



PAMAHALAANG BAYAN NG TAYTAY
TANGGAPAN NG SANGGUNIAN BAYAN

**EXCERPT FROM THE MINUTES OF THE 37th REGULAR SESSION OF
THE 9TH SANGGUNIAN BAYAN, TAYTAY, RIZAL, HELD ON APRIL 8,
2014 AT THE SESSION HALL OF THE MUNICIPAL BUILDING,
TAYTAY, RIZAL**

PRESENT:

Hon. Carlito G. Gonzaga	-	Vice Mayor/Presiding Officer
Hon. Jan Victor B. Cabitac	-	Councilor
Hon. Archie L. Calderon	-	"
Hon. Sharon DL. Macabebe	-	"
Hon. Michell B. Bermundo	-	"
Hon. Sophia Priscilla L. Cabral	-	"
Hon. Ceferino R. Resurreccion, Jr.	-	"
Hon. Kristofer Charls S. Esguerra	-	"
Hon. Joseph Z. Valera	-	LnB President

Authored/ Sponsored by: Coun. Sharon De Leon- Macabebe
Coun. Jan Victor B. Cabitac
Coun. Sophia Priscilla L. Cabral
Coun. Kristofer Charls S. Esguerra
LnB President Joseph Z. Valera

RESOLUTION NO. 129

**REQUESTING THE LOCAL CHIEF EXECUTIVE, THE MUNICIPAL
MAYOR, HONORABLE JANET DE LEON-MERCADO TO IMPLEMENT
RESOLUTION #212 SERIES OF 2012 OF THE SANGGUNIAN
PANLALAWIGAN OF RIZAL**

WHEREAS, it is imperative to this Sangguniang Bayan to act upon and make stand of the Sangguniang Panlalawigan Resolution #212 series of 2012" A Resolution Reviewing FY 2012 Supplemental Budget No. 1 under appropriation Ordinance No.9, series 2012 of the Municipality of Taytay, Province of Rizal involving the amount of One Hundred Seventy Million (Php 170,000,000.00) pesos;

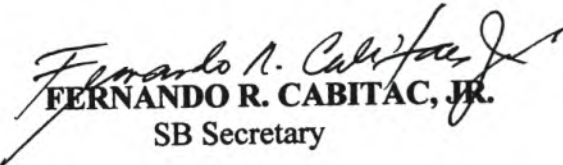
WHEREAS, this Sangguniang Bayan is obliged to the responsibilities of this Sangguniang Panlalawigan Resolution;

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved by the Sangguniang Bayan of Taytay, Rizal duly assembled in session hereby request the Local Chief Executive, the Municipal Mayor, Honorable Janet De Leon-Mercado to implement Resolution #212 series of 2012 of the Sangguniang Panlalawigan of Rizal;

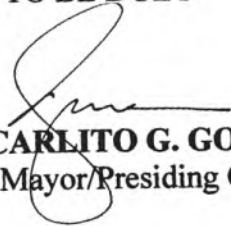
RESOLVED FURTHER, that copies of this resolution be furnished to all concerned for their information and appropriate action;

ADOPTED, this 8th of April, 2014 at the Session Hall of the Municipal Building, Taytay, Rizal.

I HEREBY CERTIFY, to the correctness of the foregoing Resolution which was duly adopted by the Sangguniang Bayan of Taytay during its 37th Regular Session held on April 8, 2014.


FERNANDO R. CABITAC, JR.
SB Secretary

ATTESTED AND CERTIFIED TO BE DULY
ADOPTED BY HIS HONOR


HON. CARLITO G. GONZAGA
Vice Mayor/Presiding Officer

PROPOSED RESOLUTION NO. 268, s. 2012

Introduced by: BM RONALD R. BARCENA
Sponsored by: The Committee on Appropriations

RESOLUTION NO. 212 , s. 2012

**A RESOLUTION
REVIEWING FY 2012 SUPPLEMENTAL BUDGET NO. 1 UNDER
APPROPRIATION ORDINANCE NO. 9, S. 2012 OF THE MUNICIPALITY
OF TAYTAY, PROVINCE OF RIZAL
INVOLVING THE AMOUNT OF ONE HUNDRED SEVENTY MILLION
(Php170,000,000.00) PESOS.**

WHEREAS, on 12 October 2011, the Sangguniang Bayan of Taytay, Rizal has adopted Resolution No. 109, s. 2011, entitled: "Authorizing the Honorable Mayor George Ricardo R. Gacula II to negotiate and enter into a Memorandum of Agreement with the Landbank of the Philippines in the amount of One Hundred Seventy Million Pesos (Php170,000,000.00) for the construction of New Taytay Public Market";

WHEREAS, the Municipal Government of Taytay has applied for a loan which was subsequently approved by the Landbank of the Philippines;

WHEREAS, on 26 March 2012, a complaint was filed by Hon. VM Janet DL. Mercado, Councilors Ian Victor B. Cabita, Carlito G. Gonzaga and Joselito Calderon against Hon. Councilors Allan Martine S. De Leon, Archie L. Calderon, Glenviano G. Valera, Anastacio C. Alcantara, Kristofer Charls S. Esguerra, Michell B. Bermundo and Ma Jeca B. Villanueva for Abuse of Authority, Usurpation of Power, Misconduct In Office and Conduct Unbecoming of Public Officials and the counter-charges against Complainant Vice-Mayor Janet De Leon-Mercado, for abuse of authority, dereliction of duties and conduct unbecoming of a presiding officer;

WHEREAS, out of the proceeds of the above-mentioned loan, and on the basis of Resolution No. 109, s. 2011, on 04 July 2012, the Municipal Government of Taytay, Rizal through its Sangguniang Bayan enacted **Appropriation Ordinance No. 9, s. 2012, entitled: " Approving Supplemental Budget No. 1. An ordinance appropriating the amount of Php170,000,000.00) from the proceeds of Loan with Landbank of the Philippines to the initial construction of Taytay Public Market-Building A of this municipality;**

WHEREAS, on 13 August 2012, the Sangguniang Panlalawigan of Rizal has adopted Resolution No. 173, s. 2012, entitled: "**A RESOLUTION RENDERING A DECISION IN ADMINISTRATIVE CASE NO. 02-12, ENTITLED JANET DE LEON-MERCADO, JAN VICTOR B. CABITAC, CARLITO G. GONZAGA, and JOSELITO CALDERON, COMPLAINANTS, VERSUS ALLAN MARTINE S. DE LEON, ARCHIE L. CALDERON, GLENVIANO G. VALERA, ANASTACIO V. ALCANTARA, KRISTOFER CHARLS S. ESGUERRA, MICHELL B. BERMUNDO and MA. JECA B. VILLANUEVA, RESPONDENTS**";

WHEREAS, pursuant to the said decision of the Sangguniang Panlalawigan, under Resolution No. 173. s. 2012, it was discussed therein, part of which is hereto quoted as follows:

xxx "The ensuing "continuation" of session on the same day deserves abhorrence not only because of the violation of the Internal Rules of Procedures but simply on the obvious intention of the respondents in invoking their supremacy or strength in numbers, to disregard respect not to complainant Mercado but to the position she holds and represent. The same is true, when respondents in the absence of the Regular Presiding Officer in 12 October 2011 session amended the Minutes of the 05 October 2011 session and eventually passed the questioned Resolution No.109. Nowhere in the presented minutes and journal did respondents attempt to amend or suspend the Internal Rules of Procedure they themselves approved and adopted. Worst, is the failure of Temporary Presiding Officer Hon. Councilor Kristofer Charls Esguerra, in a Regular Session held on 6 February 2012, to immediately relinquish the Chair upon arrival of the Regular Presiding Officer.

Needless to say, all these incidents were allowed and tolerated in an orchestrated manner by all of the respondents. To rule otherwise, will permit the tyranny of the majority a dangerous precedent and obviously wrong interpretation of the spirit of democracy. Aptly stated in Article 19 of Civil Code, *"Every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith."*

Further, respondents were found to have committed violation of the intricate ethical standards amounting to misconduct. Respondents transgressed the norms of conduct as elected local legislators in the guise of supremacy of the majority. As elected officials, they are expected to observe the highest standards of unwritten rule of actions worthy of public respect. Otherwise, the very structure which they ought to protect and serve will wither to the detriment of the system.

"An empty sack will not stand upright." A Sangguniang Bayan whose members are in chaos and do not respect the rights of the minority will never be an effective Sanggunian." xxx

WHEREAS, thus, it is clear that there are procedural and substantial defects/infirmities in the passage of Resolution No. 109, s. 2011, which is one of the basis of the loan of the Municipality of Taytay, Rizal and Ordinance No. 9, s. 2012;

NOW, THEREFORE, THAT, in as much as the Sangguniang Panlalawigan of Rizal would like to consider, on review the passage of Appropriation Ordinance No. 9, s. 2012, approving Supplemental Budget No. 1, FY 2012 of the Municipal Government of Taytay, Rizal, and based on the above-mentioned considerations, the Sangguniang Panlalawigan of Rizal hereby Resolved, as it is hereby Resolved, returning FY 2012 Supplemental Budget No. 1, under Appropriation Ordinance No. 9, s. 2012 of the Sangguniang Bayan of Taytay, Rizal to make the necessary adjustments and cure its procedural and substantial defects/infirmities, in accordance with the provisions of R. A 7160, otherwise known as the Local Government Code of 1991 and its Internal Rules of Procedures;

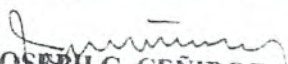
Resolved further, and in the interest of the public, transparency and accountability, advising the Municipal Government of Taytay, Rizal, to hold in abeyance the implementation of FY 2012 Supplemental Budget No. 1.

Resolved finally, to furnish copies of this Resolution all concerned for their information and appropriate action.

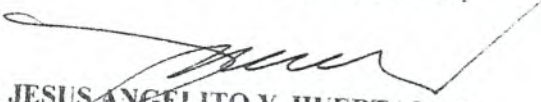
This Resolution shall take effect upon its approval.

ADOPTED, this 17TH day of September 2012, Rizal Provincial Capitol, Antipolo City.

CERTIFIED APPROVED, TRUE AND CORRECT:


JOSEPH G. CEÑIDOZA
Provincial Board Secretary

ATTESTED:


ATTY. JESUS ANGELITO Y. HUERTAS, JR.
Board Member, 2nd District of Antipolo
Temporary Presiding Officer

ENTRIFIED 1804