



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
REGION XIII (CARAGA REGION)
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DILG-13 OPINION NO. 19

July 15, 2013

Hon. CRISTINA M. CAMBA
Vice Mayor
Hinatuan, Surigao del Sur

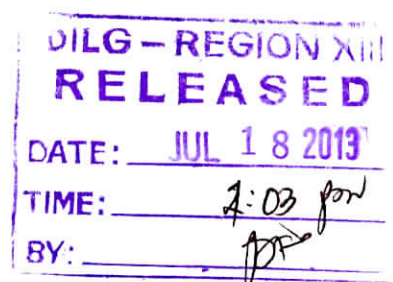
Dear Hon. Camba:

This refers to your letter dated July 9, 2012 seeking opinion on the following issues:

- 1) Whether the sanggunian as a quasi-judicial body can hear cases that involved R.A. No. 3019 or the Anti-Graft and Corrupt Practices Act (which we presumed is criminal in nature) knowing that the sanggunian would only hear administrative offenses as embodied in RA 7160;
- 2) Can a counsel of the defendant allowed to appear in an administrative hearing that fails to submit reply of the complaints against them without the regulatory period; and
- 3) Is the barangay council authorized to dismiss an appointed barangay official who fails to religiously perform their duties as provided in the local code?

With regards to your first query, we have the so-called threefold liability rule. Under the "threefold liability rule," any act or omission of any public official or employee can result in criminal, civil, or administrative liability, each of which is independent of the other (Fajardo vs. Office of the Ombudsman, G.R. No. G.R. No. 173268, August 23, 2012). Thus, in violation of Anti-Graft and Corrupt Practices Act against elective barangay officials, the sangguniang bayan has jurisdiction to hear the administrative case while the criminal and civil cases shall be separately lodged before the appropriate courts through the Office of the Ombudsman.

In your second query, we answer in the affirmative. Section 65 of the Local Government Code of 1991 states:




Section 65, Rights of Respondent – The respondent shall be accorded full opportunity to appear and defend himself in person or by counsel x x x.

It is very clear that the option to obtain the services of counsel lies at the discretion of the respondents. The sanggunian bayan cannot bar the respondents to exercise such right even if they are declared in default for failure to answer the complaint within the prescribed period.

For your third query, we answer in the affirmative, the Supreme Court ruled in *Alquizola vs. Ocol* (G.R. No. 132413, August 27, 1999) that the dismissal of appointive barangay officials needs the concurrence of the members of sangguniang barangay.

We hope to have clarified you on this matter.

Very truly yours,


LILIBETH A. FAMACION, CESO IV
Regional Director X