



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 - 002

RESOLUTION

**ADOPTING THE RESOLUTION OF THE COMMITTEE OF THE WHOLE ON THE
DISMISSAL OF ADMINISTRATIVE CASE NO. 2024-02 FILED BY COMPLAINANT JEAN
M. LUCERO AGAINST HON. CHERRIE HOPE M. BELARGA, PUNONG BARANGAY OF
SU-AY, 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 Jean M. Lucero against Hon. Cherrie Hope M. Belarga for "*clear, gross, and deliberate bad faith and for oppression and grave abuse of authority.*";

WHEREAS, in its 122nd Regular Session dated 30 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 her;

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 proposed conflicting resolutions;

WHEREAS, in its 8th Special Session dated 22 November 2024, the SP, by virtue of SP Resolution No. 2024-221, in a majority vote of seven (7) over four (4), determined that the case should be submitted for resolution/decision of the Committee and the Sanggunian by submitting their respective position papers;

WHEREAS, position papers of both parties were received December 2, 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 there is no clear, gross, deliberate bad faith, oppression and grave abuse of authority on the part of Hon. Cherrie Hope M. Belarga;

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

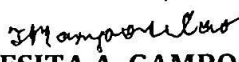
RESOLVED, to adopt the Resolution of the Committee of the Whole on the dismissal of Administrative Case No. 2024-02 filed by Complainant Jean M. Lucero against Hon. Cherrie Hope M. Belarga, Punong Barangay of Su-ay, Himamaylan City;

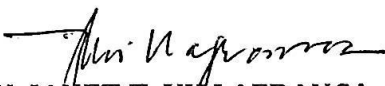
RESOLVED FURTHER, that the said Resolution of the Committee of the Whole be considered as an integral part of this resolution;

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. VILAFRANCA
Member, Ad Hoc Committee

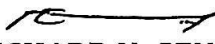

HON. KERWIN L. TONGSON
Member, Ad Hoc Committee


HON. JOHNY 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. JEDALYN KAYE N. PAMPLIEGA
SP Member

ABSTAIN: HON. MICHAEL BERN C. JAVELOSA
SP Member

ABSENT: HON. RICKY T. GENOVA

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 SANGGUNIANG PANLUNGSOD
CITY OF HIMAMAYLAN

JEAN M. LUCERO

Complainant

- versus -

ADMINISTRATIVE CASE. NO. 2024-02

For: Oppression and Grave Abuse of Authority

HON. CHERRIE HOPE M. BELARGA

Respondent

RESOLUTION

This resolves the complaint filed by Jean M. Lucero ("Ms. Lucero") against Punong Barangay of Barangay Su-ay, Himamaylan City, Hon. Cherrie Hope M. Belarga ("Hon. Belarga") for *"clear, gross, and deliberate bad faith and for her willful intent to violate the law or to disregard established rules making her liable for oppression and grave abuse of authority."*

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. 2024-02. The SP referred to City Ordinance No. 08-010, 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.

Thereafter, an Order was served to respondent Hon. Belarga on 3 October 2024 requiring her to submit her 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 (Counter-Affidavit) of Hon. Belarga on 17 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 cause¹ to believe that Hon. Belarga is *"probably guilty for 'clear, gross, and deliberate bad faith and for her willful intent to violate the law or to disregard established rules making her liable for*

¹ Rule 5, City Ordinance No. 08-010

*oppression and grave abuse of authority.*² The same report was adopted by the SP by virtue of SP Resolution No. 2024-211.³ In SP Resolution No. 2024-213, the SP established an Ad Hoc Committee in relation to the investigation of the said case.⁴ It is also noteworthy that a member of the SP and husband of the respondent, Hon. Samuel R. Belarga, submitted a letter to the Secretary of the Sangguniang Panlungsod on 30 October 2024, voluntarily inhibiting himself from any participation in this case, by reason of conflict of interest.

A Preliminary Conference⁵ 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.*

The Committee strongly encouraged both parties and their counsels to enter into amicable settlement as per mandate of Section 3, Rule 7 of the above mentioned Ordinance. After due deliberations, the parties proposed conflicting resolutions, to wit:

1. Ms. Lucero with her counsel is inclined to proceed with the formal investigation, following Rule 8 of the Ordinance, to give ample opportunity to both parties to confront and cross-examine their witnesses; while,
2. Hon. Belarga with her counsel is appealing to submit the case for resolution/decision of the Committee and the Sanggunian by submitting their respective position papers for purposes of expediency, following Section 5, Rule 7 of the Ordinance.

The Committee then recommended submitting the decision to the Honorable Members of the Sanggunian. In its 8th Special Session dated 22 November 2024, the SP, by virtue of SP Resolution No. 2024-221, in a majority vote of seven (7) over four (4), determined that the case should be submitted for resolution/decision of the Committee and the Sanggunian by submitting their respective position papers. Further, the issues were limited to the following:

1. *Whether the act of a Punong Barangay issuing a Barangay Summons for a case that involves his/her person constitutes a "clear, gross, and deliberate bad faith and for oppression and grave abuse of authority"?*
2. *Whether the act of a Punong Barangay to sit as chairman of the Lupon Tagapamayapa in a case that involves his/her person constitutes a "clear, gross, and deliberate bad faith and for oppression and grave abuse of authority"?*

² Committee Report, Committee of the Whole; 29 October 2024

³ 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"

⁴ 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

⁵ Section 1, Rule 7, City Ordinance No. 08-010

3. Whether the act of a Punong Barangay to both preside over and actively participate in proceedings of the Lupon Tagapamayapa constitutes a "*clear, gross, and deliberate bad faith and for oppression and grave abuse of authority*"?

Thereafter, orders were sent to both parties requiring them to submit their respective position papers. The same papers were received by the SP on 2 December 2024. On 11 December 2024 (128th Regular Session), copies of the said papers were furnished to all Members of the SP for their reference. On 18 December 2024 (129th Regular Session), the Committee requested that a Committee Meeting of the Whole be conducted on 8 January 2025 to deliberate the said matter.

FACTS OF THE CASE

As synthesized from the Complaint and Position Papers of Ms. Lucero and that of the Answer and Position Papers of Hon. Belarga, hereunder are the facts:

VERSION OF THE COMPLAINANT

On June 26, 2024, Complainant Ms. Lucero, built a structure intended for her sari-sari store in Purok RD, Barangay Su-ay, Himamaylan City, Negros Occidental. On July 3, 2024, in the afternoon, Ms. Lucero received a Summons from respondent Hon. Belarga, Punong Barangay of Su-ay, Himamaylan City for her to appear on July 4, 2024 at 9 o'clock in the morning for the complaint of Hon. Cherrie Hope M. Belarga and her siblings, Kenneth F. Maravilla, Dale F. Maravilla, and Sharon F. Maravilla, against her.

Ms. Lucero attended the conference on July 4, 2024 together with her live-in partner, her mother, and a family friend. Before entering the Session Hall, the Barangay Secretary, Gemma Quindo, told her that *she has to keep quiet even if Hon. Belarga shouts at her*. She was the only one allowed to enter the session hall, while her other companions were requested to stay outside the Session Hall.

On the scheduled conference, Hon. Belarga together with her siblings appeared. Hon. Belarga as Punong Barangay, and at the same time, one of the complainants, presided over and actively participated in the mediation/conciliation conference. She even told Ms. Lucero that *she will not step down as the head of the Lupon and she will preside over the mediation/conciliation conference*. Ms. Lucero admitted that she built the structure, but only did so after an authority was given to her by Mr. Benjie Figueora, the person who manages the lot where the store was built. It is noteworthy to point out that Mr. Benjie Figueroa and Hon. Belarga and her siblings are not in good terms. The family of Hon. Belarga filed a case against Mr. Figueroa and is pending before the Municipal Trial Court in Cities, Himamaylan City.

Hon. Belarga then insisted, by shouting at Ms. Lucero, on the fact that the structure was unauthorized and that whether Ms. Lucero likes it or not, she will have the sari-sari store destroyed/demolished by a tractor. After which, she added that it will be Ms. Lucero's house that is next to be destroyed. Mr. Kenneth F. Maravilla then added that they will have her mother, Merlinda Lucero, imprisoned. Unnecessary remarks were even said against her mother, saying that when she is dead, the Maravilla Family will

not allow her to be buried in Su-ay Public Cemetery in Himamaylan City because they own the land.

With these, Ms. Lucero felt hurt, harassed, and intimidated by the actions of Hon. Belarga and her siblings. To stop them from further harassing her and insulting her mother, Ms. Lucero was forced to sign an agreement saying that she will voluntarily demolish her sari-sari store. When she arrived home, there was already a tractor⁶ beside the structure she was building, ready to destroy her sari-sari store. She then immediately asked her laborers to stop with the construction and demolish the said structure.

VERSION OF THE RESPONDENT

Hon. Belarga, one of the owners of the Figueroa lot, observed an unauthorized construction on the property on July 3, 2024, while passing RD Road in Barangay Su-ay, Himamaylan City. She approached the construction site and found that Ms. Lucero was supervising the construction of a sari-sari store. Hon. Belarga informed Ms. Lucero to stop the construction and later informed her siblings, Sharon Maravilla Castillo, Dale Maravilla and Kenneth Maravilla, of the matter. Hon. Belarga and her siblings inherited the lot from their mother, Phoebe Figueroa Maravilla. They then sought mediation at the barangay level in order to address the issue formally. The barangay then issued a summons to Ms. Lucero on that same day.

Barangay Conciliation was held on July 4, 2024, at the Barangay Hall Conference Room, attended by Hon. Belarga and her siblings as complainants, the members of the Lupon Tagapamayapa, and the Barangay Secretary. Before the session started, Hon. Belarga, as the Punong Barangay and Lupon Chairman, clarified her role and emphasized the mediation's objective of impartiality, focusing on achieving a voluntary and mutual agreement rather than assigning fault. She also informed everyone present that her role as Lupon Chairman is merely incidental to the matter despite being one of the complainants. During the session, Ms. Lucero claimed authorization through Mr. Benjie Figueroa's execution of a Special Power of Attorney in favor of her mother. Ms. Lucero, however, failed to show a written document to that effect. Complainants then informed Ms. Lucero that Benjie Figueroa never had the authority to manage the lot.

At the conciliation hearing, Ms. Lucero voluntarily agreed to demolish the structure, the agreement⁷ being documented, read aloud, and signed by all parties, confirming it was reached without coercion. However, on July 7, 2024, construction resumed, violating the said signed written agreement. The barangay took further steps, including summoning the parties to reinforce the terms and securing a notice from the Office of the Building Official that it has not issued a Building Permit to the complainant, hence, it is an illegal construction.⁸

⁶ Exhibit "C" of the Position Paper of Complainant Jean M. Lucero

⁷ Signed Agreement; July 3, 2024, Attached in the Counter-Affidavit of Hon. Belarga

⁸ Annex 5; Notice of Illegal Construction dated 11 July 2024, Office of the Local Building Official, City of Himamaylan

ISSUE/S

1. Whether the act of a Punong Barangay issuing a Barangay Summons for a case that involves his/her person constitutes a "*clear, gross, and deliberate bad faith and for oppression and grave abuse of authority*"?
2. Whether the act of a Punong Barangay to sit as chairman of the Lupon Tagapamayapa in a case that involves his/her person constitutes a "*clear, gross, and deliberate bad faith and for oppression and grave abuse of authority*"?
3. Whether the act of a Punong Barangay to both preside over and actively participate in proceedings of the Lupon Tagapamayapa constitutes a "*clear, gross, and deliberate bad faith and for oppression and grave abuse of authority*"?

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.

THE SUMMONS ISSUED BY HON. BELARGA FOR A CASE THAT INVOLVES HER PERSON IS PART OF HER DUTIES AS PUNONG BARANGAY

Section 410 (b) of the Republic Act No. 7160, otherwise known as the Local Government Code of 1991, states:

"(b) Mediation by lupon chairman - Upon receipt of the complaint, the lupon chairman shall within the next working day summon the respondent(s), with notice to the complainant(s) for them and their witnesses to appear before him for a mediation of their conflicting interests...."

From the foregoing provision, it is clear that Hon. Belarga's act of issuing a summon against Ms. Lucero is but a procedural step in the process of seeking out an amicable settlement and is part of her duties as Punong Barangay of Barangay Su-ay, Himamaylan City. Nowhere in the said summons show malicious intent of Hon. Belarga to harass her. This procedural act, in line with the provisions of the Local Government Code, cannot be said to establish "*clear, gross, and deliberate bad faith and for oppression and grave abuse of authority*".

HON. BELARGA, AS THE LUPON CHAIRMAN, PRESIDING OVER AND ACTIVELY PARTICIPATING IN A CASE INVOLVING HER PERSON, IS ONLY AN INCIDENTAL ASPECT OF HER OFFICIAL DUTIES AS PUNONG BARANGAY

The second and third issues in this case will be discussed together for being closely related. In discussing these issues, it is relevant to note the nature of barangay proceedings.

The barangay justice system, also known as the Katarungang Pambarangay (KP), was formally established through Presidential Decree No. 1508 in 1978 and later integrated into the Local Government Code. It has been described by the Supreme Court in the case of Quiros, et. al v. Arijona (G.R. No. 158901) as one that *“provides for a mechanism for conciliation where party-litigants can enter into an agreement in the barangay level to reduce the deterioration of the quality of justice due to indiscriminate filing of court cases.”* Its primary purpose is to decongest the formal court system by addressing disputes through amicable settlements facilitated by community leaders. The barangay justice system encourages disputing parties to seek resolutions that restore relationships and promote community cohesion, reflecting the Filipino values of reconciliation, solidarity, and respect for authority.⁹

The barangay justice system is operated under the leadership of the Barangay Captain, who also chairs the Barangay Justice Council or Lupon Tagapamayapa. The Lupon Tagapamayapa is composed of between 10 and 20 members appointed by the Barangay Captain, often individuals recognized within the community for their integrity, impartiality, and wisdom. These Lupon members act as conciliators or mediators in disputes, leveraging local knowledge and personal relationships to foster trust and cooperation between the parties involved.¹⁰

From the foregoing, Hon. Belarga’s position as Punong Barangay and Chairman of the Lupon cannot be said to have substantially resulted in any bias or undue advantage in the resolution of the case. There were several other Lupon members present during the conference, showing that it has conformed to the nature and condition of a barangay proceeding to be community-driven and participatory. As a result, a compromise agreement signed by all parties was reached - an indication that the proceeding was conducted in a manner that allowed for voluntary agreement, without oppression or grave abuse of authority.

Even assuming *arguendo* and following generally accepted standards of behavior of public officials, that Hon. Belarga should have inhibited to any participation in the case that involves her person, **there is nothing in the Local Government Code - or any law for that matter - that explicitly requires a Lupon Chairman to recuse herself solely on the grounds of being a complainant.** *“Delicadeza is not mandatory.”*¹¹ The law only emphasizes the role of the Lupon in facilitating amicable settlements, allowing the Chairman to participate as long as the process remains fair and just.

This decision, however, is incomplete without the SP Members unanimously expressing their collective discomfort at the highly irregular behavior displayed by Hon. Belarga in the exercise of her discretion as Punong Barangay in this case. Therefore, the SP unanimously attaches to its resolution this stern reminder to Hon. Belarga as well as any other Barangay Official in the City who may attempt to disregard customary

⁹ Kararungang Pambarangay: A Handbook; 2004; Philippines-Canada Local Government Support Program (LGSP)

¹⁰ Barangay Justice System and Community Conflict Resolution in the Philippines; Respicio & Co.

(<https://www.lawyer-philippines.com/articles/barangay-justice-system-and-community-conflict-resolution-in-the-philippines>)

¹¹ Hon. Kerwin L. Tongson, Excerpt from the Minutes of the Closed Door Committee Meeting of the Whole, 8 January 2025.


courtesies, respectful behavior, and social conventions that uphold propriety in official acts and decisions. It is, likewise, unanimously agreed that future acts of any Barangay Official, under the administrative jurisdiction of the SP, which undermines conventionally accepted standards of behavior of public officials will be dealt with severely and in favor of liberally upholding Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees.

WHEREFORE, finding no clear, gross, deliberate bad faith, oppression and grave abuse of authority, SP Administrative Case No. 2024-02 is hereby **DISMISSED FOR LACK OF MERIT**. Respondent Hon. Cherrie Hope M. Belarga is sternly warned to be more circumspect and that a repetition of the same or similar incident shall be dealt with more severely.

SO ORDERED.

8 January 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


HON. JOHNY T. ADES
SP Member


HON. PABLO M. LIBO-ON
SP Member


HON. MARIE ANTOINETTE R. LIMSIACO
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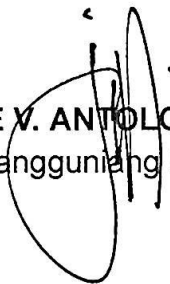

HON. JEDALYN KAYE N. PAMPLIEGA
SP Member

ABSTAIN: HON. MICHAEL BERN C. JAVELOSA
SP Member

ABSENT: HON. RICKY T. GENOVA
SP Member

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