



Republic of the Philippines
CITY COUNCIL
Quezon City
15th City Council
52nd Regular Session

PR2002-338

RESOLUTION NO. SP-**1954**-2002

A RESOLUTION DECLARING ALL CASES PENDING AT THE SPECIAL INVESTIGATION COMMITTEE ON ADMINISTRATIVE CASES AGAINST ELECTIVE BARANGAY OFFICIALS, DISMISSED FOR HAVING BEEN RENDERED MOOT AND ACADEMIC.

Introduced by Councilors JESUS MANUEL C. SUNTAY, JORGE L. BANAL, VINCENT P. CRISOLOGO, BERNADETTE HERRERA-DY, ANTONIO E. INTON, JR., ERIC Z. MEDINA ROMMEL R. ABESAMIS, AIKO MELENDEZ-YLLANA, RAMON P. MEDALLA, ALLAN BUTCH T. FRANCISCO, JULIAN M.L. COSETENG, WENCEROM BENEDICT C. LAGUMBAY, DANTE M. DE GUZMAN, ALMA F. MONTILLA, JANET M. MALAYA, RESTITUTO B. MALANGEN and XYRUS L. LANOT.

WHEREAS, by reason of recently concluded Barangay elections last July 15 2002, the pending administrative cases before this Committee have become moot and academic, either because the respondents-officials lost/did not run in the last elections, or were re-elected.

WHEREAS, insofar as those respondents who lost/did not run in the last election, the cases against them have become moot and academic for the reason that no administrative sanction can be imposed against them upon expiration of their term of office on August 15, 2002, assuming that they are found administratively liable

WHEREAS, insofar as those respondents who were re-elected, the cases against them, likewise, have become moot and academic by virtue of the decision of the Supreme Court in the leading case of Aguineldo vs Santos, 212 SCRA 768, cited hereunder, viz:

In the case of Rodolfo E. Aguineldo versus Hon. Luis Santos, G. R. No. 94115 promulgated on August 21, 1992 (212 SCRA 768), the Supreme Court had occasions to rule that "... Petitioner's reelection to the position of Governor of Cagayan has rendered the administrative case pending before us moot and academic. It appears that after the canvassing of votes petitioner garnered the most number of votes among the candidates for the governor of Cagayan province ...". Citing the cases in Aguineldo versus COMELEC, et.al., (G.R. Nos. 105128-30), the Supreme Court continued by saying that "... Considering the facts narrated, the expiration of the petitioner's term of office during which the acts charged were allegedly committed, and his

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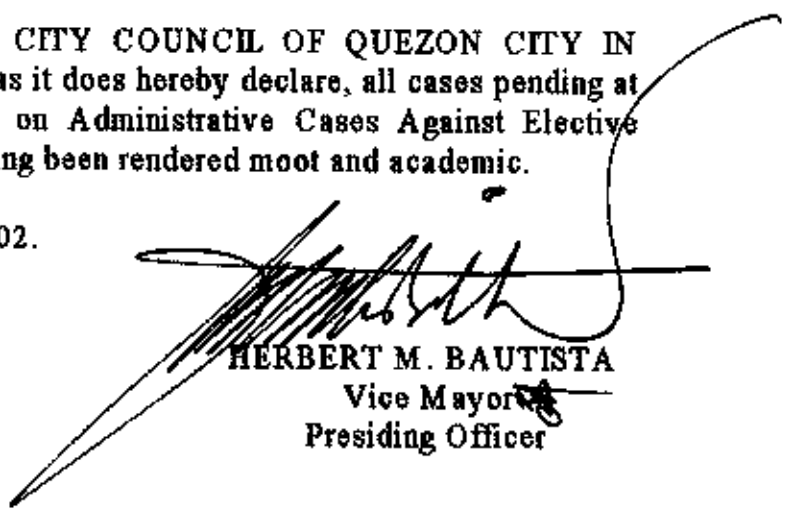
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subsequent reelection, the petition must be dismissed for the reason that the issue has become academic." Likewise, citing the case of Lizaros versus Hechanova, et al. 17 SCRA 58, it said that "... (T)he court should never remove a public officer for acts done prior to his present term of office. To do otherwise would be to deprive the people of their right to elect their officers. When the people have elected a man to office, it must be assumed that they did this with knowledge of his life and character, and that they disregarded or forgave his fault of misconduct, if he had been guilty of any. It is not for the court, by reason of such fault or misconduct, practically over rule the will of the people."

NOW, THEREFORE,

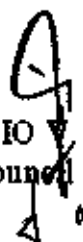
BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED, to declare, as it does hereby declare, all cases pending at the Special Investigation Committee on Administrative Cases Against Elective Barangay Officials, dismissed for having been rendered moot and academic.

ADOPTED: November 26, 2002.



HERBERT M. BAUTISTA
Vice Mayor
Presiding Officer

ATTESTED:



EUGENIO V. JURILLA
City Council Secretary

CERTIFICATION

This is to certify that this Resolution which was APPROVED on Second Reading on November 26, 2002, was CONFIRMED by the City Council on December 3, 2002.



EUGENIO V. JURILLA
City Council Secretary