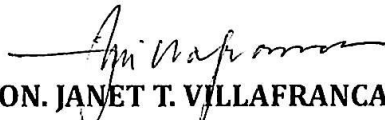
**RESOLVED FURTHER**, that the said Resolution of the Ad Hoc Committee be considered as an integral part of this resolution;

**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. VILAFRANCA**  
Member, Ad Hoc Committee

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

  
**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. RICKY T. GENOVA**  
SP Member


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

-----  
**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

*did not participate  
in celebration*



OFFICE OF THE SANGGUNIANG PANLUNGSOD  
CITY OF HIMAMAYLAN

**RONA M. GAYONGA**

*Complainant*

- versus -

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

**HON. FRANCIS M. GELLANGARIN**

*Respondent*

**RESOLUTION**

This resolves the Motion for Reconsideration filed by Rona M. Gayonga praying for the immediate reconsideration of the RESOLUTION OF THE SANGGUNIANG PANLUNGSOD OF HIMAMAYLAN dated January 8, 2025, dismissing the case for lack of merit, SP Administrative Case No. 2024-01 re: Rona M. Gayonga vs. Hon. Francis M. Gellangarin for 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".

This case originated from 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"). A preliminary conference was held on 18 November 2024 but was rescheduled on 28 November 2024, upon request of both parties. 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.



The respective position papers of both parties were received on 16 December 2024. A Committee Meeting of the Whole was conducted on 8 January 2025, wherein the Committee resolved the case by dismissing it for lack of merit. The Committee believes that Complainant 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. It also found that the act of Hon. Gellangarin in 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. The same resolution was adopted by the Members of the Sanggunian in its 132nd Regular Session on 8 January 2025.

The said resolution was received by complainant Gayonga on January 24, 2025. Thereafter, this office received a Motion for Reconsideration on February 3, 2025. The same was referred to the Members of the Sanggunian in its 136th Regular Session on February 5, 2025. The Ad Hoc Committee converged on February 19, 2025 with the City Legal Officer Atty. Clodualdo Subaldo, and thereafter prepared a Committee Report. The said report was read by the Chairperson during the 140th Regular Session of the Sanggunian dated 5 March 2025, which was thereafter adopted by the Honorable Members, by virtue of SP Resolution No. 25-064; to wit:

**THIS MOTION FOR RECONSIDERATION IS DISMISSED OUTRIGHT AS COMPLAINANT AVAILED OF AN IMPROPER REMEDY**

Rule 37 of the Rules of Court defines a motion for consideration as a legal remedy that is available to a party who feels aggrieved by a court's decision or resolution. This motion requests the same court to review and possibly reverse or modify its decision based on the grounds presented. Within the period for taking an appeal, the aggrieved party may move for reconsideration upon the grounds that the damages awarded are excessive, that the evidence is insufficient to justify the decision or final order, or that the decision or final order is contrary to law<sup>1</sup>. In *Valencia (Bukidnon) Farmers Cooperative Marketing Association, Inc. v. Heirs of Cabotaje*, 851 Phil. 95, 104 (2019), a motion for reconsideration is filed to convince the court that its ruling is erroneous and improper, contrary to the law or the evidence, thus affording the court ample opportunity to rectify the same.

On the other hand, appeal is the remedial procedure by which an aggrieved party elevates the decision of a lower court to a higher court for review and reconsideration with a view to having it reversed or modified<sup>2</sup>. Appeal, in the context of administrative cases, as a remedy as well as its procedure, is well defined in the Local Government Code and its Implementing Rules and Procedures, to wit:

---

<sup>1</sup> Rule 37, Rules of Court

<sup>2</sup> Chapter 3, Definition of Terms, FUNDAMENTALS OF DECISION WRITING FOR JUDGES

*"Section 67. Administrative Appeals. - Decisions in administrative cases may, within thirty (30) days from receipt thereof, be appealed to the following:*

- (a) The Sangguniang Panlalawigan, in the case of decisions of the Sangguniang Panlungsod of component cities and the Sangguniang Bayan;*
- (b) The Office of the President, in the case of decisions of the Sangguniang Panlalawigan and the Sangguniang Panlungsod of Highly Urbanized Cities and Independent Component Cities."*

In addition, Section 131 of the Implementing Rules and Regulation of the LGC provides:

*"SECTION 131. Administrative Appeals. - Decisions in administrative cases may, within thirty (30) days from receipt thereof, be appealed to the following:*  
*(a) The sangguniang panlalawigan, in the case of decisions of the sangguniang panlungsod of component cities and the sangguniang bayan;*  
*xxx"*

As averred in her motion for reconsideration, the complainant and/or her counsel seems to have the luxury of time to read the law and up-to-date jurisprudence, even implying that this Body cannot seem to do the same. Hence, we are also in the presumption that she and/or her counsel has the luxury of time to read the Local Government Code of 1991, the backbone of the powers of the Sanggunian, and its Implementing Rules and Regulations. The same clearly and categorically states the procedure for filing of a proper remedy, as stated above.

Moreover, City Ordinance 2008-010, also known as the *"Rules of Procedures in the Conduct of Administrative Investigation Involving Elective Barangay Officials"*, a copy of which was duly furnished to the complainant, categorically states that:

***"RULE 14***  
***Administrative Appeal***

*Section 1. Appeal, where made. - Decisions of the Sanggunian may, within thirty (30) days from receipt thereof, be appealed to the sangguniang panlalawigan whose decision shall be final and executory.*

*Section 2. How to appeal. - The appeal is taken by filing a notice of appeal with the Sanggunian that rendered the decision or final order appealed from. The notice of appeal shall indicate the parties to the appeal, the decision or final order appealed from, and state the material dates showing the timeliness of the appeal.*

*A copy of the notice of appeal shall be served the adverse party and the Sanggunian Panlalawigan.*

*Section 3. Transmittal of original record. - Within fifteen (15) days from receipt of the notice of appeal, the Sanggunian whose decision or final order has been appealed shall transmit to the Sanggunian Panlalawigan the complete original record of the case with each page consecutively numbered and initialed by the custodian of records, together with the exhibits and transcripts, which shall be certified by such custodian as complete. A copy of the letter of transmittal of the records to the sanggunian panlalawigan shall be furnished the parties."*

From the foregoing, it is apparent that no provisions in the Local Government Code, even in its Implementing Rules and Regulations, and the City Ordinance governing the procedure in administrative cases, that grants parties a remedy of a Motion for Reconsideration in an administrative case filed in the Sanggunian level. It is extremely surprising that the complainant and/or her counsel, having great knowledge of the law as enunciated in their motion for reconsideration, has opted with a remedy not found in any of the governing law, ordinance, and rules. It is deeply disappointing that a seemingly well-versed individual in the law would fail to consider this very important process. Accordingly, when a party adopts an improper remedy, the petition may be dismissed outright<sup>3</sup>.

This decision, however, is incomplete without the Honorable Members unanimously expressing their collective discomfort at the highly degrading words elucidated by complainant and her counsel towards this esteemed Body. She had clearly overstepped the bounds of fair play by dangerously and recklessly including in her pleadings, completely irrelevant allegations concerning the positions, character, and behavior of the Honorable Members. Therefore, the SP unanimously attaches to its resolution this stern reminder to Ms. Rona M. Gayonga and her counsel to be more circumspect in their choice of words. She/they are strongly reprimanded, with a stern warning that a repetition of the same or similar incident shall be dealt with more severely.

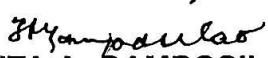
**WHEREFORE**, for availing of an improper remedy, the Motion for Reconsideration filed by Complainant Gayonga in SP Administrative Case No. 2024-01 is hereby **DISMISSED OUTRIGHT**.


**SO ORDERED.**

---

<sup>3</sup> *Medina v. Sps. Lozada, G.R. No. 185303, August 01, 2018*

5 March 2025, City of Himamaylan, Negros Occidental.

  
**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






**CITY OF HIMAMAYLAN**  
**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

**ROUTING AND TRANSMITTAL SLIP**

**SUBJECT: 1. RESOLUTION OF THE AD HOC COMMITTEE (5 MARCH 2025)**  
**2. RESOLUTION NO. 2025-064 (RESOLUTION ADOPTING THE**  
**RESOLUTION OF THE AD HOC COMMITTEE)**

**RE: MOTION FOR RECONSIDERATION OF COMPLAINANT**  
**GAYONGA IN SP ADMINISTRATIVE CASE NO. 2024-01**

No	Office/Department/Name	No. of Copies	Date & Time Received	Receiver's Full Name & Signature
1	<b><u>RONA M. GAYONGA</u></b> (Purok 1, Barangay Sara-et, Himamaylan City, Negros Occidental)	1	3/24/25 2:50 pm	<i>Rona M. Gayonga</i> RONA M. GAYONGA
2	<b><u>HON. FRANCIS M. GELLANGARIN</u></b> (Barangay Kagawad, Barangay Sara-et, Himamaylan City, Negros Occidental)	1	3/24/25 3:00 PM	<i>Francis M. Gellangarin</i> FRANCIS M. GELLANGARIN
3	<b><u>OFFICE OF THE OMBUDSMAN</u></b> (Area for the Visayas, M/ Velez Street, Guadalupe, Cebu City, 6000)	1	<div>REGISTRY RECEIPT</div> <div>Post Office _____ RM 928 871 231 ZZ</div> <div>Letter/Package: </div> <div>Posted on March 24 2025</div>	
4	<b><u>OFFICE OF THE CITY MAYOR</u></b>	1	3/24/25 11:48	<i>Joel Valera Villanueva</i> JOEL VALERA VILLANUEVA
5	<b><u>CITY LEGAL OFFICE</u></b>	1	3/24/25 3:50 PM	<i>Ma. Cecilia Castro</i> MA. CECILIA CASTRO
6	<b><u>DILG</u></b>	1	3-24-25 11:45am	<i>Janice P. Sartica</i> JANICE P. SARTICA

Routed By:

**MARY GRACE B. TONGSON**  
LLSE I, OSP-Records Section