



Office of the Sangguniang Panlungsod

DISTRICT I

HON. CATHERINE SARINO-EVARISTO  
City Councilor

HON. MICHAEL E. SOLIS  
City Councilor

HON. ADRIELITO G. GAWARAN  
City Councilor

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Liga ng mga Barangay President

HON. MAC RAVEN ESPIRITU  
SK Federation President

ATTY. KHALID A. ATEGA, JR.  
Sangguniang Panlungsod Secretary

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA  
City Vice Mayor

Approved:

HON. STRIKE B. REVILLA  
City Mayor

CITY RESOLUTION NO. 2022-142

Series of 2022

A RESOLUTION RESPECTFULLY RECOMMENDING TO THE CITY MAYOR, HON. STRIKE B. REVILLA, THE PREVENTIVE SUSPENSION OF PUNONG BARANGAY FE M. ANG OF BARANGAY QUEENS ROW CENTRAL FOR SIXTY (60) DAYS PENDING THE CONCLUSION OF THE INVESTIGATION ON THE COMPLAINT FILED AGAINST HER BY MS. MARICAR A. DIONISIO OF QUEENS ROW SUBDIVISION INC.

Sponsored by:

Hon. Reynaldo D. Palabrica

Co-Sponsored by:

Hon. Roberto L. Advincula, Hon. Ramon N. Bautista, Hon. Simplicio G. Dominguez, Hon. Mac Raven Espiritu, Hon. Catherine Sarino-Evaristo, Hon. Reynaldo M. Fabian, Hon. Adrielito G. Gawaran, Hon. Victorio L. Guerrero, Jr., Hon. Alejandro F. Gutierrez, Hon. Rogelio M. Nolasco, Hon. Alde Joselito Pagulayan, Hon. Michael E. Solis and Hon. Levy M. Tela.

**WHEREAS**, on September 22, 2022, the Sangguniang Panlungsod received a letter signed by Maricar A. Dionisio, the Chairperson of Queens Row Subdivision, Inc. (QRSI), requesting the investigation of Punong Barangay Fe M. Ang (hereafter referred to as "PB Ang" for brevity) of Barangay Queens Row Central, Bacoor City, Cavite for the latter's alleged issuance of a Barangay Clearance for the operation of an amusement center or "peryahan" in QRSI's property without requiring the consent or approval of the latter. The said Barangay Permit was issued in favor of Regie & Regine Rides, Games and Amusement Center ("RRR").

**WHEREAS**, on September 24, 2022, Aldrin Medina Iringen, the co-owner of RRR, executed a sworn affidavit where he averred that, on September 19, 2022, he personally offered to give PB Ang a donation of P100,000.00 and various gifts to the barangay in exchange for the issuance of a Barangay Clearance. Mr. Iringen also averred that, in the same meeting, PB Ang accepted the offer.

**WHEREAS**, the Committee on Ethics conducted hearings on the matter on September 29 and October 6, 2022. PB Ang was present in both hearings.

**WHEREAS**, on October 14, 2022, Vice Mayor Rowena Bautista-Mendiola issued an Order directing PB Ang to execute a sworn affidavit with the assistance of counsel regarding the testimony she made during the hearings conducted by the Committee on Ethics.



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City Mayor

**WHEREAS**, on December 9, 2022, PB Ang, with the assistance of counsel, executed an affidavit in which PB Ang averred that she did not receive any monetary consideration for the issuance of the Barangay Clearance. Moreover, PB Ang argued in said affidavit that, although she issued the Barangay Clearance, it is "of no issue" since it is the City Mayor, through the Business Permit and Licensing Office (BPLO) that ultimately authorizes a business to operate within the City.

**WHEREAS**, PB Ang's averment in her affidavit that she did not receive any monetary consideration for the issuance of the Barangay Clearance is contradicted by her testimony in the hearing conducted before the Committee on Ethics on October 6, 2022, in which she testified that when she met Mr. Iringen on September 19, 2022, she issued a Barangay Clearance after the P100,000.00 donation to the barangay was offered by Mr. Aldrin without first informing the Sangguniang Barangay of Queensrow Central. Even if she did not personally receive any money, it cannot be said that the agreement for the issuance of the Barangay Clearance was made without any monetary consideration.

**WHEREAS**, the agreement entered into by Mr. Iringen and PB Ang cannot even be considered a donation. The Supreme Court has held in the case of *Tuzon and Mapagu vs. Court of Appeals and Jurado* (G.R. No. 90107, August 21, 1992) that when a "donation" is treated as a condition precedent to the issuance of a business permit, it is not a donation since this goes against the nature of a donation as an act of liberality which is never obligatory.

**WHEREAS**, although it is true that the ability of a business to operate in the City of Bacoor is ultimately determined by the City Mayor through his/her issuance of a Mayor's Permit, Section 126 of the Revenue Code of Bacoor (hereafter referred to as "Revenue Code" for brevity) requires that all businesses applying for a new business permit must first secure a Barangay Business Clearance. Moreover, Section 127 of the Revenue Code states that the application of a business for a Mayor's Permit may be denied on the ground that the applicant fails to comply with any ordinance relating to the issuance of such permit. Reading Section 126 and 127 together yields the conclusion that the application for a Mayor's Permit may be denied on the ground that the applicant has failed to secure a Barangay Clearance.

**WHEREAS**, the foregoing considered, PB Ang's argument — that the issuance of the Barangay Permit is not an issue since the Barangay Permit is not the determining factor in the issuance of a Business Permit by the City Mayor through the BPLO — is untenable. PB Ang's issuance of the Barangay Clearance is one of the factors considered in the issuance of a Mayor's Permit.

**WHEREAS**, under Section 60 of Republic Act No. 7160 or the Local Government Code of 1991, an administrative complaint may



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City Vice Mayor

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City Mayor

be filed on the grounds of dishonesty, oppression, misconduct in office, and abuse of authority, among others.

**WHEREAS**, although not stated in the letter from Ms. Dionisio from QRSI and in the Sworn Affidavit executed by Mr. Iringen, the facts alleged in these documents indubitably leads to the conclusion that PB Ang is being accused of dishonestly, misconduct, and abuse of authority.

**WHEREAS**, under Section 61 of the Local Government Code of 1991, an administrative complaint against an elective barangay official shall be filed before the Sangguniang Panlungsod concerned whose decision shall be final and executory.

**WHEREAS**, although the letter from Ms. Dionisio dated September 22, 2022 was not denominated as a "complaint," the form and allegations contained therein substantially complied with the requirements of a complaint.

**WHEREAS**, the Sangguniang Panlungsod of the City of Bacoor is not a court of law, and is thus not required to strictly comply with the Rules of Court, especially with respect to the Rules governing the form of pleadings and complaints.

**WHEREAS**, in view of the gravity of the allegation leveled against PB Ang and the need to delve deeper into certain issues raised during the afore-mentioned hearings, the Committee on Ethics requested the Sangguniang Panlungsod for more time to continue its investigation and recommended the preventive suspension of PB Ang for sixty (60) days in the meantime.

**WHEREAS**, under Section 63 of the Local Government Code of 1991, a preventive suspension may be imposed by the City Mayor if the respondent is an elective official of the barangay at any time after the issues are joined, when the evidence of guilt is strong, and given the gravity of the offense, there is 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 records and other evidence: Provided, That, any single preventive suspension of local elective officials shall not extend beyond sixty (60) days: Provided, further, That in the event that several administrative cases are filed against an elective official, 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.


**NOW THEREFORE**, upon motion of Hon. Reynaldo D. Palabrica, unanimously seconded by the rest of the Body, **BE IT RESOLVED AS IT IS HEREBY RESOLVED** by the 5<sup>th</sup> Sangguniang Panlungsod of the City of Bacoor, Cavite to recommend to the City Mayor to preventively suspend PB Ang for sixty (60) days pending the resolution of the complaint filed against her.

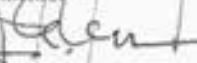


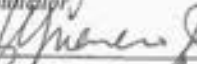
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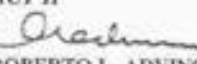
  
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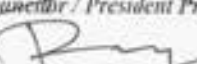
  
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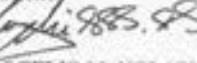
  
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City Vice Mayor

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HON. STRIKE B. REVILLA  
City Mayor

**RESOLVED, FURTHER**, to furnish Punong Barangay Fe M. Ang, Ms. Maricar Dionisio, and Mr. Aldrin Iringen with copies of this Resolution.

**RESOLVED LASTLY**, to furnish the Office of the City Mayor, the Department of Interior and Local Government, the University of the Philippines-Office of the National Administrative Register (UP-ONAR), and other government agencies concerned with copies of this Resolution.

**APPROVED** on the 12<sup>th</sup> day of December 2022 at the City of Bacoor, Cavite by the Sangguniang Panlungsod of the City of Bacoor, Cavite.


*I hereby certify that the foregoing Resolution is true and correct and that it was passed in accordance with law.*

Certified by:

  
HON. ROWENA BAUTISTA-MENDIOLA  
City Vice Mayor/Presiding Officer

Attested by:

  
ATTY. KHALID A. ATEGA JR.  
Sangguniang Panlungsod Secretary

  
HON. STRIKE B. REVILLA  
City Mayor

Date of Approval: 05 JAN 2023