



Republic of the Philippines  
 Province of Davao Oriental  
**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**  
 SP Complex, Government Center, Dahican  
 CITY OF MATI



EXCERPTS FROM THE MINUTES OF THE 125<sup>TH</sup> REGULAR SESSION OF THE 17<sup>TH</sup> SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON WEDNESDAY, NOVEMBER 20, 2024, AT THE CITY OF MATI, THIS PROVINCE.

**PRESENT:**

Hon. Nelson R. Dayanghirang, Jr. Vice Governor – Presiding Officer

**Regular Members:**

**District I**

Hon. Anna Cheryl N. Castro  
 Hon. Art Benjie C. Bulaong  
 Hon. Andy A. Monday

**District II**

Hon. Harold A. Montes  
 Hon. Rotchie M. Ravelo  
 Hon. Daud V. Linsag

**Ex-Officio Members:**

Hon. Joselito B. Villademoso

President, Philippine Councilors League (PCL) - Davao Oriental Chapter  
 Indigenous Peoples Mandatory Representative (IPMR)  
 Sangguniang Kabataan Provincial Federation President (SKPPF)

Hon. Eleuterio C. Manaytay

Hon. Shanine C. Lintogonan

**ABSENT:**

Hon. Shella Marie S. Go  
 Hon. Stephen Paul L. Uy

SP Member, District II  
 SP Member, District II – OB – City of Mati

Hon. Marietta D. Palmera  
 Hon. Michelle M. Centeno

SP Member, District I – OB – Boston  
 SP Member, District I – OB – Boston  
 President, Liga Ng Mga Barangay (LNB) Davao Oriental Chapter – OB – Davao City

Hon. Jossone Michael G. Dayanghirang

**RESOLUTION NO. 17-1116-11-2024**

Author : Hon. Harold A. Montes

Sponsor : Hon. Harold A. Montes

**A RESOLUTION DISMISSING THE ADMINISTRATIVE CASE NO. 17-02-2024, "DEMETRIO F. LEONES, JR., VERSUS MUNICIPAL COUNCILOR CAPISTRANO "DENNIS" V. ROFLO, JR. OF THE MUNICIPALITY OF LUPON, DAVAO OPRIENTAL, FOR DISHONESTY AND GRAVE MISCONDUCT" FOR LACK OF SUBSTANTIAL EVIDENCE, LACK OF MERIT AND ON THE GROUNDS OF PRESCRIPTION.**

**WHEREAS**, under Republic Act No. 7160 (the Local Government Code of 1991), the Sangguniang Panlalawigan exercises a quasi-judicial function that allows it to preside over administrative cases involving elected local officials who have committed offenses. This function is crucial for holding public officials accountable for their actions and ensuring ethical behavior in government. By adjudicating cases involving misconduct or violations of law, the Sanggunian upholds the principles of good governance and maintains public trust in the integrity of local government officials. This

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quasi-judicial role serves as a check and balance on the power of elected officials, ensuring that they are held to account for their actions;

**WHEREAS**, on June 24 2024, the Sangguniang Panlalawigan Support Services Office received a copy of a Verified Administrative Complaint filed by **Demetrio F. Leones, Jr., (Complainant)** a resident of Purok 1, Tanguige Bucana, Barangay Piso Proper, Municipality of Banaybanay, against the incumbent **Municipal Councilor Capistrano "Dennis" V. Roflo, Jr., (Respondent)** of the Municipality of Lupon, Davao Oriental;

**WHEREAS**, this administrative case was initially filed before the **Deputy Ombudsman for Mindanao**, which subsequently forwarded the matter to the **Sangguniang Panlalawigan**, through its First Indorsement, dated April 1, 2024, for appropriate action and resolution;

**WHEREAS**, the case, docketed as SP Administrative Case No. 17-02-2024 was referred to the **Committee on Good Government, Ethics, Accountabilities, and Human Rights** for review and appropriate action;

**WHEREAS**, the Committee on **Good Government, Ethics, Accountabilities, and Human Rights**, on June 26, 2024, required the respondent to submit their verified answer within fifteen (15) days from receipt of the notice, as mandated under Section 62 and Article 126 of the Implementing Rules and Regulations of RA 7160. The said Answer was submitted by the Respondent on July 11, 2024, with the prayer to declare him NOT GUILTY of the charges against him, and the instant case be dismissed for utter lack of merit and forum shopping;

**WHEREAS**, on July 17, 2024, the Committee conducted a pre-hearing conference which was attended by both parties. After the failure to reach an amicable settlement between both parties, the hearing proceeded with the stipulation of facts, simplification of issues, and presentation and marking of evidences;

**WHEREAS**, on July 31, 2024, upon the recommendation of the Committee, the Sangguniang Panlalawigan approved a resolution convening itself sitting En Banc as Investigating Body to exercise its Quasi-Judicial functions in resolving the said administrative case pursuant to Sections 60-66 of RA 7160;

**WHEREAS**, on October 16, 2024 on its 3<sup>rd</sup> Administrative Hearing, having a quorum, the hearing proceeded with the examination of the witness;

**WHEREAS**, on November 20, 2024, this Sangguniang Panlalawigan convened as Quasi-Judicial Body, has deemed the hearings terminated pursuant to Section 66(a) of RA 7160, and shall render its DECISION based on pleadings and documentary evidences submitted by the parties thereof;

**WHEREAS**, on September 4, 2005, a vehicular accident occurred that resulted in the death of Neal Marcus E. Leones, with Fitzgerald L. Santos as the driver and Jose Mario T. Palma Gil as the vehicle owner;

**WHEREAS**, following the accident, an agreement was made on September 7, 2005, and officially recorded in the police blotter (Exhibit 2), outlining terms of financial assistance and the establishment of a foundation for underprivileged children in memory

of the victim, with the agreement being signed in the presence of Municipal Councilor Capistrano "Dennis" V. Roflo Jr., who acted solely as a witness;

**WHEREAS**, nineteen years after the accident, the Complainant alleged that the terms of the settlement were not fulfilled and accused Municipal Councilor Capistrano "Dennis" V. Roflo Jr. of dishonesty and grave misconduct, contending that he used his influence to mislead the victim's family into signing the said agreement;

**ISSUES:**

**WHEREAS**, the issue at hand is whether Municipal Councilor Capistrano "Dennis" V. Roflo Jr. is GUILTY of Dishonesty with Grave Misconduct and thus, should be held administratively liable;

**WHEREAS, Dishonesty**, as defined in the case of **Office of the Ombudsman v. PS/Supt Rainier Espina (G.R. No. 213500, March 15, 2017)**, is the "disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity," which requires proof of a deliberate intent to mislead or deceive. Dishonesty must be established by substantial evidence, demonstrating that the accused knowingly engaged in deceitful behavior to achieve a wrongful purpose; In this case, there is no proof that Municipal Councilor Capistrano "Dennis" V. Roflo, Jr. intentionally misled the victim's family or made any false representations. His role was limited to witnessing the agreement, and there is no evidence showing he participated in any deception;

**WHEREAS, Grave Misconduct** is described in the same case as "wrongful, improper, or unlawful conduct motivated by a premeditated, intentional purpose," and it is considered grave when it involves corruption, clear intent to violate the law, or a flagrant disregard for established rules. Both dishonesty and grave misconduct necessitate clear, convincing, and credible evidence showing the respondent's malicious and unlawful conduct; In this case, being a mere witness to the settlement does not constitute grave misconduct;

**WHEREAS**, the Complainant has not presented any substantial evidence to establish that Municipal Councilor Capistrano "Dennis" V. Roflo, Jr. engaged in dishonest, wrongful, improper, or unlawful conduct. The records as based on the documentary evidence of the complainant merely show that Municipal Councilor Capistrano "Dennis" V. Roflo, Jr. was present as a witness to the agreement. There is no indication in the police blotter or any other documentary evidence to suggest that he used his influence to deceive or coerce the victim's family;

**WHEREAS**, the evidence submitted by the Complainant does not include the actual compromise agreement document. At the very least, the agreement was only mentioned in the police blotter, which merely recorded the existence of the settlement but did not provide the full terms or show any irregularity in how it was entered into. The absence of the agreement document itself weakens the Complainant's case, as it fails to establish any clear or specific violation attributable to Municipal Councilor Capistrano "Dennis" V. Roflo, Jr.;

**WHEREAS**, in **Tomas G. Velasquez, et al. v. Helen B. Hernandez (G.R. No. 150732, August 31, 2004)**, the Supreme Court underscored that substantial evidence refers to "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." In this case, the Sangguniang Panlalawigan finds that the allegations are unfounded, as the Complainant's documentary evidence is irrelevant to the administrative matters at hand. Moreover, these allegations lack corroboration

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through concrete evidence that directly connects the Respondent, Municipal Councilor Capistrano "Dennis" V. Roflo, Jr., to any misconduct in his official capacity. As such, the evidence presented falls short of meeting the evidentiary standard required for administrative cases;

**WHEREAS**, it is crucial to underscore that the **Sangguniang Panlalawigan** is not a trial court empowered to ascertain the factual circumstances surrounding the compliance with the settlement agreement. Its jurisdiction is confined to administrative matters, and its decision must be based on the substantial evidence presented. The question of whether the terms of the settlement agreement were fulfilled is a separate issue that should be addressed in the appropriate judicial or quasi-judicial forum, involving the parties to the agreement, including the witness Municipal Councilor Capistrano "Dennis" V. Roflo, Jr.;

**WHEREAS**, the lapse of nineteen (19) years before the complainant brought this case to the Ombudsman and then to the Sangguniang Panlalawigan is significant and detrimental to the Complainant's position. The long delay in pursuing the case has caused it to **prescribe**, rendering any claim against the respondent legally and procedurally defective. Prescription laws are in place to ensure that cases are brought to the proper authorities within a reasonable time, thus preventing the unfair disadvantage of respondents who may no longer have the means to defend themselves adequately due to the passage of time;

**WHEREAS**, given the lack of substantial evidence, the absence of proof of intentional wrongdoing by Municipal Councilor Capistrano "Dennis" V. Roflo, Jr., and the long delay in filing the complaint, it is clear that the case against him lacks merit and should be dismissed;

**WHEREFORE**, on motion of SP Member Harold A. Montes, duly and jointly seconded by SP Members Daud V. Linsag, Andy A. Monday, Eleuterio C. Manaytay, Shanine C. Lintogonan, Anna Cheryl N. Castro, and Art Benjie C. Bulaong, it was

**RESOLVED**, as it is hereby resolved, **DISMISSING THE ADMINISTRATIVE CASE NO. 17-02-2024, "DEMETRIO F. LEONES, JR., VERSUS MUNICIPAL COUNCILOR CAPISTRANO "DENNIS" V. ROFLO, JR. OF THE MUNICIPALITY OF LUPON, DAVAO OPRIENTAL, FOR DISHONESTY AND GRAVE MISCONDUCT" FOR LACK OF SUBSTANTIAL EVIDENCE, LACK OF MERIT AND ON THE GROUNDS OF PRESCRIPTION;**

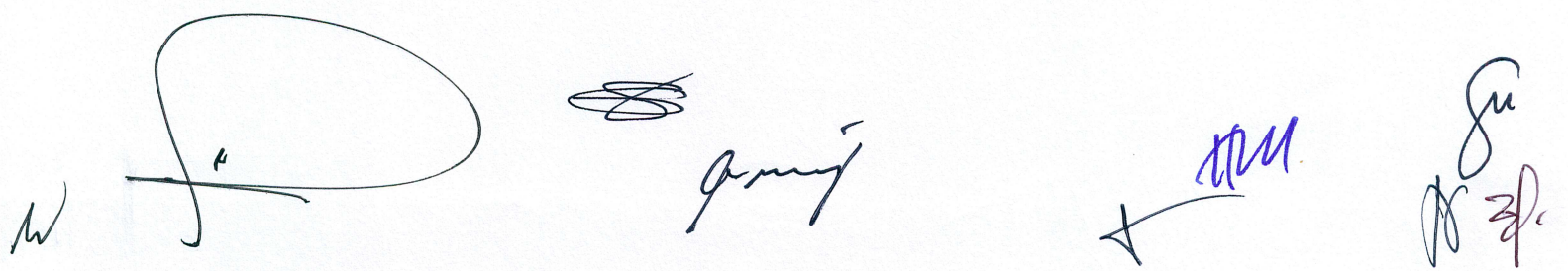
**RESOLVED, FINALLY**, That copies of this resolution be furnished: Honorable Capistrano "Dennis" V. Roflo, Jr., Municipal Councilor of Lupon, and Mr. Demetrio F. Leones, Jr., Barangay Piso Proper, Banaybanay, of this Province, for their information.

**CARRIED AND APPROVED.**

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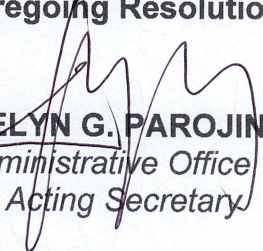
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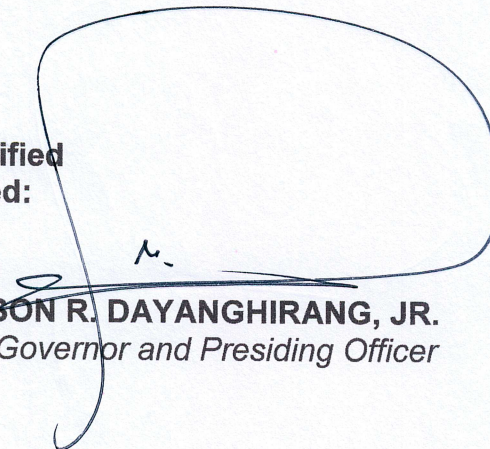


Handwritten signatures of the officials mentioned in the resolution, including Harold A. Montes, Daud V. Linsag, Andy A. Monday, Eleuterio C. Manaytay, Shanine C. Lintogonan, Anna Cheryl N. Castro, and Art Benjie C. Bulaong.

I hereby Certify to the Correctness  
of the foregoing Resolution.

  
**GENELYN G. PAROJINOG**  
*Administrative Office V  
Acting Secretary*

Attested and Certified  
to be duly Adopted:

  
**NELSON R. DAYANGHIRANG, JR.**  
*Vice Governor and Presiding Officer*

Conformed:

HON. ANNA CHERYL N. CASTRO  
HON. HAROLD A. MONTES  
HON. ROTCHIE M. RAVELO  
HON. ART BENJIE C. BULAONG  
HON. DAUD V. LINSAG  
HON. ANDY A. MONDAY  
HON. JOSELITO B. VILLADEMOSA  
HON. ELEUTERIO C. MANAYTAY  
HON. SHANINE C. LINTOGONAN

