



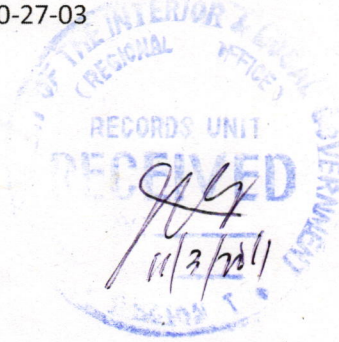
REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

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November 02, 2011

VICTORIANO N. TORRES, JR.
Brgy. Ballogo
Bacnotan, La Union

Sir:

This has reference to your letter asking this Office if you have any administrative remedy against Edward Espe, a Brgy. Council in your Barangay based from the decision of the MTC, Bacnotan, La Union who found Mr. Espe guilty of Slander and directed to pay a fine of Php 200.00 and moral damages in the sum of Php 10,000.00.

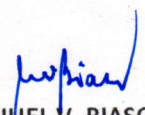
The answer is in the affirmative. The crime committed by the accused, Edward Espe is Slander which is a crime against honor under the Revised Penal Code of the Philippines. It is also considered as an offense involving moral turpitude depending on the evidence presented.

In Black's Law Dictionary, moral turpitude is "an act of baseness, vileness, or depravity in the private duties which a man owes his fellow men, or to society in general, contrary to the accepted and customary rule of right and duty between man and woman, or conduct contrary to justice, honesty, modesty, or good morals. This definition, however, is very broad that even the Courts of the Philippines have no specific rule with which a crime or an offense is considered as one involving moral turpitude.

Now, under Section 60 of the Local Government Code, it provides that an elective official may be disciplined, suspended, or removed from office on any of the following grounds: (d) Commission of an offense involving moral turpitude. Taking the above mentioned definition, the commission itself of an offense involving moral turpitude is already a ground for disciplinary actions under the Local Government Code of the Philippines. Hence, a simple written complaint against the Barangay Kagawad should be filed before the Sangguniang Bayan of your Municipality.

However, the filing of an administrative complaint does not automatically suspend or remove the elective official concerned. A hearing is mandatory in order to ensure due process of law.

We hope we had addressed your concern.


MANUEL V. BIASON, CESO III
Regional Director *f*