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REPUBLIC OF THE PHILIPPINES  
 Province of Leyte  
**Sangguniang Panglalawigan (SP)**  
 New Leyte Provincial Capitol  
 Palo, Leyte  
 -oOo-

**MESIAS P. AREVALO,**  
 Complainant, ADMIN. CASE NO. \_\_\_\_\_

FOR:  
 Dishonesty, Oppression,  
 Misconduct in Office, Gross  
 Negligence, Dereliction of Duty,  
 abuse of authority under Section 7  
 of the Revised Internal Procedure of  
 the Sangguniang Panlalawigan (SP) of  
 the Province of Leyte, Philippines,

-versus-

Violation of Republic Act No. 3019  
 (Anti-Graft and Corrupt Practices  
 Act), R.A. 6713 (Code of Conduct  
 and Ethical Standards for Public  
 Officials and Employees), Section 9,  
 21 and 22 of the R.A. No. 11032  
 otherwise known as the Ease of  
 Doing Business and Efficient  
 Government Service Delivery Act of  
 2018

**RAMON C. OÑATE,**  
 Respondent,  
 x- - - - -x

**COMPLAINT**

1. **MESIAS P. AREVALO**, of legal age, married, Filipino, and a resident of Arellano St., Central 3, Palompon, Leyte where summons, subpoena and other processes of this Honorable Office may be served.
2. Respondent **RAMON C. OÑATE** is the incumbent Mayor of the Municipality of Palompon, Leyte, Philippines, and can be served with summons, subpoena and other processes of this Honorable Office at the Office of the Mayor, Municipal Hall, Palompon, Leyte.

## FACTUAL ANTECEDENTS

Illegal enforcement of Executive Order (EO) No. 01, Series of 2023 issued by the Respondent for the latter's failure to have the EO reviewed and approved by the Provincial Governor and concurrence by the Sangguniang Panlalawigan (SP) of the Province of Leyte

3. On January 4, 2023 at around 4 o'clock in the afternoon in Brgy. Tabunok, Palompon, Leyte, while the complainant's driver, Bryan Cotejo Cajeras, was driving the complainant's dump truck with plate number CCO 1844 loaded with washed sand legitimately purchased from the Industrial Sand and Gravel operator in the person of Erwin Lagancia, in Kananga, Leyte, along the highway in Brgy. Tabunok, he was illegally prohibited by an LGU employee in the person of Ranulfo Andales a.k.a "Dodong Andales" to traverse the road going to his destination in Brgy. Cantuhaon, Palompon, Leyte.
4. Mr. Andales forced Mr. Cajeras to unload the washed sand against his will in the shoulder portion of the national highway, just across the church in Barangay Tabunok, Palompon, Leyte despite of the fact that Mr. Carejas showed to him the Delivery Receipts (DRs) which was duly issued to the complainant by Mr. Lagancia who is a legitimate operator of sand and gravel business in Kananga, Leyte.
5. Mr. Cajeras explained to Mr. Andales that all documents needed to transport said washed sand are complete but no avail. Instead, Mr. Andales threatened, intimidated and pressured Mr. Cajeras that he would not be allowed to proceed to his destination should he not unload the washed sand.
6. Mr. Andales was accompanied by three (3) unidentified men without authority from the DENR or Provincial Government of Leyte Task Force on Sand and Gravel. The copy of the blotter is hereto attached for your reference as **Annex A** and the **Delivery Receipts** as **Annexes B** and **series**.
7. The photo of the washed sand that was forcibly unloaded in the above-mentioned place are hereto attached as **Annex C**.
8. Mr. Cajeras was also pressured, intimidated and forced to sign a document at the Brgy. Hall of Brgy. Tabunok, Palompon, Leyte alleging among others that they voluntarily unloaded said washed sand.
9. Mr. Ranil Pacaldo who came to the rescue of Mr. Cajeras was

also forced to sign said document at the said Brgy. Hall because Mr. Andales threatened that they would seize the dump truck. The copy of the Affidavit of Mr. Cajeras is hereto attached as **Annex D**.

10. Further, the Punong Barangay of Brgy. Tabunok, Palompon, Leyte who exerted pressure also on Mr. Cajeras and Pacaldo is the fourth degree relative by consanguinity with the wife of respondent Ramon C. Oñate (Mayor Oñate) in this case.

11. On that ill-fated day, Mr. Andales reasoned out that he was enforcing the Executive Order No. 1, Series of 2023 that the respondent Mayor Oñate allegedly issued. The photo of the signage of the checkpoint is hereto attached as **Annex E**.

12. On January 23, 2023, the complainant wrote a letter to the respondent complaining about the incident that Mr. Andales and his companion did to Mr. Cajares, and further, asked for a copy of the Executive Order (EO) No. 1, Series of 2023 that he issued that established several check points in the Municipality of Palompon, Leyte. The copy of said letter is hereto attached as **Annex F**.

13. On February 8, 2023, the complainant received the respondent's letter-reply where the latter affirmed that he issued the aforesaid EO. Sections 1 and 2 of said EO is hereunder reproduced for easy reference:

"Section 1. Strict Monitory on the Compliance in Securing Prerequisite Permits and Clearances from Leyte Provincial Environment and Natural Resources Office (PENRO) and Mines ang Geosciences Bureau Region 8 (MGB R8) Concerning the Transport and Transfer of Sand and Gravel from any part of Leyte to the Municipality of Palompon.

The transport and transfer of sand and gravel from any party of Leyte to the municipality of Palompon is hereby strictly monitored. As used in this Order, it means that all sand and gravel to be transported and transferred to the municipality of Palompon shall have prerequisite permits and clearances particularly from the concerned offices stated above.

Section 2. Penalties for violation. Failure to present these permits and clearances when asked at the municipal border check point shall constitute as a violation of this Order and trucks or any form of transportation equipment carrying/loading sand and gravel shall not be

allowed to enter in any territorial jurisdiction of Palompon, Leyte.”

14. The copy of said Letter-Reply of the respondent and his EO is hereto attached as **Annexes G** and **H**, respectively.

15. Under the Local Government Code of the Philippines (LGC), particularly Section 138 provides:

**SEC. 138. Tax on Sand, Gravel and Other Quarry Resources.**  
- The province may levy and collect not more than ten percent (10%) of fair market value in the locality per cubic meter of ordinary stones, sand, gravel, earth, and other quarry resources, as defined under the National Internal Revenue Code, as amended, extracted from public lands or from the beds of seas, lakes, rivers, streams, creeks, and other public waters within its territorial jurisdiction. The permit to extract sand, gravel and other quarry resources shall be issued exclusively by the provincial governor, pursuant to the ordinance of the sangguniang panlalawigan. The proceeds of the tax on sand, gravel and other quarry resources shall be distributed as follows...”

16. Based on said provision of the LGC, it is only the Provincial Government that is vested with the power to regulate the extraction of sand, gravel and other quarry resources within the territorial jurisdiction of the Province. Component Cities and Municipalities, like the Municipality of Palompon, Leyte, are bereft of such power.

17. The aforesaid EO was issued by the respondent as his means to harass legitimate businessmen who did not support him during the last elections. It has been a public knowledge in Palompon, Leyte, that the respondent closed business establishments and did not renew the business permits of his political opponents and that of the latter’s supporters

18. Further, on January 23, 2023, the complainant made inquiries with the Office of the Provincial Governor of Leyte and the Sangguniang Panlalawigan (SP) of Leyte whether the respondent has submitted a copy of said EO for review and approval by the Governor and concurrence by the SP of the Province of Leyte, and it was found out that he did not submit the same to said offices. The copy of the certification of the Office of the Governor and SP of Leyte is hereto attached as **Annexes I** and **J**.

19. Sections 29 and 30 of the 1991 Local Government Code (LGC) of the Philippines provide:



SEC. 29. Provincial Relations with Component Cities and Municipalities. - The province, through the governor, shall ensure that every component city and municipality within its territorial jurisdiction acts within the scope of its prescribed powers and functions. Highly urbanized cities and independent component cities shall be independent of the province.

SEC. 30. Review of Executive Orders. - (a) Except as otherwise provided under the Constitution and special statutes, the governor shall review all executive orders promulgated by the component city or municipal Mayor within his jurisdiction. The city or municipal Mayor shall review all executive orders promulgated by the punong barangay within his jurisdiction. Copies of such orders shall be forwarded to the governor or the city or municipal Mayor, as the case may be, within three (3) days from their issuance. In all instances of review, the local chief executive concerned shall ensure that such executive orders are within the powers granted by law and in conformity with provincial, city, or municipal ordinances. (b) If the governor or the city or municipal Mayor fails to act on said executive orders within thirty (30) days after their submission, the same shall be deemed consistent with law and therefore valid.  
(Emphasis supplied)

20. In implementing the above-quoted provision of the LGC, article 59 of Rule XII of the IRR of the 1991 LGC of the Philippines also provides,

“Art. 59. General Supervision of the Province Over Component Cities and Municipalities...

(b) The scope of supervision by the province over component cities and municipalities shall include, but not limited to, the following:

(1) The governor shall review executive orders issued by the mayor of the component city or municipality, subject to the concurrence of the sangguniang panlalawigan, except as otherwise provided under the Constitution and special statutes. If the governor and the sangguniang panlalawigan fail to act on said executive orders within thirty (30) days from receipt thereof, the same shall be deemed

consistent with the law and therefore valid.”  
(Emphasis supplied)

21. Since the respondent has not submitted the aforesaid EO for the Governor’s review and approval, and SP’s concurrence, said EO should have not been enforced as it miserably fails to comply with the requirement of the LGC.

22. Further, as can be gleaned from the Letter-Reply of the respondent, he is mum and silent in so far as his violation to the afore-stated provisions of LGC.

**Political harassment by the respondent against his political opponents and the latter’s supporters after he assumed office as Mayor**

23. Since the respondent assumed as Mayor of Palompon, Leyte in the afternoon of June 30, 2022, the complainant’s businesses have been subjected to several harassments by the respondent.

24. On July 11, 2022, the respondent directed the complainant to explain in writing why he constructed a gasoline station in an area zone as agricultural land. The copy of said Show Cause Order dated July 11, 2022 is hereto attached as **Annex K**.

25. On July 12, 2022, the complainant replied that said the construction of said gasoline station was with building permit and zoning clearance. He also called the respondent’s attention to Section 23 of Municipal Ordinance No. 424-070518 also known as “An Ordinance adopting (or amending) the integrated zoning regulations of the Municipality of Palompon and providing for the administration, enforcement and amendment thereof and for the repeal of all ordinances therewith”, which provides that:

“Section 23: Agricultural Land Conservation and Preservation Criteria:

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However, Agricultural Lands parallel to the National, Provincial and Barangay roads within 200 meters are hereby declared as **residential areas and as far as practicable and beneficial use for institutional and agro-industrial purposes...**” (Emphasis supplied)

26. The copy of my July 12, 2022-letter reply is hereto attached as **Annex L**.

27. On July 18, 2022, the respondent, again, issued another show cause order. This time he directed the complainant to submit an Environmental Compliance Certificate (ECC). The copy of said July 18, 2022-show cause order is hereto attached as **Annex M**.

28. In compliance with said second show cause order, the complainant replied in writing to the respondent where the former attached the copy of the Certificate of Non-Coverage (CNC-OL-R08-2017-03-00182). The complainant further explained in his letter that ECC is not application to the construction of the gasoline station. The copy of said letter dated July 19, 2022 is hereto attached as **Annex N**.

29. Not satisfied with the complainant's letter-reply to respondent's second show cause order, the latter again issued another letter on August 17, 2022 directing the complainant to submit the Certificate of Compliance (CoC) from the Department of Energy (DOE) in relation to the operation of my gasoline station. The copy of said directive issued by the respondent on August 17, 2022 is hereto attached as **Annex O**.

30. In reply to said August 17, 2022-directive, the complainant called the respondent's attention that since Cozy Gas Station started its operation in 2017, it was duly issued with Business Permit. Based on the Citizen Charter for the issuance of Business Permit/Mayor's Permit found and posted on the Transparency Board of the BPLS of the Municipality of Palompon, Leyte, COC is not one of the prerequisite or preconditioned permits before the issuance of Business Permit/Mayor's Permit. The copy of the complainant's reply to said August 17, 2022-directive is hereto attached as **Annex P**.

31. The complainant also emphasized that the business permit of said gasoline station has been consistently renewed up to the present. He also cited section 21 of the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 provides:

*"Sec. 21. Violations and Persons Liable. – Any person who performs or cause the performance of the following acts shall be liable:*

*"(b) Imposition of additional requirements other than those listed in the Citizen's Charter;"*  
(Emphasis supplied)

*Deliberate inaction on the part of the respondent on the application for the renewal of the business permits of the complainant's businesses for 2023*

32. Not contented with his malevolent ways in harassing the supporters of his political opponents, he deliberately refused, through his subordinates, the processing of the complainant's application for the renewal of the business permits of his businesses and that of his children.

33. On January 6, 2023, when the complainant's Attorney-in-Fact duly equipped with Special Power of Attorney (SPA), in the person of TERESA P. OLORVIDA of Brgy. San Isidro, Palompon, Leyte, came personally to the Office of Mr. Christopher Montebon, who is respondent's Municipal Planning and Development Officer, to process the renewal of the business permit of COZY GAS STATION, MESMAR General Merchandise and MATEO Enterprises. However, he did not act on said application.

34. Ms. Olorvida personally handed over all the required documents to start the process of the renewal of said business permit on January 6, 2023, but he did not act on it. Before she went to the Office of Mr. Montebon at the Municipal Planning and Development Office (MPDO), she visited the Business Permits and Licensing Office (BPLO) first which assessed the documents if the same were complete and then, came to Office of the Building Official (OBO) that referred her to MPDO to begin with the process of the renewal of business permits as per BPLO's citizen charter.

35. The MPD Officer was supposed to act on the documents presented for his conformity with and endorsement to Municipal Treasurer's Office (MTO) for the payment of the corresponding fees, unfortunately, **HE DID NOT ACT ON THESE APPLICATIONS FOR RENEWAL**, but instead, he brought the complainant's Attorney-in-Fact to the respondent's office, and who directed Ms. Olorvida to inform the complainant and his children to personally appear before the respondent's office, as a condition for him to act on the application for the renewal of the business permits of the complainant and his children.

36. The copy also of the Certificate of Appearance issued by Mr. Montebon on January 6, 2023 certifying that Ms. Olorvida was in his office to process the renewal of complainant's business permits is hereto attached as **Annex Q**, while the copy of the SPA is hereto attached as **Annexes R** and series.

37. On January 12, 2023, Ms. Olorvida came back to MPDO bringing again all the required documents attached to the letter of the complainant which reiterated his application for renewal of his business permit. Mr. Montebon accepted said letter with attached documents but instructed Ms. Olorvida to come back after break. She came back as per instruction, but to her dismay, the letter with the required documents were returned to her without written approval or disapproval.

38. The copy of said letter and its attachments are hereto attached as **Annex S** and series, while the Affidavit of Ms. Olorvida and the audio and video recording made by Ms. Olorvida when she delivered the pertinent documents for the renewal of said business permits are hereto attached as **Annexes T and U** and series, respectively.

39. After the said refusal of Mr. Montebon, on the same day, the complainant sent the said letter via registered mail together with all of its attachments which are the complete and relevant documents necessary for the renewal of said business permits. The copy of the registry receipt is hereto attached **Annex V**.

40. On January 17, 2023, the complainant received the return card of said mail matter. The copy of the said return card is hereto attached as **Annex W**.

41. Based on the Return Card of said mail matter, the letter with its attachment that reiterated the complainant's application for the renewal of said business permits was received by Mr. Montebon on January 17, 2023.

42. Despite of the receipt of the said letter with the complete and required documents by Mr. Montebon on January 17, 2023 which demanded to act on said application for the renewal of business permits, until now **MR. MONTEBON DID NOT ACT** on the same.

43. Based on the Citizen Charter of the BPLO for the renewal of business permit, the BPLO will assess the application if the required documents are complete. Then, the BPLO will endorse it to the concerned office, which in this case, the complainant's attorney-in-fact was referred to the MPDO for its endorsement to Municipal Treasurer's Office for the payment of the corresponding fees.

44. Unfortunately, despite of the several follow-ups made on the application for the renewal of our business permits, up to this date, no action whether approval or disapproval in writing that MPDO issued to the complainant and to his children.

45. **Almost ONE (1) MONTH has passed** since the letters of application with complete documents for the renewal of complainant's business permits were received by MPDO via registered mail, the MPDO has not acted on it. He also did not issue a written disapproval on said application.

46. Instead, on February 7, 2023, the complainant and his children received three (3) separate Cease and Desist Order dated February 1, 2023 which directed the complainant and his children to cease and desist

from operating their businesses. The copy of said Cease and Desist Orders is hereto attached as **Annex X** and series.

### LAWS AND RULES VIOLATED

#### Violation of Sections 29 and 30 of the 1991 Local Government Code (LGC) of the Philippines and Article 59 of Rule XII of the IRR of the 1991 LGC of the Philippines

47. Based on the foregoing, it is very clear that the respondent violated sections 29 and 30 of the 1991 Local Government Code (LGC) of the Philippines and Article 59 of Rule XII of the IRR of the 1991 LGC of the Philippines.

48. To reiterate, sections 29 and 30 of the 1991 LGC of the Philippines state that:

*“SEC. 29. Provincial Relations with Component Cities and Municipalities. - The province, through the governor, shall ensure that every component city and municipality within its territorial jurisdiction acts within the scope of its prescribed powers and functions. Highly urbanized cities and independent component cities shall be independent of the province.*

*SEC. 30. Review of Executive Orders. - (a) Except as otherwise provided under the Constitution and special statutes, the governor shall review all executive orders promulgated by the component city or municipal Mayor within his jurisdiction. The city or municipal Mayor shall review all executive orders promulgated by the punong barangay within his jurisdiction. Copies of such orders shall be forwarded to the governor or the city or municipal Mayor, as the case may be, within three (3) days from their issuance. In all instances of review, the local chief executive concerned shall ensure that such executive orders are within the powers granted by law and in conformity with provincial, city, or municipal ordinances.*

*(b) If the governor or the city or municipal Mayor fails to act on said executive orders within thirty (30) days after their submission, the same shall be deemed consistent with law and therefore valid.” (Emphasis supplied)*

49. The IRR the above-quoted provision of the LGC, particularly article 59 of Rule XII also provides that:

“Art. 59. General Supervision of the Province Over Component Cities and Municipalities...

(b) The scope of supervision by the province over component cities and municipalities shall include, but not limited to, the following:

(1) *The governor shall review executive orders issued by the mayor of the component city or municipality, subject to the concurrence of the sangguniang panlalawigan*, except as otherwise provided under the Constitution and special statutes. If the governor and the sangguniang panlalawigan fail to act on said executive orders within thirty (30) days from receipt thereof, the same shall be deemed consistent with the law and therefore valid.” (Emphasis supplied)

50. The respondent immediately enforced the EO No. 01, series of 2023 after he issued the same on January 3, 2023 without complying with the requirements under the LGC.

51. The respondent, being a veteran Mayor, is knowledgeable of the laws that require him to forward the copy of said EO within three (3) days from the date of the issuance thereof to the Office of the Governor for the latter’s review and approval or disapproval and for SP’s concurrence or non-concurrence.

52. In this case, the respondent clearly and intentionally violated said Law just to satisfy his malevolent desires to hurt the complainant. The certifications of the Office of the Governor and the Office of the Secretary of SP issued on January 23, 2023 prove that the respondent did not forward said EO to said offices for their action.

53. Besides, the respondent also violated Section 138 of LGC for your usurping the power vested only to the Governor of Leyte. Section 138 of LGC provides that:

“SEC. 138. *Tax on Sand, Gravel and Other Quarry Resources.* - The province may levy and collect not more than ten percent (10%) of fair market value in the locality per cubic meter of ordinary stones, sand, gravel, earth, and other quarry resources, as defined under the National Internal Revenue Code, as amended, extracted from public lands or from the beds of seas, lakes, rivers, streams, creeks, and other public waters within its territorial jurisdiction. The permit to extract sand, gravel and other quarry resources shall be issued

exclusively by the provincial governor, pursuant to the ordinance of the sangguniang panlalawigan. The proceeds of the tax on sand, gravel and other quarry resources shall be distributed as follows...”

54. In his anger and drive to go after his political opponents, the respondent resorted to maneuvering his power by bending the laws. He knows that it is the Province of Leyte that has exclusive power to regulate the extraction of sand, gravel and other quarry materials within its territorial jurisdiction that are extracted from the covered area. However, he circumvented the law by issuing the questioned EO.

55. Despite of the fact that the delivery of the washed sand by the complainant's dump truck as stated above was with complete Delivery Receipts, his driver was prohibited by the respondent to enter Palompon, Leyte to transport said washed sand. This is a clear violation of the above-mentioned law. This is a circumvention of the law that the Honorable SP should not countenance.

Violation of Section 9, 21 and 22 of R.A. No. 11032 otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018

56. The inaction on the part of the MPDO upon the instruction of the respondent on the complainant's application is a clear violation of R.A. No. 11032 otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 which states.

57. Section 9 of said Act provides that:

“Section 9. *Accessing Government Services.* – The following shall adopted by all government offices and agencies:

(a) Acceptance of Applications or Requests. –

(1) **All officers or employees shall accept written applications, requests, and/or documents being submitted by applicants or requesting parties of the offices or agencies.**

(2) The receiving officer or employee shall perform a preliminary assessment of the application or request submitted with its supporting documents to ensure a more expeditious action on the application or



request. The receiving officer or employee shall immediately inform the applicant or requesting party of any deficiency in the accompanying requirements, which shall be limited to those enumerated in the Citizen's Charter.

- (3) The receiving officer or employee shall assign a unique identification number to an application or request, which shall be the identifying number for all subsequent transactions between the government and the applicant or requesting party regarding such specific application or request.
- (4) The receiving officer or employee shall issue an acknowledgement receipt containing the seal of the agency, the name of the responsible officer or employee, his/her unit and designation, and the date and time of receipt of such application or request.

(b) Action of Offices. –

- (1) All applications or requests submitted shall be acted upon by the assigned officer or employee within the prescribed processing time stated in the Citizen's Charter which shall not be longer than three (3) working days in the case of simple transactions and seven (7) working days in the case of complex transactions from the date the request and/or complete application or request was received.

For applications or requests involving activities which pose danger to public health, public safety, public morals, public policy, and highly technical application, the prescribed processing time shall in no case be longer than twenty (20) working days or as determined by the government agency or instrumentality concerned, whichever is shorter.

The maximum time prescribed above may be extended only once for the same number of days, which shall be indicated in the Citizen's Charter. Prior to the lapse of the processing time, the office or agency concerned shall notify the applicant or requesting party in writing of the reason for the extension and

final date of release of the government service/s requested. Such written notification shall be signed by the applicant or requesting party to serve as proof of notice.

If the application or request for license, clearance permit, certification or authorization shall require the approval of the local *Sangguniang Bayan, Sangguniang Panlungsod*, or the *Sangguniang Panlalawigan* as the case may be, the *Sanggunian* concerned shall be given a period of forty-five (45) working days to act on the application or request, which can be extended for another twenty (20) working days. If the local *Sanggunian* concerned has denied the application or request, the reason for the denial, as well as the remedial measures that may be taken by the applicant shall be cited by the concerned *Sanggunian*.

In cases where the cause of delay is due to force majeure or natural or man-made disasters, which result to damage or destruction of documents, and/or system failure of the computerized or automatic processing, the prescribed processing times mandated in this Act shall be suspended and appropriate adjustments shall be made.

- (2) No application or request shall be returned to the applicant or requesting party without appropriate action. In case an application or request is disapproved, the officer or employee who rendered the decision shall send a formal notice to the applicant or requesting party within the prescribed processing time, stating therein the reason for the disapproval. A finding by a competent authority of a violation of any or other laws by the applicant or requesting party shall constitute a valid ground for the disapproval of the application or request, without prejudice to other grounds provided in this Act or other pertinent laws."

58. Further, Section 21 of said Act provides:

"Sec. 2. *Violations and Persons Liable.* – Any person who performs or cause the performance of the following acts shall be liable:

- (a) Refusal to accept application or request with complete requirements being submitted by an applicant or requesting party without due cause;
- (b) Imposition of additional requirements other than those listed in the Citizen's Charter;
- (c) Imposition of additional costs not reflected in the Citizen's Charter;
- (d) Failure to give the applicant or requesting party a written notice on the disapproval of an application or request;
- (e) Failure to render government services within the prescribed processing time on any application or request without due cause;
- (f) Failure to attend to applicants or requesting parties who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch break;
- (g) Failure or refusal to issue official receipts; and
- (h) Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage."

59. Furthermore, Section 22 of the same act provides for the penalties and liabilities of any violation of said act, which states that:

"Sec. 22. *Penalties and Liabilities.* – Any violations of the preceding actions will warrant the following penalties and liabilities.

- (a) First Offense: Administrative liability with six (6) months suspension: Provided, however, that in the case of fixing and/or collusion with fixers under Section 21(h), the penalty and liability under Section 22(b) of this Act shall apply.
- (b) Second Offense: Administrative liability and criminal liability of dismissal from the service, perpetual disqualification from holding public office and forfeiture of retirement benefits and imprisonment of one (1) year to six (6) years with a fine of not less than Five hundred thousand pesos (P500,000.00), but not more than Two million pesos (P2,000,000.00).

Criminal liability shall also be incurred through the commission of bribery, extortion, or when the violation was done deliberately and maliciously to solicit favor in cash or in kind. In such cases, the pertinent provisions of the Revised Penal Code and other special laws shall apply.”

60. The issuance of the cease and desist orders by the respondent despite of his inaction through his employee at MPDO is a proof that he intentionally violated the aforesaid laws.

61. In application to the case at bar, the respondent, in conspiracy with his subordinates, clearly violated the aforesaid law. **First**, they did not accept complainant’s application for renewal of his business permit; **Second**, they did not assign a unique identification number to an application or request; and **Third**, they did not issue an acknowledgement receipt containing the seal of the agency.

62. Further, the respondent had undoubtedly violated the procedure on “**Action of Offices**” as far as the application for business permit is concerned. Until now, the application of the complainant has not been acted upon by the respondent. The law clearly prescribes that the respondent should act on said application **within 3 days for simple transactions or 7 days for complex**.

63. The respondent also violated the provision that requires him to send formal notice **in writing explaining the reason of the denial or disapproval of said application for business permit**.

**The respondent has patently violated Section 3, (e) and (f) of Republic Act No. 3019 also known as Anti-Graft and Corrupt Practices Act**

64. The respondent has patently violated Section 3, **(e) and (f)** of Republic Act No. 3019 also known as Anti-Graft and Corrupt Practices Act which states that:

*“e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.*”

(f) *Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party.*"

65. In the case at bar, there is evident bad faith on the part of the respondent in not acting on the application for business permit and for maliciously issuing cease and desist order despite of the fact that the complainant has applied for the renewal of said business permit. It is not the fault of the complainant considering that it is the respondent who, through MPDO, did not act on said application.

66. Further, it is clear that the respondent has been illegally using his power as the Mayor to run after his political opponents and those who did not support him last elections. He issued the subject EO just to go after his opponents without even complying with the requirements under the LGC.

67. In addition, the respondent has violated paragraph f of Section 3 of RA 3019, in intentionally and in bad faith, refusing without sufficient justification, to act on the application for the renewal of said business permit.

**Sections 4 and 5 of REPUBLIC ACT NO. 6713 are also violated.**

68. The acts of the respondent are also violation of Section 4 of REPUBLIC ACT NO. 6713 also known as Code of Conduct and Ethical Standards for Public Officials and Employees, particularly paragraph (a) which states that:

*"SECTION 4. Norms of Conduct of Public Officials and Employees. — (A) Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties:*

*(a) Commitment to public interest. — Public officials and employees shall always uphold the public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in public funds and revenues.*

xxxx

(c) *Justness and sincerity.* — Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are coterminous with theirs.

(d) *Political neutrality.* — Public officials and employees shall provide service to everyone without unfair discrimination and regardless of party affiliation or preference.

(e) *Responsiveness to the public.* — Public officials and employees shall extend prompt, courteous, and adequate service to the public. Unless otherwise provided by law or when required by the public interest, public officials and employees shall provide information of their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed rural and urban areas.”

69. The respondent has also violated Section 5 of the aforesaid law, which provides that:

“SECTION 5. *Duties of Public Officials and Employees.* — In the performance of their duties, all public officials and employees are under obligation to:

xxxx

(c) *Process documents and papers expeditiously.* — All official papers and documents must be processed and completed within a reasonable time from the preparation thereof and must contain, as far as practicable, not more than three (3) signatories therein.

In the absence of duly authorized signatories, the official next-in-rank or officer in charge shall sign for and in their behalf.

(d) *Act immediately on the public's personal transactions.* — All public officials and employees must attend to anyone who wants to avail himself of the services of their offices and must, at all times, act promptly and expeditiously.”

70. In the case at bar, it is clear that the respondent has not observed the above-mentioned norms of conduct of public officials, thus, he has intentionally violated the said law.

**The respondent is also liable for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Section 7 of the Revised Internal Rules of Procedure of the Sangguniang Panlalawigan of the Province of Leyte**

71. The respondent is also liable for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Section 7 of the Revised Internal Rules of Procedure of the Sangguniang Panlalawigan of the Province of Leyte.

72. Section 7 of the Revised Internal Rules of Procedure of the Sangguniang Panlalawigan of the Province of Leyte provides that:

“Section 7. Grounds for Filing of Administrative Disciplinary Cases. An elective municipal official may be disciplined or suspended from office by the Sangguniang Panlalawigan on any of the following grounds:

- 1.) Disloyalty to the Republic of the Philippines;
- 2.) Culpable violation of the Constitution;
- 3.) **Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty;**
- 4.) Commission of an offense involving moral turpitude or an offense punishable by at least prison mayor;
- 5.) **Abuse of authority;**
- 6.) Unauthorized absence for 15 consecutive days, in case of municipal mayors and vice mayors, and unjustifiable absences for four consecutive sessions, in the case of members of Sangguniang Bayan;
- 7.) Application for, or acquisition of foreign citizenship or residence or status of an immigrant of another country; and
- 8.) Such other grounds as may be provided in Republic

Act 7160 otherwise known as the Local Government Code of 1991; Republic Act No. 6713 also known as Code of Conduct and Ethical Standards for Public Officials and Employees; Republic Act No. 3019, Anti-Graft and Corrupt Practices Act; Administrative Code of 1987; the Revised Penal Code and all other applicable general and special laws.

73. In application at bar, it cannot be denied that the respondent is liable for dishonesty, oppression, gross misconduct in his office, gross negligence, dereliction of duty and abuse of authority.

74. He was dishonest to the oath of his office by oppressing the complainant and abusing his authority just to get back at his political opponents, including the herein complainant.

75. He is liable for dereliction of duty for his failure to protect his constituents, including the herein complainant, from his own abuses.

76. From the foregoing exhaustive discussion, it is indubitably clear that respondent is at the same time, guilty for **grave misconduct and/or gross negligence** under the applicable laws and jurisprudence.

### **PRAYER**

**WHEREFORE**, in view of all the foregoing, it is most respectfully prayed that an Order be issued:

1. Preventively suspending the respondent for sixty (60) days;
2. Be found administratively guilty for violation of:
  - a. Sections 29 and 30 of the 1991 Local Government Code (LGC) of the Philippines and Article 59 of Rule XII of the IRR of the 1991 LGC of the Philippines;
  - b. Section 9, 21 and 22 of R.A. No. 11032 otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018;
  - c. Section 3, (e) and (f) of Republic Act No. 3019 also known as Anti-Graft and Corrupt Practices Act;
  - d. Sections 4 and 5 of REPUBLIC ACT NO. 6713;
  - e. Dishonesty, Oppression, Gross Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Section 7 of the Revised Internal Rules of Procedure of the Sangguniang Panlalawigan of the Province of Leyte and pursuant to applicable laws and other relevant laws;
3. Imposing a penalty of six (6) months suspension after being found guilty of the aforesaid violations; and



4. Other just and equitable reliefs are likewise prayed for.

Done in Ormoc City, for the Municipality of Palo, Leyte, Philippines.  
February 17, 2023.

**Respectfully submitted,**

  
**MESIAS P. AREVALO**  
Complainant

### **VERIFICATION**

I, MESIAS P. AREVALO, of legal age, Filipino citizen, married and resident of Arellano St., Central 3, Palompon, Leyte Palompon, Leyte, Philippines, after having been duly sworn in accordance with law, hereby depose and state, THAT:

1. I am the complainant of the above-entitled case;
2. I have caused the preparation and filing of this Complaint;
3. I have read and understood the allegations contained therein and that the same are true and correct of our own personal knowledge or based upon authentic records;
4. The pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
5. The factual allegations therein have evidentiary support or, if specifically, so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
6. The factual allegations therein have evidentiary support or, if specifically, so identified, will likewise have evidentiary support after a reasonable opportunity for discovery. I heretofore have not commenced any other action or proceeding or any claim, or filed any claim involving the same issues raised in the above-captioned case, in this Honorable Commission, in the Court of Appeals, nor the different Divisions thereof, nor in any other court or tribunal or agency and, to the best of my knowledge, no such other action or claim is pending therein; and
7. I hereby undertake to notify this Honorable Office of such fact within five (5) days from receipt of such knowledge, should I come to learn that the same or a similar action or claim has been filed or pending in the Supreme Court, Court of Appeals, the different Divisions thereof, or any other court or tribunal or agency.

IN WITNESS WHEREOF, I hereunto set my hand on \_\_\_\_\_, in Ormoc City, Philippines.


FEB 17 2023

  
**MESIAS P. AREVALO**  
Affiant/Complainant

SUBSCRIBED AND SWORN to before me on \_\_\_\_\_, in Ormoc City, Philippines.

FEB 17 2023

Doc. No. 113 ;  
Page No. 40 ;  
Book No. XIV ;  
Series of 2023.

  
**ATTY. DENNIS L.**  
Notary Public for the City of Ormoc  
Municipalities of Kanaog, Marikina,  
Medina and Isabel  
NC No. ORM-22-07-011-NC issued on 01/03/2023  
Valid until December 31, 2025  
PTR No. 7450209, 01/03/2023  
IBP No. 255940, 12/29/2022  
Roll of Attorney No. 76903  
TIN 922-420-348  
MCLE Exemption Bar Matter No. 850, Sec. 2(a)



Republic of the Philippines  
**NATIONAL POLICE COMMISSION**  
**PHILIPPINE NATIONAL POLICE**  
LEYTE POLICE PROVINCIAL OFFICE  
PALOMPON POLICE STATION  
Palompon, Leyte



PLNinv-

**CERTIFICATION ANNEX**

TO WHOM IT MAY CONCERN:

**THIS IS TO CERTIFY** that hereunder is a certified true and correct extract copy from the Police Blotter of Palompon Police Station, Palompon, Leyte.

**Incidents/Events**  
Malicious Mischief

**Page No. 050/051, Entry No. 3547, Date: January 5, 2023, Time: 11:30am**

One Bryan Cajeras y Cotejo, 33 years old (September 18, 1989), married, truck driver and a resident of Brgy Cantuhaon, Palompon, Leyte personally appeared to this station and requested to put into records and alleged that on January 4, 2023 at around 4:00pm at Brgy Tabunok, Palompon, Leyte he was driving a dump truck with plate number CCO1844 owned by Mesias P Arevalo. The dump truck was fully loaded with wash sand coming from the quarry site in Kananga, Leyte. Upon turning right towards Brgy Magsaysay, a certain Ranulfo Andales aka `Dodong Andales` chased the dump truck and immediately positioned himself in front of the dump truck. Mr Andales forcibly stopped him from moving towards the direction of his destination in Brgy Cantuhaon, Palompon, Leyte. At that time, Mr Andales was also accompanied by three (3) unidentified men without showing any authority from the Department of Environment and Natural Resources (DENR) or from the Provincial Government. Mr Andales directed him, against his will to produce the supporting papers in connection with the transported wash sand loaded in the truck. Upon turning over the documents, Mr Andales, without lawful authority and without the presence of the Police Officers, told him that he lacks certain documents. Thereafter, he left the area and went to inform his employer about the incident. But before leaving, he was told by Andales `Palaban sa imong Amo`. When Bryan came back along with his co-driver, Ranil Pacaldo, they were told that they cannot retrieve the dump truck unless they unload the cargo and that they signed a manifestation in the barangay that were not forced to unload the was sand. With great reluctance, as it was against their will and having witnessed the intimidating manner in which they are made to perform an act they signed a manifestation as directed. Thereafter, they were told by the barangay officials and Ranulfo Andales to dump the wash sand beside the National Highway across the church in Barangay Tabunok.

Entered by : PCMS Joemar R Muertigue

ISSUED this 27<sup>th</sup> day of January 2023 at Palompon Police Station, Palompon, Leyte, Philippines.

Prepared by:

PCMS Joemar R Muertigue  
Duty Investigator

**REALTHUR S TABERNERO**  
Acting Chief of Police

OR No. : 7543717  
Date Issued : January 37, 2023  
Issued at : Palompon, Leyte  
Amount : Php 50.00







ANNEX

"C"



REPUBLIC OF THE PHILIPPINES  
Province of Leyte  
**Sangguniang Panglalawigan (SP)**  
New Leyte Provincial Capitol  
Palo, Leyte  
-oOo-

**MESIAS P. AREVALO,**

Complainant, ADMIN. CASE  
NO. \_\_\_\_\_

FOR:

Dishonesty, Oppression,  
Misconduct in Office, Gross  
Negligence, Dereliction of Duty,  
abuse of authority under Section  
7 of the Revised Internal  
Procedure of the Sangguniang  
Panlalawigan (SP) of the  
Province of Leyte, Philippines,

-versus-

Violation of Republic Act No.  
3019 (Anti-Graft and Corrupt  
Practices Act), R.A. 6713 (Code  
of Conduct and Ethical  
Standards for Public Officials and  
Employees), Section 9, 21 and  
22 of the R.A. No. 11032  
otherwise known as the Ease of  
Doing Business and Efficient  
Government Service Delivery Act  
of 2018

**RAMON C. OÑATE,**

Respondent,

x- -----x

Republic of the Philippines)  
City of Ormoc ) S.S.

**JUDICIAL AFFIDAVIT OF WITNESS**

I, **BRYAN CAJERAS**, having been sworn in accordance with law  
hereby depose and say THAT:

1. I am of legal age, Filipino, single and a resident of Brgy.  
Cantuhaon, Palompon, Leyte, Philippines;

2. That in accordance with A.M. No. 12-8-8-SC, which prescribes the use of judicial affidavits to serve as the direct examination testimony of a witness, on the basis of which the adverse party may conduct his cross examination on such a witness, I hereby execute this judicial affidavit in a question and answer format;
3. That conformably with section 3 (b) of said A.M. No. 12-8-8-SC, my examination as a complaining witness was conducted and taken under the supervision of Atty. Dennis L. Hibaya, at Solibaga Law Office, J. Navarro St., Ormoc City;
4. I have honestly answered the questions propounded to me, fully conscious that I do so under oath, and that I may face criminal liability for false testimony or perjury;
5. The questions asked of me and my corresponding answers are as follows:
6. The questions asked of us and my corresponding answers are as follows:
  - Q1: Palihog estotya imo pangalan, estado, gipuy-an ug trabaho. (Please state your name, status, residence and occupation.)
  - A: Ako si Bryan Cajeras, ulitawo, nag puyo sa Brgy. Cantuhaon, Palompon, Leyte, ug usa ako ka drayber. (I am Bryan Cajeras, single, and a resident of Brgy. Cantuhaon, Palompon, Leyte, I am a driver.)
  - Q2: Kaila kaba sa nag kihante aning kasuha? (Do you know the complainant of this case?)
  - A: Oo. (Yes.)
  - Q3: Nganong kaila man ka niya? (Why do you know him?)
  - A: Kaila ko niya kay ako siya amo. (I know him, because he is my employer.)
  - Q4: Kaila sad ka sa mga gisumbong aning kasuha? (How about the respondent, do you know him?)
  - A: Oo, ka'y siya maoy Mayor sa Palompon, Leyte. (Yes, because he is the incumbent Mayor of Palompon, Leyte.)
  - Q5: Diin manka atong January 4, 2023 sa alas kwatro sa hapon? (Where were you on January 4, 2023 at around 4 o'clock in the afternoon?)
  - A: Nag drayb ko ug dump truck sa Brgy. Tabunok, Palompon, Leyte, nga na gipanag-iyahan sa kihante nga duna'y plate number CCO 1844 ug nga naay karga nga balas na gipalit gikan sa lehitimo na Industrial Sand and



Gravel operator nga gipanag-iya ni Erwin Lagancia sa Kananga, Leyte.

(I was driving the complainant's dump truck with plate number CCO 1844 loaded with washed sand legitimately purchased from the Industrial Sand and Gravel operator in the person of Erwin Lagancia, in Kananga, Leyte, along the highway in Brgy. Tabunok, Palompon, Leyte.)

Q6: Una man ang sunod nahitabo? (What happened next?)

A: Pag abot nako sa Tabunok, giharang ko ug mga tawo ug ila ko gipapadaplin sa kalsada ug gipakanaog ko nila sa truck. (When I arrived at Tabunok, there were persons who blocked my way and ordered me to get out from the truck.)

Q7: Unsa man ang sunod nahitabo? (What happened next?)

A: Gi did-an ko paglahos sa kalsada sa usa ka tawo padung sa destinasyon sa Brgy. Cantuhaon, Palompon, Leyte. (I was illegally prohibited by one person to traverse the road going to my destination in Brgy. Cantuhaon, Palompon, Leyte.)

Q8: Nag ingon man ka nga gi did-an ka pag agi sa usa ka tawo padung sa Brgy. Cantuhaon, Palompon, Leyte, kaila kaba ani na tawo? (You mentioned that you were illegally prohibited by a certain person to traverse the road going to Brgy. Cantuhaon, do you know this person?)

A: Oo, si Ranulfo Andales a.k.a. "Dodong Andales", nakaila ko niya kay nag trabaho siya sa munisipyo sa Palompon. (Yes, his name is Ranulfo Andales a.k.a. "Dodong Andales", I know him because he works at the LGU of Palompon.)

Q9: Unsa man ang sunod nga nahitabo sa dihang gipapanaog ka sa imo truck nga gi drayban? (What happened next after you were ordered to get out from the truck?)

A: Ako gipakita nila delivery receipts nga nagpamatuod na mipalit ang nag kihante sa maong balas kang Mr. Lagancia nga lehitimo nga namaligya ug sand and gravel nga negosyo sa Kananga, Leyte. Gani, ako pud sila gipakita sa permit nga pwede mag karga ang kihante ug balas ug graba. (I showed them the Delivery Receipts which were duly issued to the complainant by Mr. Lagancia who is a legitimate operator of sand and gravel business in Kananga, Leyte. In fact, I also showed the permit that the complainant is allowed to haul sand and gravel.)

Q10: Unsa man ang sunod nga nahitabo? (What happened next?)

A: Wala man ko paminawa ni Mr. Andales iya lang nuon gikuha tanan dokumento na ako gipakita sa iyaha (nga hangtod karon wala nila giuli sa akoha ug sa kihante) ug iya ko gibaharan ug gihadlok ko niya nga dili ko pwede molahos padung Brgy. Cantauhan kung dili nako iyabo ang balas na karga sa truck. (Mr. Andales did not listen to me instead he got all the documents that I showed him (until now they did not yet return said documents to me or to the complainant) and he threatened, intimidated and pressured me that I would not be allowed to proceed to my destination in Brgy. Cantauhan should I not unload the washed sand.)

Q11: Unsa man sunod na nahitabo? (What happened next, thereafter?)

A: Gi yabo nako ang balas nga karga sa truck nga supak sa akong kabubut-on, tungod sa kahadlok nga ila i-kuhaon ang maong truck. (I unloaded the washed sand from my truck due to fear that he might seize the said dump truck.)

Q12: Human nimo giyabo ang balas gikan sa truck, unsa man ang imo sunod nga gibuhat? (After you unloaded the washed sand from the truck, what happened next?)

A: Ila ko gidala sa Brgy. Hall sa Brgy. Tabunok, Palompon, Leyte ug gi pwersa ko papirma ko nila para ila daw ibedensya nga boluntaryo nga ako pag yabo ang balas gikan sa truck. (I was forced to sign a document at the Brgy. Hall of Tabunok, Palompon, Leyte alleging among others that I voluntarily unloaded said washed sand.)

Q13: Unsa man sunod na nahitabo? (What happened next, thereafter?)

A: Milakaw ko, ako gibiyaan ang truck ug miadto ko sa ako employer (ang kihante) aron pahibaw-on siya sa mga nahitabo. (I left the truck and I immediately proceeded to the complainant to inform him about what happened.)

Q14: Unsa man sunod na nahitabo? (What happened next?)

A: Gi apas ko ni Ranil Pacaldo aron iya ko tabangan pero naapil siya nga gi pugos papirma ug dokumento ug gihadlok kung dili mo pirma pati ang dump truck ipabilin nila. (Ranil Pacaldo came to rescue me but he was also forced to sign said document at the said Brgy. Hall because Mr. Andales threatened that they would seize the dump truck.)

7. I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Panlalawigan (SP), New Provincial Capitol, Palo, Leyte entitled MESIAS P. AREVALO vs. RAMON C. OÑATE.


8. I further sayeth naught.

IN WITNESS WHEREOF, I have hereunto affixed my signature on FEB 17 2023 in Ormoc City, Philippines.

  
**BRYAN CAJERAS**  
Affiant/Witnesses

SUBSCRIBED AND SWORN TO before me on FEB 17 2023 in Ormoc City, Philippines.

Doc. No. 112 ;  
Page No. 46 ;  
Book No. XIV ;  
Series of 2023.

  
**ATTY. DENNIS L. HIBAYA**  
Notary Public for the City of Ormoc,  
Municipalities of Kananga, Matag-ob,  
Merida and Isabel  
NC No. ORM-22-07-01 I-NC issued on 08/26/2022  
Valid until December 31, 2023,  
PTR No. 7450209, 01/03/2023  
IBP No. 255940, 12/29/2022  
Roll of Attorney No. 76903  
TIN 922-420-348  
MCLE Exemption Bar Matter No. 850, Sec. 3 (a)

### SWORN ATTESTATION

I, **DENNIS L. HIBAYA**, Filipino, of legal age, married with business address at Solibaga Law Office, J. Navarro St., Ormoc City, after having been sworn to oath in accordance with law, hereby depose and state, THAT:

1. I faithfully recorded the questions I asked of and the corresponding answers that **BRYAN CAJERAS** gave;
2. Neither I nor any other person then present or assisting him coached **BRYAN CAJERAS** regarding the latter's answers.

IN WITNESS WHEREOF, I have hereunto affixed my signature this \_\_\_ day of FEB 17 2023 in Ormoc City, Philippines.

  
**DENNIS L. HIBAYA**

SUBSCRIBED AND SWORN TO before me on FEB 17 2023 in Ormoc City, Philippines.

Doc No. 13  
Page No. 3  
Book No. XIV  
Series of 2023

  
**ATTY. ADELITO M. SOLIBAGA JR.**  
Notary Public for the City of Ormoc,  
Municipalities of Kananga, Matag-ob,  
Merida and Isabel  
NC No. ORM 22-07-01 I-NC issued on 08/01/2023  
Valid until December 31, 2024,  
PTR No. 7540183, 01/03/2023, Ormoc City  
IBP No. 255920, 12/29/2022, Leyte  
Roll of Attorney No. 51625  
TIN 207-693-130  
MCLE Compliance No. VI-0014640  
Valid until April 14, 2025

ANNEX

"E"



January 23, 2023

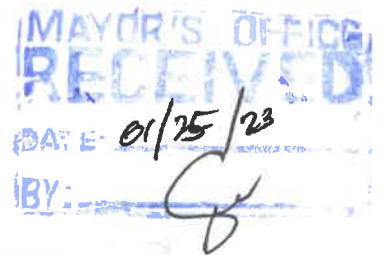
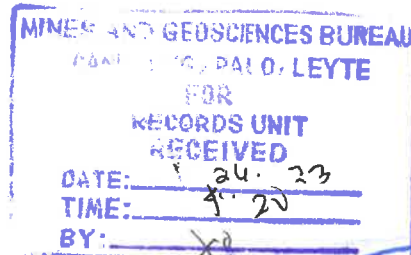
**HON. RAMON C. OÑATE**

Mayor  
Municipality of Palompon  
Province of Leyte

Dear Mayor Oñate,

**ANNEX**

**F**



Greetings of Peace and Solidarity.

This pertains to the incident on January 4, 2023 at around 4 o'clock in the afternoon in Brgy. Tabunok, Palompon, Leyte where my driver, Bryan Cotejo Cajeras, who was driving my dump truck with plate number CCO 1844 loaded with washed sand legitimately purchased from the Industrial Sand and Gravel operator in Kananga, Leyte, was illegally prohibited by an LGU employee in the person of Ranulfo Andales a.k.a "Dodong Andales" to traverse the road going to his destination in Brgy. Cantuhaon, Palompon, Leyte.

Mr. Andales forced Mr. Cajeras to unload the washed sand against his will in the shoulder portion of the national highway, just across the church in Barangay Tabunok, Palompon, Leyte.

This is to inform your office that Mr. Cajeras was with delivery receipts (DRs) issued by the legitimate operator of sand and gravel business in Poblacion, Kananga, Leyte, at the time he was forcibly stopped by Mr. Andales in driving said dump truck towards his destination. It has a validly issued Industrial Sand and Gravel Permit from the Provincial Government of Leyte.

Mr. Andales was accompanied by three (3) unidentified men without authority from the DENR or Provincial Government of Leyte Task Force on Sand and Gravel. The copy of the blotter is hereto attached for your reference as **Annex A** and the **Delivery Receipts** and **ISAG Permit** as **Annexes B** and **C**, respectively.

The photo of the washed sand that was forcibly unloaded in the above-mentioned place are hereto attached as **Annex D**.

Under the Local Government Code of the Philippines (LGC), particularly Section 138 provides:

**SEC. 138. Tax on Sand, Gravel and Other Quarry Resources.** - The province may levy and collect not more than ten percent (10%) of fair market value in the locality per cubic meter of ordinary stones, sand, gravel, earth, and other quarry resources, as defined under the National Internal Revenue Code, as amended, extracted from public lands or from the beds of seas, lakes, rivers, streams, creeks, and other public

waters within its territorial jurisdiction. The permit to extract sand, gravel and other quarry resources shall be issued exclusively by the provincial governor, pursuant to the ordinance of the sangguniang panlalawigan. The proceeds of the tax on sand, gravel and other quarry resources shall be distributed as follows...”

In view of the foregoing, may respectfully ask your good office of your legal basis in not allowing the entry of my dump truck loaded with washed sand with duly issued DELIVERY RECEIPTS from the legitimate operator of sand and gravel business in Kananga, Leyte?

On that ill-fated day, Mr. Andales reasoned out that he was enforcing the Executive Order No. 1, Series of 2023 that you issued. The photo of the signage of the checkpoint is hereto attached as **Annex E**.

May I respectfully request for a copy of said Executive Order (EO) No. 1, Series of 2023, considering that based on my inquiry with the Office of the Provincial Governor of Leyte and the Sangguniang Panlalawigan (SP) of Leyte, you have not yet submitted the aforesaid EO for review and approval by the Governor and concurrence by the SP of the Province of Leyte. The copy of the certification of the Office of the Governor and SP of Leyte is hereto attached as **Annexes F and G**.

Under Article 59 of Rule XII of the IRR of the 1991 LGC of the Philippines provides,

“Art. 59. General Supervision of the Province Over Component Cities and Municipalities...

(b) The scope of supervision by the province over component cities and municipalities shall include, but not limited to, the following:

(1) The governor shall review executive orders issued by the mayor of the component city or municipality, subject to the concurrence of the sangguniang panlalawigan, except as otherwise provided under the Constitution and special statutes. If the governor and the sangguniang panlalawigan fail to act on said executive orders within thirty (30) days from receipt thereof, the same shall be deemed consistent with the law and therefore valid.

Since you have not submitted the aforesaid EO for the Governor’s review and approval and SP’s concurrence, said EO should have not yet been implemented assuming the same was issued with legal basis.

Further, may I respectfully request to allow the driver of my dump trucks and the dump trucks of the sand and gravel operator equipped with delivery receipts from Kananga, Leyte to deliver washed sand and gravel in Palompon, Leyte.



My trucks have been singled out by you. All other trucks that deliver washed sand coming from other municipalities were allowed entry in the Municipality of Palompon, Leyte. Thus, this request.

As can be recalled, since you assumed as Mayor in the afternoon of June 30, 2022, my businesses have been subjected to harassment.

On July 11, 2022, you directed me to explain in writing why I constructed a gasoline station in an area zone as agricultural land. The copy of said Show Cause Order dated July 11, 2022 is hereto attached as **Annex H**.

On July 12, 2022, I replied that said the construction of said gasoline station was with building permit and zoning clearance. I also called your attention to Section 23 of Municipal Ordinance No. 424-070518 also known as “An Ordinance adopting (or amending) the integrated zoning regulations of the Municipality of Palompon and providing for the administration, enforcement and amendment thereof and for the repeal of all ordinances therewith”, which provides that:

“Section 23: Agricultural Land Conservation and Preservation  
Criteria:

Xxxx

However, Agricultural Lands parallel to the National, Provincial and Barangay roads within 200 meters are hereby declared as residential areas and as far as practicable and beneficial use for institutional and agro-industrial purposes...” (Emphasis supplied)

The copy of my July 12, 2022-letter reply is hereto attached as **Annex I**.

On July 18, 2022, you issued another show cause order. This time you directed me to submit an Environmental Compliance Certificate (ECC). The copy of said July 18, 2022-show cause order is hereto attached as **Annex J**.

In compliance with said second show cause order, I replied in writing to you where I attached the copy of the Certificate of Non-Coverage (CNC-OL-R08-2017-03-00182). I further explained in my letter that ECC finds no application to the construction of the gasoline station. The copy of said my letter dated July 19, 2022 is hereto attached as **Annex K**.

Not satisfied with my letter-reply to your second show cause order, you again issued another letter on August 17, 2022 directing me to submit the Certificate of Compliance (CoC) from the Department of Energy (DOE) in relation to the operation of my gasoline station. The copy of the August 17, 2022-directive is hereto attached as **Annex L**.

In reply to said August 17, 2022-directive, I called your attention that since Cozy Gas Station started its operation in 2017, it was duly issued with Business Permit. Based on the Citizen Charter for the issuance of Business Permit/Mayor’s Permit

found and posted on the Transparency Board of the BPLS of the Municipality of Palompon, Leyte, COC is not one of the prerequisite or preconditioned permits before the issuance of Business Permit/Mayor's Permit. The copy of my August 19, 2022-Letter reply to said directive is hereto attached as **Annex M**.

I also emphasized that the business permit of said gasoline station has been consistently renewed up to the present. I also cited section 21 of the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 provides:

"Sec. 21. *Violations and Persons Liable.* – Any person who performs or cause the performance of the following acts shall be liable:

**"(b) Imposition of additional requirements other than those listed in the Citizen's Charter;"**  
(Emphasis supplied)

Now, here comes another harassment from you. You did not act on our application for the renewal of the business permit of my businesses and that of my children.

I wrote a letter to Mr. Christopher T. Montebon, the MPDO of your administration, to act on our application, but as of the present, the same has not been acted upon. The copy of said letters is hereto attached as **Annexes, N, O, and P**.

In view of the foregoing, I am respectfully praying that my application for the renewal of business permit with complete preconditioned permits/documents which was processed by my Attorney-in-Fact be approved. Further, that my trucks be allowed entry in the municipality of Palompon, Leyte delivering washed sand and gravel.

Further, I am reiterating that I be given copy of the Executive Order No. Executive Order (EO) No. 1, Series of 2023. I will shoulder the expenses for the photocopying of said EO.

I respectfully hope that you will give this matter with utmost attention and immediate favorable response.

Respectfully yours,

  
**MESIAS P. AREVALO SR.**  
Dump truck owner

SUBSCRIBED AND SWORN TO before me on JAN 24 2023,  
in Ormoc City, Philippines.

Doc. No. 53;  
Page No. 28;  
Book No. 1;  
Series of 2023.

  
**ATTY. DENNIS L. HIBAYA**  
Notary Public for the City of Ormoc,  
Municipalities of Kananga, Matag-ob,  
Merida and Isabel  
NC No. ORM-22-07-011-NC issued on 08/26/2022  
Valid until December 31, 2023,  
PTR No. 7490209, 01/03/2023  
IBP No. 295940, 12/29/2022  
Roll of Attorney No. 76903  
TIN 922-420-348  
MCLE Exemption Bar Matter No. 850, Sec. 3 (a)



Copy furnished:

**Hon. Carlos Jericho L. Petilla**  
Leyte Provincial Governor  
New Capitol Hall, Palo, Leyte

**Atty. Dante F. Vargas**  
Deputy Ombudsman  
**OMB- Visayas Area Office (Cebu City)**  
Office of the Ombudsman for the Visayas  
Department of Agriculture  
R0-7 Compound, M. Velez St.  
Guadalupe, 6000 Cebu City

**OMB-Visayas Tacloban Regional/Satellite Office**  
3rd Flr. LY Building, Fatima Village, Barangay 77  
Marasbaras, Tacloban City, Leyte 6500  
(+6353) 321-7969 / 523-4010 / 523-3042

**PBGEN ROMMEL FRANCISCO D. MARBIL**  
Regional Director  
Philippine National Police, Regional Office 8  
Camp Campetic  
Candahug, Leyte

**MARTIN JOSE V. DESPI**  
Environmental Management Bureau (EMB), Region 8,  
Jones Ext., DENR Compound, Tacloban City

**CARLOS A. TAYAG**  
Mines and Geosciences Bureau  
Candahug, Palo, Leyte

**Secretary Ernesto V. Perez**  
Director General  
Anti-Red Tape Authority, 4th & 5th Floor, NFA Building,  
NFA Compound, Visayas Avenue, Brgy. Vasra, Diliman, Quezon City, Philippines  
1128

**Atty. Leonardo O. Tapia**  
Officer-in-Charge, Director IV  
Legal Department, Anti-Red Tape Authority 4th & 5th Floor, NFA Building,  
NFA Compound, Visayas Avenue,  
Brgy. Vasra, Diliman, Quezon City, Philippines 1128

**Hon. Richard I. Gomez**  
Representative  
4th District, Leyte,



LBC EXPRESS, INC.  
309-310, SM ORMO CENTER BLDG., REAL  
ST., BRGY. DISTRICT 14, ORMO CITY, LEYTE  
Tel. No. : (63) - 053 2557510  
VAT TIN : 000-782-140-00891



1498 1865 2531

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THIS SERVES AS AN OFFICIAL RECEIPT  
MIN : 15081011063917208  
Serial No : 56H337025V  
Official Receipt No : OMC023067

SHIPPER:

**AREVALO, MESIAS**

Address: COZY GAS STATION,  
ORMOC CITY PROPER, LEYTE  
Contact No.(s): 9296813635 /9296813635  
Card Number: TIN: Bus. Style:  
Email:

CONSIGNEE:  
And or/ care of/

**TAPIA, LEONARDO**

Address: OFF. IN CHARGE DIRECTOR IV LEGAL DEPARTME  
NT ANTI RED TAPE AUTHORITY 4TH & 5TH FLR. NFA BLDG.  
VASRA, QUEZON CITY, METRO MANILA  
Contact No.(s): 9000000000

**Courier N-Pouch SS**

Origin : VIS-OMC02-SM ORMO  
Tran. Date : 01/26/2023 02:30:39 PM  
Delivery Date : 01/30/2023 - 02/02/2023  
Area Dest. : METRO MANILA  
Tran. Type : Delivery  
Cut-Off : 12:00 PM  
Actual Wt (Kg.) : 0.00

VATable(Freight) : 178.57  
Supplies Fee : (0.00)  
VAT-Exempt : 0.00  
VAT Zero-Rated : 0.00  
10AM Pickup Fee : 0.00  
Total Sales : 178.57  
12% VAT : 21.43  
Amount Due : 200.00  
Discount : 0.00  
Mode : CASH

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[www.lbcexpress.com](http://www.lbcexpress.com)  
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LIMITED UP TO ACTUAL DECLARED VALUE ONLY  
I hereby agree to be bound with the terms and conditions written at the  
back set forth by LBC EXPRESS

ROSE PHIL POLIDO  
Signature of Associate

AREVALO, MESIAS  
Signature of Shipper

OR Series No : OMC021000000001 to OMC020999999999 BIR Final PTU#:FP082015-122-0048321-00891  
BIR Accreditation No: 1220007821402015060318 Date Issued: 06/26/2015

LBC EXPRESS, INC.  
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VAT TIN : 000-782-140-00891



1498 1865 2541

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MIN : 15081011063917208  
Serial No : 56H337025V  
Official Receipt No : OMC023068

SHIPPER:

**AREVALO, MESIAS**

Address: COZY GAS STATION,  
ORMOC CITY PROPER, LEYTE  
Contact No.(s): 9296813635 /9296813635  
Card Number: TIN: Bus. Style:  
Email:

CONSIGNEE:  
And or/ care of/

**DESPI, MARTIN JOSE**

Address: REGIONAL DIRECTOR DENR-EMB R8 DENR CMPND J  
ONES ST.  
TACLOBAN, LEYTE  
Contact No.(s): 9000000000

**Courier N-Pouch SS**

Origin : VIS-OMC02-SM ORMO  
Tran. Date : 01/26/2023 02:31:55 PM  
Delivery Date : 01/30/2023 - 02/01/2023  
Area Dest. : Visayas  
Tran. Type : Delivery  
Cut-Off : 12:00 PM  
Actual Wt (Kg.) : 0.00

VATable(Freight) : 138.39  
Supplies Fee : (0.00)  
VAT-Exempt : 0.00  
VAT Zero-Rated : 0.00  
10AM Pickup Fee : 0.00  
Total Sales : 138.39  
12% VAT : 16.61  
Amount Due : 155.00  
Discount : 0.00  
Mode : CASH

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ROSE PHIL POLIDO  
Signature of Associate

AREVALO, MESIAS  
Signature of Shipper

OR Series No : OMC021000000001 to OMC020999999999 BIR Final PTU#:FP082015-122-0048321-00891  
BIR Accreditation No: 1220007821402015060318 Date Issued: 06/26/2015

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Tel. No. : (63) - 053 2557510  
VAT TIN : 000-782-140-00891



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THIS SERVES AS AN OFFICIAL RECEIPT  
MIN : 15081011063917208  
Serial No : 56H337025V  
Official Receipt No : OMC023071

SHIPPER:

**AREVALO, MESIAS**

Address: COZY GAS STATION,  
ORMOC CITY PROPER, LEYTE  
Contact No.(s): 9296813635 /9296813635  
Card Number: TIN: Bus. Style:  
Email:

CONSIGNEE:  
And or/ care of/

**VARGAS, DANTE**

Address: OMB VISAYAS AREA OFF. DEPARTMENT OF AGRIC.  
RO-7 CMPND M. VELEZ ST.  
GUADALUPE, CEBU CITY, CEBU  
Contact No.(s): 9000000000

**Courier N-Pouch SS**

Origin : VIS-OMC02-SM ORMO  
Tran. Date : 01/26/2023 02:38:12 PM  
Delivery Date : 01/30/2023 - 02/01/2023  
Area Dest. : Visayas  
Tran. Type : Delivery  
Cut-Off : 12:00 PM  
Actual Wt (Kg.) : 0.00

VATable(Freight) : 183.04  
Supplies Fee : (0.00)  
VAT-Exempt : 0.00  
VAT Zero-Rated : 0.00  
10AM Pickup Fee : 0.00  
Total Sales : 183.04  
12% VAT : 21.96  
Amount Due : 205.00  
Discount : 0.00  
Mode : CASH

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ROSE PHIL POLIDO  
Signature of Associate

AREVALO, MESIAS  
Signature of Shipper

OR Series No : OMC021000000001 to OMC020999999999 BIR Final PTU#:FP082015-122-0048321-00891  
BIR Accreditation No: 1220007821402015060318 Date Issued: 06/26/2015

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Tel. No : (63) - 053 2557518  
VAT TIN : 000-782-140-00891

Customer's Copy



1498 1865 2561

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MIN : 15081011063917208  
Serial No : 5GH337025V  
Official Receipt No : OMC023070

SHIPPER:

**AREVALO, MESIAS**  
Address: COZY GAS STATION,  
ORMOC CITY PROPER, LEYTE  
Contact No.(s): 9296813635 /9296813635  
Card Number: TIN: Bus. Style:  
Email:

CONSIGNEE:  
And or/ care of: /

**OFFICE OF THE DEPUTY OMBUDSMAN, FOR T**  
Address: 3/F LY BUILDING FATIMA VILLAGE BRGY. 77 MA  
RASBARAS  
FATIMA VILLAGE, TACLOBAN, LEYTE  
Contact No.(s): 9000000000

**Courier N-Pouch SS**

Origin : VIS-OMC02-SM ORMOC  
Tran. Date : 01/26/2023 02:35:59 PM  
Delivery Date : 01/30/2023 - 02/01/2023  
Area Dest. : Visayas  
Tran. Type : Delivery  
Cut-Off : 12:00 PM  
Actual Wt (Kg.) : 0.00

VATable(Freight) : 138.39  
Supplies Fee : (0.00)  
VAT-Exempt : 0.00  
VAT Zero-Rated : 0.00  
10AM Pickup Fee : 0.00  
Total Sales : 138.39  
12% VAT : 16.61  
Amount Due : 155.00  
Discount : 0.00  
Mode : CASH

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ROSE PHIL POLIDO  
Signature of Associate

AREVALO, MESIAS  
Signature of Shipper

OR Series No : OMC0210000000001 to OMC0289999999999 BIR Final PTU#:FP02015-122-0048321-00891  
BIR Accreditation No: 1220007821402015060318 Date Issued: 06/26/2015

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Customer's Copy



1498 1865 2551

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MIN : 15081011063917208  
Serial No : 5GH337025V  
Official Receipt No : OMC023069

SHIPPER:

**AREVALO, MESIAS**  
Address: COZY GAS STATION,  
ORMOC CITY PROPER, LEYTE  
Contact No.(s): 9296813635 /9296813635  
Card Number: TIN: Bus. Style:  
Email:

CONSIGNEE:  
And or/ care of: /

**PEREZ, ERNESTO**  
Address: DIRECTOR GENERAL ANTI-RED TAPE AUTHORITY 4  
TH & 5TH FLR. NFA DILIMAN  
VASRA, QUEZON CITY, METRO MANILA  
Contact No.(s): 9000000000

**Courier N-Pouch SS**

Origin : VIS-OMC02-SM ORMOC  
Tran. Date : 01/26/2023 02:34:17 PM  
Delivery Date : 01/30/2023 - 02/02/2023  
Area Dest. : METRO MANILA  
Tran. Type : Delivery  
Cut-Off : 12:00 PM  
Actual Wt (Kg.) : 0.00

VATable(Freight) : 178.57  
Supplies Fee : (0.00)  
VAT-Exempt : 0.00  
VAT Zero-Rated : 0.00  
10AM Pickup Fee : 0.00  
Total Sales : 178.57  
12% VAT : 21.43  
Amount Due : 200.00  
Discount : 0.00  
Mode : CASH

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ROSE PHIL POLIDO  
Signature of Associate

AREVALO, MESIAS  
Signature of Shipper

OR Series No : OMC0210000000001 to OMC0289999999999 BIR Final PTU#:FP02015-122-0048321-00891  
BIR Accreditation No: 1220007821402015060318 Date Issued: 06/26/2015



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

-o0o-

*Office of the Municipal Mayor*

January 30, 2023

**MESIAS P. AREVALO SR.**  
*Dump truck Owner*

**ANNEX**

**G**

**Mr. Arevalo Sr:**

This is in reference to your letter dated January 23, 2023 duly received by this Office on January 25, 2023 which contains the following accusations:

- a. That an LGU personnel in the person of Ranulfo Andales illegally prohibited your dump truck with plate number CCO 1844 driven by one Bryan Cotejo Caheras to traverse the road going to his destination in Barangay Cantuhaon, Palompon, Leyte; and
- b. That Mr. Andales forced Mr. Cajeras to unload the washed sand against his will in the shoulder portion of the national highway.

The foregoing accusations are malicious, baseless and without an iota of truth and as such, must be controverted by an unbiased presentation of facts. Allow me to explain to you in detail the facts of the incident that occurred on and before January 4, 2023 for you to have a full grasp of the incident.

On January 3, 2023, Executive Order No. 01 series of 2023 was made effective which requires pre-requisite permits and licenses for the transport of sand and gravel before it can enter the territorial jurisdiction of the Municipality of Palompon. Following its effectivity, three checkpoints were established in three different barangays of this municipality, one of which is in Barangay Tabunok, Palompon, Leyte. Pursuant to Executive Order No. 01, all vehicles transporting sand and gravel, without exception, are flagged down at the checkpoints and were asked to present the prerequisite licenses, permits and other pertinent documents such as, but not limited to, copies of **Delivery Receipt, Official Receipt and Industrial Sand and Gravel (ISAG) Permit**. LGU Personnel who man the checkpoint has the duty to ensure that the transport of sand and gravel is coupled with the necessary permit. Otherwise, entry to the Municipality of Palompon shall not be allowed and drivers will be advised to secure the necessary permit before they can validly traverse any part of Palompon, Leyte.

With the following premise properly laid down, it is now time to address your accusations.





Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

-o0o-

*Office of the Municipal Mayor*

First, that your dump truck was illegally prohibited to traverse the road is inaccurate. The truth of the matter being that at around 4 o'clock in the afternoon of January 4, 2023, a dump truck loaded with sand was flagged down in the checkpoint of Brgy. Tabunok. When required to present documents pertaining to the transported sand, the driver, Bryan Cotejo Cajeras, only presented an **unsealed Delivery Receipt**. When asked for copy of the **Official Receipt (OR)** of purchased S&G from the legitimate Industrial Sand and Gravel Operator and copy of the latter's **Industrial Sand and Gravel (ISAG) Permit**, he could not present any. Hence, pursuant to the provisions of Executive Order No. 01, he was refused entry until he could furnish the LGU with a copy of the ISAG.

Second, that Mr. Andales, an LGU personnel, forced your driver to unload the sand at the shoulder portion of the national highway across the church of Brgy. Tabunok is a complete and utter lie. The truth of the matter being that the driver, Mr. Cajeras, called you, Mr. Mesias Arevalo Sr., and that you instructed him to dump the sand by the side of the road so that your truck could pass by the checkpoint. To further belie your claim that Mr. Cajeras was forced to unload the sand, barangay blotter entry no. 17 recorded on January 4, 2023 at 7:45 pm has the following entry, to wit:

*Si Bryan Cajeras ug Ranil Pacaldo me sa Brgy. Hall sa Tabunok dala nila ang sakyanan nga Ten wellers ISUZU GIGA MATEO HARDWARE nga voluntary nga e Dump nila ang karga nga baras karon sa oras nga 7:47 didto atubangan sa simbahan sa testigos nila ang maong truck plate # CCO 1844.*

Based on the foregoing, it is clear that your driver acted voluntarily following your instruction and was not forced by any LGU employee. *Attached is the copy of the extracted barangay blotter and certification marked as Annex A and B, respectively.*

On another note, you have also concluded in your letter that this Office cannot implement Executive Order (EO) No. 01 series of 2023. Noteworthy however is the fact that not being a member of the legislative branch or of the judicial branch of the government, you possess no personality as to render implementation of the executive order as not valid. Further, please be informed that the concept and principle of the subject executive order is purely to strictly monitor and ensure that the transport of sand and gravel going to Palompon are properly supported by the necessary permits. *Attached is the copy of the said EO marked as Annex C.*

And finally, anent your allegation of inaction concerning your applications for renewal of your businesses which were coursed through registered mail, be thoroughly informed that a reply-letter dated January 19, 2023 has already been similarly mailed to your address. A reading of the reply-letter will hopefully enlighten you. And since it appears that you have not received a copy thereof, *attached herein is a copy of the reply-letter marked as Annex D.*



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

-o0o-

*Office of the Municipal Mayor*

---

Corollary thereto, a perusal of your application for renewal of business permits would readily reveal the incompleteness of pre-requisite documents that is necessary for the issuance of business permit. Hence, this Office suggests that instead of exhausting your energy and resources into throwing false accusations and allegations of harassment with neither basis nor proof, it would be wise to focus your attention into complying with the requirements set forth by the Local Government Unit of Palompon, Leyte.

I hope that this letter has addressed your concerns and that you are guided and informed appropriately.

Very truly yours,

  
RAMON C. OÑATE  
Municipal Mayor

Annex "A"

DATE \_\_\_\_\_

Republic of the Philippines  
Province of Leyte  
Municipality of Palompon  
Barangay Tabunok

Entry no. 17

Time: 7:45 pm

Who: Bryan Cajeras, Ronil Pacaldo

When: January 4, 2023

Where: Brgy. Tabunok Palompon, Leyte

Why:

Sr Bryan Cajeras ug Ronil Pacaldo me  
sa Brgy. Hall sa Tabunok dala nila ang sakyanan  
nga Ten rollers LGU-GRA MATEO HARDWARE  
nga Voluntaryo nga e Dump nila ang karga  
nga (Mash) Baras. Kanon sa oras nga 7:47  
adto abangan sa Simbahan sa festigos  
nila. Ang maong <sup>trape</sup> plate # CCO 1844.

~~Signature~~ 7:53  
BRYAN CAJERAS  
Driver

~~Signature~~ 7:54  
RONIL PACALDO  
Driver

~~Signature~~ 7:55  
RANILTO ANDALES  
LGU - Festigos

~~Signature~~ 7:56  
ALCANTARA ASTILERO  
LGU - Festigos

~~Signature~~ 7:57  
ROWEN C. LIMPANGOG  
Brgy. Kagawad  
Witness



*Republic of the Philippines*  
*Province of Leyte*  
*Municipality of Palompon*  
**BARANGAY TABUNOK**

Annex "B"

-o0o-

**OFFICE OF THE BARANGAY CHAIRMAN**

---

**CERTIFICATION**

**TO WHOM IT MAY CONCERN:**

**THIS IS TO CERTIFY THAT** as per records on barangay blotter, **MR. BRYAN CAJERAS**, Driver and **MR. RANIL PACALDO**, Helper of Ten-Wheeler Dumptruck with Plate Number CCO 1844 owned by MATEO HARDWARE was stopped at Barangay Tabunok for carrying Washed Sand Cargoes with lacking documents and voluntarily unloaded the said cargo and dump in front of the Barangay Chapel along the National Highway last January 4, 2023 at around 7:47 pm.

**THIS CERTIFICATION** is being issued upon the request of the interested party for whatever legal purpose this certification may serve.

**ISSUED** this 30<sup>th</sup> day of January 2023 at Barangay Tabunok, Palompon, Leyte, Philippines.

Note: Not Valid  
w/o Brgy Seal

  
**RENE A. CAMPOSANO**  
Barangay Captain





Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON  
-o0o-

ANNEX

H

## Office of the Municipal Mayor

2<sup>nd</sup> Floor Building, Municipal Town Hall, Rizal St., Palompon, Leyte  
(053) 525-0292 | lgupalompon@gmail.com || www.palomponleyte.gov.ph

### EXECUTIVE ORDER NO. 01 SERIES OF 2023

**“AN EXECUTIVE ORDER ON THE STRICT COMPLIANCE IN SECURING PREREQUISITE PERMITS AND CLEARANCES FROM LEYTE PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE (PENRO) AND MINES AND GEOSCIENCES BUREAU REGION 8 (MGB R8) CONCERNING THE TRANSPORT AND TRANSFER OF SAND AND GRAVEL FROM ANY PART OF LEYTE TO THE MUNICIPALITY OF PALOMPON, LEYTE ”**

**WHEREAS**, the Constitution declares that the State shall protect and advance the right of the people to a balanced and healthful ecology in accordance with the rhythm and harmony of nature;

**WHEREAS**, the rhythm and harmony of nature "indispensably include, inter alia, the judicious disposition, utilization, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources to the end that their exploration, development and utilization be equitably accessible to the present as well as future generations" (Oposa vs. Factoran);

**WHEREAS**, every generation has a responsibility to the next to preserve that rhythm and harmony for the full enjoyment of a balanced and healthful ecology (Oposa vs. Factoran);

**WHEREAS**, the right to a balanced and healthful ecology carries with it the correlative REVIEWED duty to refrain from impairing the environment;

**WHEREAS**, the Local Government Code mandates that local government units shall enhance the right of the people to a balanced ecology;

**WHEREAS**, R.A. 7942, otherwise known as the Philippine Mining Act of 1995 and the Government Code mandate the rational exploration and utilization of mineral resources so that the environment and rights of affected communities are also protected;

**WHEREAS**, the Local Government Code empowers local chief executives to adopt adequate measures to safeguard and conserve land, mineral, marine, forest, and other resources of the city;

**NOW THEREFORE, I, RAMON C. OÑATE**, Municipal Mayor of Palompon, Leyte, by the powers vested in me by law, and pursuant to the provisions of R.A. 7160, and other pertinent issuances, do hereby declare:

**Section 1. Strict Monitoring on the Compliance in Securing Prerequisite Permits and Clearances from Leyte Provincial Environment and Natural Resources Office (PENRO) and Mines and Geosciences Bureau Region 8 (MGB R8) Concerning the Transport and Transfer of Sand and Gravel from any part of Leyte to the Municipality of Palompon.**

The transport and transfer of sand and gravel from any part of Leyte to the municipality of Palompon is hereby strictly monitored. As used in this Order, it means that all sand and gravel to be transported and transferred to the municipality of Palompon shall have prerequisite permits and clearances particularly from the concerned offices stated above.

**Section 2. Penalties for violation.** Failure to present these permits and clearances when asked at the municipal border check point shall constitute as a violation of this Order and trucks or any form of transportation equipment carrying /loading sand and gravel shall not be allowed to enter in any territorial jurisdiction of Palompon, Leyte.

**Section 3. Implementing Office.** The Municipal Environment and Eco-Tourism Office, in coordination with concerned offices, shall perform the following functions:

1. Ensure that this Order is effectively enforced;
2. Conduct coordination meetings with concerned stakeholders and relevant government offices/agencies for the effective implementation of this Order and related laws;
3. Furnish copies of this Order to the, **Community on Environment and Natural Resources Office, Ormoc City, Leyte Provincial Environment and Natural Resources Office (PENRO) and Mines and Geosciences Bureau Region 8 ( MGB R8)**;
4. Perform such acts as are required for the implementation of this Executive Order.

**Section 6. Repealing Clause.** All orders, issuances, rules and regulations, or parts thereof, which are inconsistent with this Executive Order are hereby repealed or modified accordingly.

**Section 7. Effectivity.** This executive order shall take effect immediately as shall remain in effect until revoked or otherwise modified.

Done this 3<sup>rd</sup> day of January 2023 in Palompon, Leyte.

  
**RAMON C. OÑATE**  
*Municipal Mayor*



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

Annex "D"

-o0o-

*Office of the Municipal Mayor*

January 19, 2023

**MESIAS AREVALO SR.**  
Proprietor  
Cozy Gas Station  
Canipaan, Palompon, Leyte

RE 657 679 856 ZZ	
REGISTERED MAIL ACCEPTANCE	
Post Office	COUNTER
Letter/Package No.	
Posted on	JAN 19 23 20
Preserve this receipt for reference in case of inquiry	
Postmaster/Teller	

Dear Mr. Arevalo,

This is in reference to your letter dated January 10, 2023 sent through registered mail and duly received by this office on January 12, 2023.

It must be emphasized that the actions of this Office are mandated by law and the rules and regulations of this Municipality. There is no categorical denial of any application for renewal unless there is sufficient ground thereto.

For your reference, the following are the requirements for business renewal:

- Affidavit of Consent for access on CCTV Records
- Locational and Zoning Clearance
- Building Clearance
- Sanitary Permit
- Fire Safety Inspection Certificate
- Income Tax Return / Financial Audited State
- BIR Registration
- SSS Clearance and Philhealth / Certificate of Good Payment Standing
- Fire Training Certificate of Personnel

A careful perusal of your attached documents would readily show that there is an utter lack of the pre-requisite documents. As can be noted, attached to your letter were permits and certificates which expired on December 31, 2022 rendering the same as irrelevant in the application of renewal of business permit for the year 2023. Considering the lack of pre-requisite documents, your application for renewal cannot be processed by this Office.

Further, upon inspection of available records, COZY Gas Station lacks the following documents to legally operate a gasoline station:

- DOE Certificate of Compliance
- DENR Discharge Permit
- DENR Permit to Operate

Hence, this Office strongly suggests that the foregoing documents be secured first.

On a final note, this Office reiterates that a Mayor's Permit is a privilege granted for the conduct of business within the territorial jurisdiction of this Municipality. It is not a right. The grantee of this privilege is bound by the rules and regulations of the Municipality. Failure to abide is a sufficient reason to deny access to said privilege.

Very truly yours,

**RAMON C. OÑATE**

*Municipal Mayor*



Republic of the Philippines  
**PROVINCE OF LEYTE**  
Palo, Leyte

ANNEX



**PROVINCIAL GOVERNOR'S OFFICE**

## **CERTIFICATION**

**THIS IS TO CERTIFY** that per records of this Office and despite diligence search of alleged Executive Order No. 01 Series of 2023 issued by the LGU Palompon, no copy has been received or on file by this office.

Issued this 23<sup>rd</sup> day of January 2023 at Leyte Provincial Government Complex, Palo, Leyte.

  
**PHYLLIS I. SOLEDAD**  
PGADH





Republic of the Philippines  
**PROVINCE OF LEYTE**  
Palo, Leyte  
-oOo-

**Sangguniang Panlalawigan**

ANNEX

J



## C E R T I F I C A T I O N

THIS IS TO CERTIFY that as per Records, this Office has not received a copy of the EO No. 1 Series of 2023 issued by the Local Chief Executive of Palompon, Leyte regarding Strict Compliance in Securing Permits and Clearances from PENRO and MGB Region 08 Concerning the Transport and Transfer of Sand and Gravel Entering the Municipality of Palompon, Leyte.

Issued this 23<sup>rd</sup> day of January 2023.

*Ma. Vilma T. Eamiguel*  
MA. VILMA T. EAMIGUEL  
Records Officer III

NOTED:

*Florinda Jill S. Uyvico*  
FLORINDA JILL S. UYVICO  
Secretary to the Sanggunian



ANNEX

K



Republic of the Philippines  
Province of Leyte  
Municipality of Palompon  
-000-



*Office of the MOPDC*

July 11, 2022

MESIAS AREVALO, Sr.  
Brgy. Cantuhaon  
Palompon, Leyte

**SHOW CAUSE ORDER**


Dear Mr. Arevalo,

This has reference to your existing business located at Lot No. 7126-B, Psd-08-032951-D Part, Brgy. Cantuhaon, Palompon, Relative to the above-cited project, this Office found that you have constructed your Gasoline Station in an agricultural land.

Accordingly, this Office serves you this SHOW CAUSE ORDER and hereby requires you to submit your sworn statement WITHIN THREE (3) DAYS FROM RECEIPT HEREOF stating reasons why you constructed your gasoline station business in an area zone as agricultural land.

The foregoing actions do not extinguish your liability under the law and shall be without prejudice to the imposition of fine or the issuance of Cease and Desist Order or to institution of criminal and civil sanctions.

**FAIL NOT UNDER PENALTY OF LAW**

  
**CHRISTOPHER T. MONTEBON**  
OIC/MPDC

Noted:

  
**RAMON C. ONATE**  
Municipal Mayor

VISION: "A vibrant self-sustaining and ecologically balanced Palompon"  
MISSION: "To ensure quality of life of the people of Palompon"  
(053) 525-0292 \* [info@palompon.gov.ph](mailto:info@palompon.gov.ph) \* [www.palompon.leyte.gov.ph](http://www.palompon.leyte.gov.ph)

7-11-22

4:03 PM

July 12, 2022

ANNEX

**HON. RAMON C. OÑATE**

Mayor  
Municipality of Palompon  
Province of Leyte

Dear Mayor Oñate,

Greetings of Peace and Solidarity.

On July 11, 2022, the undersigned has received a letter from your Honorable Office directing him to explain in a sworn statement within three (3) days from receipt of said letter why the Gasoline Station located at Lot. No. 7126-B, Psd-08-032951-D Part, Brgy. Cantuhaon, Palompon, Leyte was constructed in an agricultural land.

With due respect to this Honorable Office, the construction of said gasoline station in 2017 was with building permit issued by the Municipal Engineering's Office (MEO). The building permit is with the following details: 2017-0411415C, with OR No. 41972 dated 04/11/17.

Presumably, the MEO of this Municipality has kept a record of all the building permits it issued. Based on the citizen charter of MEO, one of the requirements before a building permit is issued, is a Locational Clearance or Certificate of Zoning Compliance from the Municipal Planning and Development Office (MPDO).

Thus, it is the humble submission of the undersigned that undersigned has complied with all the clearances and preconditioned permits before the aforesaid building permit was issued.

Be that as it may, the undersigned is respectfully calling your attention to Section 23 of Municipal Ordinance No. 424-070518 also known as "An Ordinance adopting (or amending) the integrated zoning regulations of the Municipality of Palompon and providing for the administration, enforcement and amendment thereof and for the repeal of all ordinances therewith", which provides that:

"Section 23: Agricultural Land Conservation and Preservation Criteria:

xxxx

However, Agricultural Lands parallel to the National, Provincial and Barangay roads within 200 meters are hereby declared as residential areas and as far as practicable and beneficial use for institutional and agro-industrial purposes..." (Emphasis supplied)

Thus, it is the humble submission of the undersigned that the land where the subject gasoline station is located is no longer an agricultural land, but a residential area and/or institutional and agro-industrial areas already by virtue of said Municipal Ordinance.

Respectfully yours,

**MESIAS AREVALO SR.**

SUBSCRIBED AND SWORN TO before me on JUL 14 2022, in  
Ormoc City, Philippines.

Doc. No. 301 ;  
Page No. 61 ;  
Book No. XXXIX  
Series of 2022

*received  
7/14/2022*

**ATTY. ADELITO N. SOLIBAGA, JR.**

Notary Public for the City of Ormoc  
Municipality of Ormoc  
Mandaue, Cebu  
NC No. 21115-12 D. & R. issued on 07/04/2020  
Valid until Dec 31, 2022, extended until 12-31-22 Per CO 3796  
dated 7/15/22

Per CO 3796  
dated 7/15/22

ANNEX

M



Republic of the Philippines  
Province of Leyte  
Municipality of Palompon  
-000-



Office of the *MPDC*

July 18, 2022

MESIAS AREVALO, Sr.  
Brgy. Cantuhaon  
Palompon, Leyte

**SHOW CAUSE ORDER**

Dear Mr. Arevalo,

This has reference to your letter dated July 12, 2022 regarding your existing business located at Lot No. 7126-B, Psd-08-032951-D Part, Brgy. Cantuhaon, Palompon. Relative to the above-cited business, you have made mentioned "Section 23: Agricultural Land Conservation and Preservation Criteria, it is indeed usable for residential areas and also a beneficial use for institutional and agro-industrial purposes. Since your gasoline was constructed in a residential area and it is now considered as within the environmental critical area, we would appreciate that you submit to this office the Environmental Compliance Certificate (ECC) as one of the requirements in putting up a gasoline station.

Accordingly, this Office serves you this SHOW CAUSE ORDER and hereby requires you to submit your sworn statement WITHIN THREE (3) DAYS FROM RECEIPT HEREOF stating reasons why you constructed your gasoline station business in an area zone as agricultural land.

The foregoing actions do not extinguish your liability under the law and shall be without prejudice to the imposition of fine or the issuance of Cease and Desist Order or to institution of criminal and civil sanctions.

**FAIL NOT UNDER PENALTY OF LAW**

**CHRISTOPHER T. MONTEBON**  
OIC-MPDC

Noted:

**RAMON C. OÑATE**  
Municipal Mayor

VISION: "A vibrant self-sustaining and ecologically balanced Palompon"  
MISSION: "To ensure quality of life of the people of Palompon"

(053) 525-0292 \* [lpalompon@gmail.com](mailto:lpalompon@gmail.com) \* [www.palomponleyte.gov.ph](http://www.palomponleyte.gov.ph)



ANNEX

"N"

July 19, 2022

**HON. RAMON C. OÑATE**  
Mayor  
Municipality of Palompon  
Province of Leyte

Dear Mayor Oñate,

Greetings of Peace and Solidarity.

On July 18, 2022, the undersigned again has received a letter from your Honorable Office directing him to explain in a sworn statement within three (3) days from receipt of said letter why the Gasoline Station located at Loc. No. 7126-B, Pxd-08-032951-D Part, Brgy. Cantuhaon, Palompon, Leyte was constructed in an agricultural land declared as residential area and it is considered as within the environmental critical area and to submit the necessary Environmental Compliance Certificate.

With due respect to this Honorable Office, the undersigned is respectfully reiterating to call your attention to Section 23 of Municipal Ordinance No. 424-070518 also known as "An Ordinance adopting (or amending) the integrated zoning regulations of the Municipality of Palompon and providing for the administration, enforcement and amendment thereof and for the repeal of all ordinances therewith", which provides that:

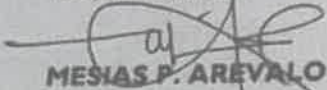
"Section 23: Agricultural Land Conservation and Preservation Criteria:

xxxx  
However, Agricultural Lands parallel to the National, Provincial and Barangay roads within 200 meters are hereby declared as residential areas and as far as practicable and beneficial use for institutional and agro-industrial purposes..." (Emphasis supplied)

Furthermore, on March 29, 2017, a Certificate of Non-Coverage (CNC-OL-R08-2017-03-00182) was issued by Environmental Management Bureau of the DENR (EMB-DENR) to the undersigned for the construction of said gasoline station. A photocopy of said document is hereto attached as Annex A. Under DENR Administrative Order No. 2003-30, a Certificate of Non-Coverage is a certification issued by the EMB certifying that, based on the submitted project description, the project is not covered by the EIS System and is not required to secure an ECC.

Thus, it is the humble submission of the undersigned that the land where the subject gasoline station is located is no longer an agricultural land, but a residential area and/or institutional and agro-industrial areas already by virtue of said Municipal Ordinance and the same is not considered as within the environmental critical area. Thus, the EMB-DENR issued a Certificate of Non-Coverage (CNC), instead of ECC as said gasoline station project is not among the ECC-covered projects.

Respectfully yours,

  
**MESIAS P. AREVALO SR.**

SUBSCRIBED AND SWORN TO before me on JUL 19 2022, in Ormoc City  
Philippines.

Doc. No. 375;  
Page No. 75;  
Book No. XXXIX  
Series of 2022

*received 7/21/22*

**ATTY. ADELITO M. SOLIBAGA, JR.**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob  
Menda and Isabel.

MCNo. ORM-19-12-018 issued on 01/14/2020

Valid until December 31, 2021

PTc No. 0524270 D/01/21, Ormoc City  
IBP No. 31355 D/06/21, Leyte

Roll of Notary No. 51625

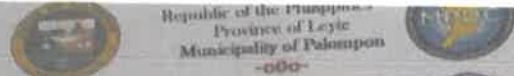
TIN 207-993-130

J Navarro St. Ormoc City

Extended until 12/31  
Per B.M. 3795 dated

ANNEX

0



Republic of the Philippines  
Province of Leyte  
Municipality of Palompon  
-000-

Office of the MPDC

August 17, 2022

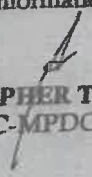
MESIAS AREVALO, SR.  
Brgy. Cantuhaon  
Palompon, Leyte

Dear Mr. Arevalo,

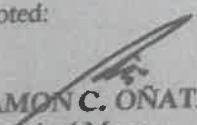
This has reference to the operation of COZY Gas, a gasoline station business, owned and managed by you, located at Lot No. 7126-B, Psd-08-032951-D Part, Brgy. Cantuhaon, Palompon, Leyte. As you well know, several prerequisite compliance certificates are required to build or operate a petroleum retail stations. Among said prerequisite is the Certificate of Compliance (COC) from the Department of Energy (DOE) pursuant to the provision embodied in the IRR (Implementing Rules and Regulation) of Republic Act 8479, otherwise known as *Downstream Oil Industry Deregulation Act of 1998*.

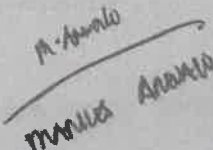
In view of the foregoing, records show that your gasoline station has been operating for several years however, this office is bereft of copy of your requisite Certificate of Compliance. Hence, you are hereby ordered to furnish this Office a copy of the above-stated COC within seventy two (72) hours upon receipt hereof. Failure on your part to comply with this order shall obligate this Office to impose regulatory sanction against your business operation.

For your information and compliance.

  
CHRISTOPHER T. MONTEBON  
OIC-MPDC

Noted:

  
RAMON C. ONATE  
Municipal Mayor

  
2:10 PM  
8/18/22

August 19, 2022

**HON. RAMON C. OÑATE**  
Mayor  
Municipality of Palompon  
Province of Leyte

RECEIVED  
DATE 08 22 22  
BY [Signature] 4:11 PM

Dear Mayor Oñate,

Greetings of Peace and Solidarity.

On July 18, 2022, the undersigned again has received another letter (third letter since you assumed office on June 30, 2022 in the afternoon as Mayor) from your Honorable Office directing him to submit a copy of the Certificate of Compliance (COC) issued by the Department of Energy (DOE) for the operation of his Cozy Gas Station in Brgy. Canipaan, Palompon, Leyte.

Since Cozy Gas Station started its operation in 2017, it was duly issued with Business Permit. Based on the Citizen Charter for the issuance of Business Permit/Mayor's Permit found and posted on the Transparency Board of the BPLS of the Municipality of Palompon, COC is not one of the prerequisite or preconditioned permits before the issuance of Business Permit/Mayor's Permit. In fact, the business permit has been consistently renewed up to the present.

Under Section 21 of the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 provides:

*"Sec. 21. Violations and Persons Liable. – Any person who performs or cause the performance of the following acts shall be liable:*

*"(b) Imposition of additional requirements other than those listed in the Citizen's Charter;" (Emphasis supplied)*

Thank you in advance and it is hoped that this letters finally settles your concern as to the operation of Cozy Gas Station.

Respectfully yours,

  
**MESIAS P. AREVALO SR.**



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON  
-000-

ANNEX

Q

Office of the Municipal Administrator

### CERTIFICATE OF APPEARANCE

THIS IS TO CERTIFY THAT Teresa P. Clorvida  
freelancer of SPA of the \_\_\_\_\_  
POSITION (Office/Agency/Barangay)

\_\_\_\_\_ appeared and transacted an official business at this office.

To submit the renewal of business documents of  
copy gas station, Mateo Enterprises & Magmar Gen. MISC. to the  
ISSUED this 6<sup>TH</sup> day of JANUARY 2023 at Palompon, Leyte, Philippines. Office of  
MPDC

  
**CHRISTOPHER T. MONTEBON**  
*Municipal Administrator-Des.*



ANNEX

R

KNOW ALL MEN BY THESE PRESENTS:

I, IRENE D. AREVALO, of legal age, married, Filipino and a resident of Brgy. Central III, Palompon, Leyte, Philippines, do hereby NAME, APPOINT and CONSTITUTE, TERESA P. OLORVIDA, also of legal age, married, Filipino and a resident of Brgy. San Isidro, Palompon, Leyte, Philippines, to be my true and lawful Attorney-in-Fact, for me and in my name, place and stead, to do and perform the followings acts and things, to wit:

1. To process the application for renewal of business permit and license with the Local Government of Palompon, Leyte, in connection with my business with registered business name, MATEO HARDWARE, located at Brgy. Cantuhaon, Palompon, Leyte;
2. To sign and execute documents and other writings which may be necessary to realize the same; and to do and perform whatever acts and things necessary to serve the foregoing purpose.

HEREBY GRANTING unto my said Attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes, as I might or could do if personally present. And hereby ratifying and confirming that my said attorney shall lawfully do or cause to be done by virtue thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 10<sup>th</sup> day of January 2023 at Palompon, Leyte, Philippines.

*Irene D. Arevalo*  
IRENE D. AREVALO  
Grantor

SIGNED IN THE PRESENCE OF:

1. *Josh Vincent A. Encarnacion*  
JOSH VINCENT A. ENCARNACION

ACKNOWLEDGMENT

Republic of the Philippines  
Province of LEYTE..... }. Sc.  
Municipality of Palompon  
x-----/

BEFORE ME, this 10<sup>th</sup> day of January 2023, at Palompon, Leyte, Philippines, personally appeared IRENE D. AREVALO, known to me to be the same person who executed the foregoing Special Power of Attorney by her competent proof of identity, consisting of her private Lic. No. # 10-10-000750, and she acknowledged to me that the same is her free and voluntary deed.

WITNESS MY HAND AND SEAL the day, year and place above-written.

*Lloyd P. Surigao*  
LLOYD P. SURIGAO

Notary Public

NC No. R-PAL-22-06-002; July 14, 2022

Until December 31, 2023

PTR No. 6174820; 01.03.2022

IBP No. 175250; 01.11.2022

Attorney's Roll No. 46782

450 San Francisco St., Palompon, Leyte

MCLE CC No. VII-0017828; Nov 12, 2022

DOC No.	66
PAGE No.	14
BOOK No.	XXXI
SERIES OF	2023



SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

I, MESIAS D. AREVALO JR., of legal age, married, Filipino and a resident of Brgy. Cantuhaon, Palompon, Leyte, Philippines, do hereby NAME, APPOINT and CONSTITUTE, TERESA P. OLORVIDA, also of legal age, married, Filipino and a resident of Brgy. San Isidro, Palompon, Leyte, Philippines, to be my true and lawful Attorney-in-Fact, for me and in my name, place and stead, to do and perform the followings acts and things, to wit:

R-1

ANNEX

1. To process the application for renewal of business permit and license with the Local Government of Palompon, Leyte, in connection with my business with registered business name, MESMAR General Merchandise, located at Brgy. Cantuhaon, Palompon, Leyte;
2. To sign and execute documents and other writings which may be necessary to realize the same; and to do and perform whatever acts and things necessary to serve the foregoing purpose.

HEREBY GRANTING unto my said Attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes, as I might or could do if personally present. And hereby ratifying and confirming that my said attorney shall lawfully do or cause to be done by virtue thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 10<sup>th</sup> day of January 2023 at Palompon, Leyte, Philippines.

MESIAS D. AREVALO JR.  
Grantor

SIGNED IN THE PRESENCE OF:

1. JOSH VINCENT A. ENCARNACION

ACKNOWLEDGMENT

Republic of the Philippines  
Province of LEYTE..... } Sc.  
Municipality of Palompon  
x-----/

BEFORE ME, this 10<sup>th</sup> day of January 2023, at Palompon, Leyte, Philippines, personally appeared MESIAS D. AREVALO JR., known to me to be the same person who executed the foregoing Special Power of Attorney by his competent proof of identity, consisting of his Driver's License # 110-15-000 QED, and he acknowledged to me that the same is his free and voluntary deed.

WITNESS MY HAND AND SEAL the day, year and place above-written.

DOC. No.	47
PAGE No.	19
BOOK No.	XXXI
SERIES OF	2023

LLOYD P. SURIGAO

Notary Public

NC No. R-PAL-22-06-002; July 14, 2022

Until December 31, 2023

PTR No. 6174820; 01.03.2022

IBP No. 175250; 01.11.2022

Attorney's Roll No. 46782

450 San Francisco St., Palompon, Leyte

MCLE CC No. VII-0017828; May 12, 2022



I, **MESIAS P. AREVALO SR.**, of legal age, married, Filipino and a resident of Brgy. Central III, Palompon, Leyte, Philippines, do hereby **NAME, APPOINT** and **CONSTITUTE, TERESA P. OLORVIDA**, also of legal age, married, Filipino and a resident of Brgy. San Isidro, Palompon, Leyte, Philippines, to be my true and lawful Attorney-in-Fact, for me and in my name, place and stead, to do and perform the followings acts and things, to wit:

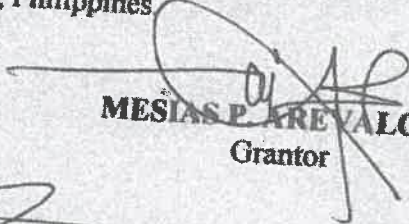
**ANNEX**

**R-2**

1. To process the application for renewal of business permit and licenses with the Local Government of Palompon, Leyte, in connection with my businesses with registered business names, **COZY GAS STATION** and **MATEO HARDWARE**, both located at Brgy. Cantuhaon, Palompon, Leyte;
2. To sign and execute documents and other writings which may be necessary to realize the same; and to do and perform whatever acts and things necessary to serve the foregoing purpose.

**HEREBY GRANTING** unto my said Attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes, as I might or could do if personally present. And hereby ratifying and confirming that my said attorney shall lawfully do or cause to be done by virtue thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 19<sup>th</sup> day of December 2022 at Palompon, Leyte, Philippines

  
**MESIAS P. AREVALO SR.**  
Grantor

SIGNED IN THE PRESENCE OF:

1. **JOSH VINCENT A. ENCARNACION**

**ACKNOWLEDGMENT**

Republic of the Philippines  
Province of LEYTE..... ). Sc.  
Municipality of Palompon  
x \_\_\_\_\_

**BEFORE ME**, this 19<sup>th</sup> day of December 2022, at Palompon, Leyte, Philippines, personally appeared **MESIAS P. AREVALO SR.**, known to me to be the same person who executed the foregoing Special Power of Attorney by his competent proof of identity, consisting of his Driver's License No. H07-75-003771, and he acknowledged to me that the same is his free and voluntary deed.

**WITNESS MY HAND AND SEAL** the day, year and place above-written.

DC No.	519
PAGE No.	104
BOOK No.	XXV
SERIES OF	1077

**LLOYD P. SURIBAL**  
Notary Public  
NC No. R-PAL-22-06-002; July 14, 2022  
Until December 31, 2023  
PTR No. 6174820; 01.03.2022  
IBP No. 175250; 01.11.2022  
Attorney's Roll No. 46782  
450 San Francisco St., Palompon, Leyte  
MCLE C No. VII-0017828; May 12, 2022



January 10, 2023

**MR. CHRISTOPHER T. MONTEBON**  
Municipal Planning and Development Officer  
Municipality of Palompon  
Province of Leyte

**ANNEX**

**S**

Dear Mr. Montebon,

Greetings of Peace and Solidarity.

I am the proprietor of MESMAR General Merchandise located in Brgy. Cantuhaon, Palompon, Leyte. Since it started its operation, its business permit has been consistently renewed every year.

However, on January 6, 2023, when my Attorney-in-Fact with duly issued Special Power of Attorney (SPA), in the person of TERESA P. OLORVIDA of Brgy. San Isidro, Palompon, Leyte, came to your Office bringing all the required documents for the renewal of the Business Permit of MESMAR General Merchandise after it was assessed by the Business Permits and Licensing Office (BPLO) and Office of the Building Official (OBO) which endorsed to your Office for your approval or conformity and endorsement of the same to the Municipal Treasurer's Office (MTO) for the payment of the corresponding fees. **YOU DID NOT ACT ON IT**, but instead, brought my Attorney-in-Fact to the Mayor's Office who required my appearance before he would act on the application for the renewal of the Business Permit of MESMAR General Merchandise.

This is to inform this Office that all the required documents for the renewal of the business permit of MESMAR General Merchandise were already complete when my Attorney-in-Fact went to your office for your action. Unfortunately, you failed to act on it.

In view of the foregoing, I am reiterating my application for your endorsement of my application for the renewal of the business permit of MESMAR General Merchandise to MTO for the payment of MPDO fees if there is any, and/or business permit fees, and/or to other concerned offices and/or to the Mayor's Office for the issuance of the renewed business permit.

Again, I am being represented by my Attorney-in-Fact, Ms. Olorvida to process the renewal of the business permit of MESMAR General Merchandise before your Office and other concerned offices. She will be again bringing all the required documents including the duly notarized SPA.

I am hoping that you will immediately, this time, act on my application in accordance with the Citizen Charter of your Office and in compliance with the Ease of Doing Business and Efficient Government Service Delivery Act of 2018.

Section 9 of said Act provides that:

"Section 9. *Accessing Government Services.* – The following shall adopted by all government offices and agencies:

(a) *Acceptance of Applications or Requests.* –

- (1) **All officers or employees shall accept written applications, requests, and/or documents being submitted by applicants or requesting parties of the offices or agencies.**
- (2) The receiving officer or employee shall perform a preliminary assessment of the application or request submitted with its supporting documents to ensure a more expeditious action on the application or request. The receiving officer or employee shall

immediately inform the applicant or requesting party of any deficiency in the accompanying requirements, which shall be limited to those enumerated in the Citizen's Charter.

- (3) The receiving officer or employee shall assign a unique identification number to an application or request, which shall be the identifying number for all subsequent transactions between the government and the applicant or requesting party regarding such specific application or request.
- (4) The receiving officer or employee shall issue an acknowledgement receipt containing the seal of the agency, the name of the responsible officer or employee, his/her unit and designation, and the date and time of receipt of such application or request.

(b) Action of Offices. -

- (1) All applications or requests submitted shall be acted upon by the assigned officer or employee within the prescribed processing time stated in the Citizen's Charter which shall not be longer than three (3) working days in the case of simple transactions and seven (7) working days in the case of complex transactions from the date the request and/or complete application or request was received.

For applications or requests involving activities which pose danger to public health, public safety, public morals, public policy, and highly technical application, the prescribed processing time shall in no case be longer than twenty (20) working days or as determined by the government agency or instrumentality concerned, whichever is shorter.

The maximum time prescribed above may be extended only once for the same number of days, which shall be indicated in the Citizen's Charter. Prior to the lapse of the processing time, the office or agency concerned shall notify the applicant or requesting party in writing of the reason for the extension and final date of release of the government service/s requested. Such written notification shall be signed by the applicant or requesting party to serve as proof of notice.

If the application or request for license, clearance permit, certification or authorization shall require the approval of the local Sangguniang Bayan, Sangguniang Panlungsod, or the Sangguniang Panlalawigan as the case may be, the Sanggunian concerned shall be given a period of forty-five (45) working days to act on the application or request, which can be extended for another twenty (20) working days. If the local Sanggunian concerned has denied the application or request, the reason for the denial, as well as the remedial measures that may be taken by the applicant shall be cited by the concerned Sanggunian.

In cases where the cause of delay is due to force majeure or natural or man-made disasters, which result to damage or destruction of documents, and/or system failure of the computerized or automatic processing, the prescribed processing times mandated in this Act shall be suspended and appropriate adjustments shall be made.

- (2) No application or request shall be returned to the applicant or requesting party without appropriate action. In case an application or request is disapproved, the officer or employee who rendered the decision shall send a formal notice to the applicant or requesting party within the prescribed processing time, stating therein the reason for the disapproval. A finding by a competent authority of a violation of any or other laws by the

applicant or requesting party shall constitute a valid ground for the disapproval of the application or request, without prejudice to other grounds provided in this Act or other pertinent laws.”

Further, Section 21 of said Act provides:

“Sec. 2. *Violations and Persons Liable.* – Any person who performs or cause the performance of the following acts shall be liable:

- (a) **Refusal to accept application or request with complete requirements being submitted by an applicant or requesting party without due cause;**
- (b) **Imposition of additional requirements other than those listed in the Citizen's Charter;**
- (c) **Imposition of additional costs not reflected in the Citizen's Charter;**
- (d) **Failure to give the applicant or requesting party a written notice on the disapproval of an application or request;**
- (e) **Failure to render government services within the prescribed processing time on any application or request without due cause;**
- (f) **Failure to attend to applicants or requesting parties who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch break;**
- (g) Failure or refusal to issue official receipts; and
- (h) Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage.”

Furthermore, Section 22 of the same act provides for the penalties and liabilities of any violation of said act, which states that:

“Sec. 22. *Penalties and Liabilities.* – Any violations of the preceding actions will warrant the following penalties and liabilities. *lawphil*

- (a) **First Offense: Administrative liability with six (6) months suspension. Provided, however, that in the case of fixing and/or collusion with fixers under Section 21(h), the penalty and liability under Section 22(b) of this Act shall apply.**
- (b) **(b) Second Offense: Administrative liability and criminal liability of dismissal from the service, perpetual disqualification from holding public office and forfeiture of retirement benefits and imprisonment of one (1) year to six (6) years with a fine of not less than Five hundred thousand pesos (P500,000.00), but not more than Two million pesos (P2,000,000.00).**

Criminal liability shall also be incurred through the commission of bribery, extortion, or when the violation was done deliberately and maliciously to solicit favor in cash or in kind. In such cases, the pertinent provisions of the Revised Penal Code and other special laws shall apply.”

Section 10 of said Act also provides for automatic approval or extension of license, clearance, permit, certification or authorization should you fail to act my application for renewal of my business permit. It states that:

“Sec. 10. *Automatic Approval or Automatic Extension of License, Clearance, Permit, Certification or Authorization.* – **If a government office or agency fails to approve or disapprove an original application or request for issuance of license, clearance, permit, certification or authorization within the prescribed processing time, said application or request shall be deemed approved.** Provided, That all required documents have been submitted and

all required fees and charges have been paid. The acknowledgment receipt together with the official receipt for payment of all required fees issued to the applicant or requesting party shall be enough proof or has the same force and effect of a license, clearance, permit, certification or authorization under this automatic approval mechanism.

"if a government office or agency fails to act on an application or request for renewal of a license, clearance, permit, certification or authorization subject for renewal within the prescribed processing time, said license, clearance, permit, certification or authorization shall **automatically be extended**; Provided, That the Authority, in coordination with the Civil Service Commission (CSC), Department of Trade and Industry (DTI), Securities and Exchange Commission (SEC), Department of the Interior and Local Government (DILG) and other agencies which shall formulate the IRP of this Act, shall provide a listing of simple, complex, highly technical applications, and activities which pose danger to public health, public safety, public morals or to public policy."

I am respectfully praying that you ACT on my application and receive or acknowledge the receipt of all the documents required for renewal of the business permit of MESMAR General Merchandise as presented and submitted to you by my Attorney-in-Fact, Ms. Olorvida.

For your easy reference, I am attaching hereto the complete and pertinent documents for my application of business permit of MESMAR General Merchandise, to wit:

- 1) Affidavit of Consent for Access on CCTV Records
- 2) Business Permit for year 2022
- 3) Sanitary Permit issued on December 31, 2022 by the Office of the Municipal Health
- 4) Locational Clearance No. TP2-06-22-260 dated June 28, 2022
- 5) DTI Certificate of Business Name Registration
- 6) Photos of MESMAR General Merchandise
- 7) Tax Declaration No. 2537 of Lot No. 8126 where the MESMAR General Merchandise is located
- 8) OBO Clearance issued to MESMAR General Merchandise dated January 1, 2022
- 9) Fire Safety Inspection Certificate issued by the Bureau of Fire Protection (BFP) dated May 19, 2022
- 10) BIR Certification of Registration of MESMAR General Merchandise

Respectfully yours,

  
**MESIAS D. AREVALO JR.**  
MESMAR General Merchandise



REPUBLIC OF THE PHILIPPINES  
Province of Leyte  
**Sangguniang Panglalawigan (SP)**  
New Leyte Provincial Capitol  
Palo, Leyte  
-oOo-

**MESIAS P. AREVALO,**

Complainant, ADMIN. CASE  
NO. \_\_\_\_\_

FOR:  
Dishonesty, Oppression,  
Misconduct in Office, Gross  
Negligence, Dereliction of Duty,  
abuse of authority under Section  
7 of the Revised Internal  
Procedure of the Sangguniang  
Panlalawigan (SP) of the  
Province of Leyte, Philippines,

-versus-

Violation of Republic Act No.  
3019 (Anti-Graft and Corrupt  
Practices Act), R.A. 6713 (Code  
of Conduct and Ethical  
Standards for Public Officials and  
Employees), Section 9, 21 and  
22 of the R.A. No. 11032  
otherwise known as the Ease of  
Doing Business and Efficient  
Government Service Delivery Act  
of 2018

**RAMON C. OÑATE,**

Respondent,

x- - - - - x

Republic of the Philippines)  
City of Ormoc) S.S.

x - - - - - /

**JUDICIAL AFFIDAVIT OF WITNESS**

I, **TERESA P. OLORVIDA**, having been sworn to oath in  
accordance with law, hereby depose and state, THAT:

- 1. I of legal age, Filipino, widow and a resident of Brgy. San

Isidro, Palompon, Leyte, Philippines;

2. That in accordance with A.M. No. 12-8-8-SC, which prescribes the use of judicial affidavits to serve as the direct examination testimony of a witness, on the basis of which the adverse party may conduct his cross examination on such a witness, I hereby execute this judicial affidavit in a question and answer format;

3. That conformably with section 3 (b) of said A.M. No. 12-8-8-SC, my examination as a complaining witness was conducted and taken under the supervision of Atty. Dennis L. Hibaya, at Solibaga Law Office, J. Navarro St., Ormoc City.

4. I have honestly answered the questions propounded to me, fully conscious that I do so under oath, and that I may face criminal liability for false testimony or perjury;

5. The questions asked of me and my corresponding answers are as follows:

Q1: Please state your name, status, residence and occupation.

A: I am Teresa P. Olorvida, of legal age, widow, Filipino and a resident of Brgy. San Isidro, Palompon, Leyte.

Q2: Do you know the complainant of this case?

A: Yes.

Q3: Why do you know him?

A: Because I was engaged by the complainant and his children (Mesias D. Arevalo, Jr and Irene D. Arevalo) to process the papers for the renewal of their respective business permits. I was duly authorized by them through Special Power of Attorney (SPA).

Q4: Can you tell before this office their respective business?

A: The complainant is the owner of Cozy Gas Station, Mesias D. Arevalo, Jr. is the registered owner of Mesmar General Merchandise and Irene D. Arevalo is the registered owner of Mateo Enterprises, all located at Brgy. Cantuhaon, Palompon, Leyte.

Q5: How about the respondent do you know him?

A: Yes, because he is the incumbent mayor of Palompon, Leyte.

Q6: Do you know the circumstances why the complainant filed this instant case against the respondent?

A: Yes.

Q7: Can you please relay the same to this Honorable Office?

A: On January 6, 2023, I was one of those who were queuing at the ground floor of the Municipal Hall building to submit the required documents for the renewal of their respective business permits. I brought with me the documents for the renewal.

Q8: What happened next?

A: When I reached the person-in-charge at the table representing the Municipal Planning and Development Coordinator (MPDC) of the Municipal Planning and development Office (MPDO) of the Municipality of Palompon, Leyte, manned by Mae Escoton, I handed to Ms. Escoton the documents in support of the renewal of business permit for the above-named businesses. However, Ms. Escoton merely looked at the names of the owners and compared it with the list of businesses and names of its owners which she kept in her possession. She did not care to examine all the documents. Upon finding their names to be among those in her list, she took the documents with her and went up to the Office of the Mayor. When she came back, she told me to go up to the Mayor's Office. While in the Mayor's Office, they gave me the documents and I was told by Gemma Maupo Apuya to come back the following day at 9:00 o'clock in the morning.

Q9: What you were told to come back the following day, what happened?

A: I came back to the Office of the Mayor the following day as I was told.

Q10: You said that you came back to the Office of the Mayor the following day, what happened at the Office of the Mayor?

A: I was able to talk to Mayor Ramon C. Oñate who asked for my purpose.

Q11: Then, what was your reply?

A: I replied, "Imong mga best friend magpa renew sa business permit" (Your best friends would want their permit renewed.)

Q12: Then, what was his reply?

A: I was told by Mayor Oñate in this wise: "Sila lang paanhia. Sila paatubanga" (Let them come here. Let them come



face with me.) He never bothered to examine the documents.

Q13: After you were told by the Mayor Oñate about it, what did you do next?

A: I went out, and informed the complainant about it.

Q14: After you informed the complainant about Mayor Oñate told you, what happened next?

A: On January 12, 2023, I was tasked by Mesias Arevalo to hand over the letters signed by him, Mesias D. Arevalo, Jr. and Irene D. Arevalo concerning the application for renewal of his business permit to Mr. Christopher Montebon, Municipal Planning and Development Officer/Coordinator of the Municipality of Palompon, Leyte. However, Mr. Montebon received and opened said letter and later on refused to receive the same. Instead, Mr. Isagani Jaena, his officemate, told me in front of Mr. Montebon, "Imo nang ipareceive ni Tope para inyo na kihaan? (You would want it received by Tope, referring to Christopher Montebon, so you would sue him.)

Q15: What evidence do you have proving that Mr. Montebon refused to receive the said letter?

A: I have here a copy of the audio and video recordings which I took on that day to prove that indeed said personnel of the MPDO of the Municipality of Palompon, Leyte refused to receive the said documents necessary for the renewal of their respective business permits. I saved the said audio and video recordings in a CD to preserve it which is attached hereto as **Annex X**.

Q16: What did you do when the said documents were refused to receive by Mr. Montebon?

A: I returned the documents to the complainant on the same day and informed him about the said incident.

Q17: Do you have anything more to say?

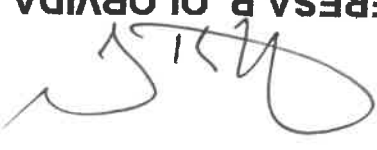
A: Based on my observation, Mayor Oñate's demand for the business owners to come to his Office and to face him is unreasonable and tainted with malice and bad faith, as there is no law that requires the business owners to personally come and face the Mayor for the renewal of their business permit. In fact, the Citizen's Charter of the local government of Palompon did not provide as a requirement for the business owners to come and face with the mayor before their business permits can be renewed. Based on my personal knowledge, Mayor Oñate unilaterally and

Doc No. 17  
Page No. 40  
Book No. 1000  
Series of

**ATTY. DENNIS L. HIBAYA**  
Notary Public for the City of Ormoc,  
Municipalities of Kananga, Matag-ob,  
Merida and Isabel  
NC No. ORM-22-07-011-NC issued on 08/26/2022  
Valid until December 31, 2023,  
PTR No. 7450209, 01/03/2023  
IBP No. 255940, 12/29/2022  
Roll of Attorney No. 76903  
TIN 922-420-348  
MCLE Exemption Bar Matter No. 850, Sec. 3 (a) :



**SUBSCRIBED** FEB 17 2023  
**AND SWORN TO** in Ormoc City, Philippines.  
before me on

**TERESA P. OLORVIDA**  
Affiant/Witness  


**IN WITNESS WHEREOF**, I have hereunto affixed my signature on FEB 17 2023 in Ormoc City, Philippines.

5. I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Panlalawigan, New Provincial Capitol, Palo, Leyte entitled **MESIAS P. AREVALO vs. RAMON C. ONATE**.  
6. I further sayeth naught.  
I believe that for Mayor Onate to impose such requirement is legally actionable because it violated the provisions of ANTI-RED TAPE ACT (ARTA) and the pertinent Presidential executive issuance on Ease of Doing Business. It will not serve the best interest not only of the business owners but also the people of Palompon.  
Order or Memorandum only upon businessmen who supported former Mayor Myra Georgina Arevalo. But for business owners who are allied with him, the renewal of their business permit did not have to go through tedious process, which includes going to the Office of the Mayor to face him in person.  
unreasonably imposed such requirement without written

\_\_\_\_\_ : Series of J. Navarro St., Ormoc City, Philippines  
2023.

### SWORN ATTESTATION

I, **DENNIS L. HIBAYA**, Filipino, of legal age, married with business address at Solibaga Law Office, J. Navarro St., Ormoc City, after having been sworn to oath in accordance with law, hereby depose and state, THAT:

1. I faithfully recorded the questions I asked of and the corresponding answers that **TERESA P. OLORVIDA** gave;
2. Neither I nor any other person then present or assisting him coached **TERESA P. OLORVIDA** regarding the latter's answers.

IN WITNESS WHEREOF, I have hereunto affixed my signature  
on FEB 17 2023 in Ormoc City, Philippines.

  
**DENNIS L. HIBAYA**

SUBSCRIBED AND SWORN TO before me on FEB 17 2023  
in Ormoc City, Philippines.

Doc No. 12  
Page No. 3  
Book No. XIV  
Series of 2023

**ATTY. ADELITO M. SOLIBAGA JR.**

Notary Public for the City of Ormoc,  
Municipalities of Karanga, Matag-ob,  
Merida and Isabel

NC No. ORM-22-12-038-100 issued on 01/01/2023

Valid until December 31, 2024

ATR No. 745898, 01/01/2023, Ormoc City

IBP No. 236920, 12/29/2021, Leyte

Roll of Attorneys No. 51625

TIN 207 693-130

MCLE Compliance No. VI.00146-10

Valid until April 14, 2025





Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

-o0o-

*Office of the Municipal Mayor*

February 1, 2023

ANNEX X-

**MESIAS AREVALO SR.**  
Proprietor  
Cozy Gas Station  
Canipaan, Palompon, Leyte

**CEASE AND DESIST ORDER**

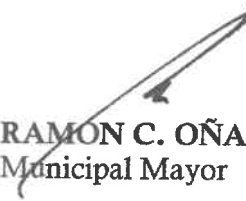
**Mr. Arevalo:**

On January 12, 2023, this Office received your application for renewal of business permit coursed through registered mail. However, the Office cannot process the same considering that attached to said letter were permits and licenses that have expired on December 31, 2022 rendering the same as irrelevant in the application for renewal of business permit for 2023. Considering the foregoing, it is apparent that Cozy Gas Station has been operating without a business permit.

In view of the foregoing, you are hereby directed to **CEASE AND DESIST** from further operating your business until a Business Permit granting you the privilege to conduct business within the Municipality for the year 2023 has been duly issued. In the meantime, you are advised to process your business permit accordingly.

This Order is without prejudice to the filing of appropriate charges against you for violating the provisions of the Municipal Tax Regulatory Code.

SO ORDERED.

  
**RAMON C. OÑATE**  
Municipal Mayor





Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

-o0o-

*Office of the Municipal Mayor*

February 1, 2023

MESIAS D. AREVALO JR.  
Proprietor  
MESMAR General Merchandise  
Cantuhaon, Palompon, Leyte

ANNEX

X-1

**CEASE AND DESIST ORDER**

**Mrs. Arevalo:**

On January 12, 2023, this Office received your application for renewal of business permit coursed through registered mail. However, the Office cannot process the same considering that attached to said letter were permits and licenses that have expired on December 31, 2022 rendering the same as irrelevant in the application for renewal of business permit for 2023. Considering the foregoing, it is apparent that Mesmar Enterprises has been operating without a business permit.

In view of the foregoing, you are hereby directed to **CEASE AND DESIST** from further operating your business until a Business Permit granting you the privilege to conduct business within the Municipality for the year 2023 has been duly issued. In the meantime, you are advised to process your business permit accordingly.

This Order is without prejudice to the filing of appropriate charges against you for violating the provisions of the Municipal Tax Regulatory Code.

SO ORDERED.

  
**RAMON C. OÑATE**  
Municipal Mayor

VISION: "A vibrant self-sustaining and ecologically balanced Palompon"

MISSION: "To ensure quality of life of the people of Palompon"

(053) 525-0292 • [lupalompon@gmail.com](mailto:lupalompon@gmail.com) • [www.palomponleyte.gov.ph](http://www.palomponleyte.gov.ph)





Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

-o0o-

*Office of the Municipal Mayor*

February 1, 2023

**IRENE D. AREVALO**  
Proprietor  
MATEO Enterprises  
Cantuhaon, Palompon, Leyte

ANNEX X-2

**CEASE AND DESIST ORDER**

**Mrs. Arevalo:**

On January 12, 2023, this Office received your application for renewal of business permit coursed through registered mail. However, the Office cannot process the same considering that attached to said letter were permits and licenses that have expired on December 31, 2022 rendering the same as irrelevant in the application for renewal of business permit for 2023. Considering the foregoing, it is apparent that Mateo Enterprises has been operating without a business permit.

In view of the foregoing, you are hereby directed to **CEASE AND DESIST** from further operating your business until a Business Permit granting you the privilege to conduct business within the Municipality for the year 2023 has been duly issued. In the meantime, you are advised to process your business permit accordingly.

This Order is without prejudice to the filing of appropriate charges against you for violating the provisions of the Municipal Tax Regulatory Code.

SO ORDERED.

  
**RAMON C. OÑATE**  
Municipal Mayor

**VISION:** "A vibrant self-sustaining and ecologically balanced Palompon"

**MISSION:** "To ensure quality of life of the people of Palompon"

(053) 525-0292 • [lgupalompon@gmail.com](mailto:lgupalompon@gmail.com) • [www.palomponleyte.gov.ph](http://www.palomponleyte.gov.ph)

PHILIPPINE POSTAL CORPORATION

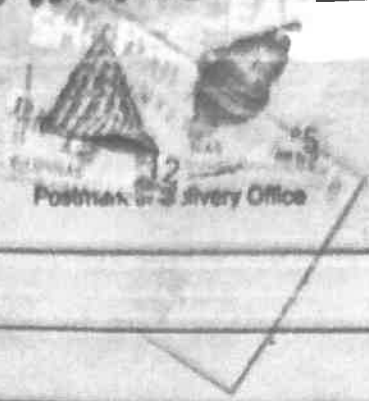
Form No. 1548-A

ANNEX

F

REGISTRY RETURN RECEIPT

Penalty for official use to avoid payment of postage is fine of P300 or six months imprisonment



Name of Sender MERLIAS D. AREVALO JR.

House No. / Street/or P.O Box No. BRGY. GANTUHAON

Zip Code/Municipality/City Province PALOMPON, LEYTE

SENDER OF REGISTERED ARTICLE MAY USE THIS SPACE FOR THE PRIVATE FILING GUIDE

FILE CASE ON ACCOUNT NUMBER

RE 657 678 056 ZZ



Post Office COVIL

Letter/Package No. COVIL

Posted on JAN 18 2023

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

ANNEX G

REGISTRY RETURN RECEIPT

RECEIVED from the postmaster at \_\_\_\_\_

Registered Letter/Parcel No. \_\_\_\_\_ Posted at \_\_\_\_\_

Addressed to CHRISTOPHER T. MONTEBON

(Name of Addressee)

Date 1-17-23, 20\_\_\_\_

RC 657 678 056 ZZ



Christopher Montebon  
(Signature of Addressee Over Printed Name)

(Signature of Addressee's agent/Authorized Representative)

The Sender shall completely and legibly fill out the sender's information (front side face of this RRR) and Registry No. and addressee's name at the back.

A Registered article must be delivered under receipt to (under signature by) the addressee or to his/her authorized representative, except for Restricted Registered Mail which should be delivered to The Delivery Office shall postmark this RRR and mail back to the Postmaster of the post office of mailing via Ordinary Mail.

REPUBLIC OF THE PHILIPPINES  
Province of Leyte  
**Sangguniang Panglalawigan (SP)**  
New Leyte Provincial Capitol  
Palo, Leyte  
-oOo-

**MESIAS P. AREVALO,**

Complainant, ADMIN. CASE NO. \_\_\_\_\_

FOR:

Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, abuse of authority under Section 7 of the Revised Internal Procedure of the Sangguniang Panlalawigan (SP) of the Province of Leyte, Philippines,

-versus-

Violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), R.A. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees), Section 9, 21 and 22 of the R.A. No. 11032 otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018

**RAMON C. OÑATE,**

Respondent,

X- - - - -X

Republic of the Philippines)

City of Ormoc ) S.S.

**JUDICIAL AFFIDAVIT**

I, **MESIAS P. AREVALO**, of legal age, married, Filipino, and a resident of Arellano St., Central 3, Palompon, Leyte, having been sworn to oath in accordance with law, hereby depose and state, **THAT:**

1. I am of legal age, Filipino, married and a resident of Lopez Jaena St., Ormoc City, Philippines;
2. That in accordance with A.M. No. 12-8-8-SC, which prescribes the use of judicial affidavits to serve as the direct examination testimony of a

witness, on the basis of which the adverse party may conduct his cross examination on such a witness, I hereby execute this judicial affidavit in a question and answer format;

3. That conformably with section 3 (b) of said A.M. No. 12-8-8-SC, my examination as a complaining witness was conducted and taken under the supervision of Atty. Dennis L. Hibaya at Solibaga Law Office, J. Navarro St., Ormoc City.
4. I have honestly answered the questions propounded to me, fully conscious that I do so under oath, and that I may face criminal liability for false testimony or perjury.
5. The questions asked of me and my corresponding answers are as follows:

Q1: Are you the same Mesias P. Arevalo who is the complainant of this case?

A: Yes, I am.

Q2: How about the respondent, Mayor Ramon C. Oñate, do you know him?

A: Yes, I know him as he is the incumbent Mayor of the Municipality of Palompon, Leyte.

Q3: Why are you here at Solibaga Law Office?

A: Because I need to execute an administrative complaint against the respondent for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, abuse of authority under Section 7 of the Revised Internal Procedure of the Sangguniang Panlalawigan (SP) of the Province of Leyte, Philippines and for violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), R.A. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees), Section 9, 21 and 22 of the R.A. No. 11032 otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018.

**Illegal enforcement of Executive Order (EO) No. 01, Series of 2023 issued by the Respondent for the latter's failure to have the EO reviewed and approved by the Provincial Governor and concurrence by the Sangguniang Panlalawigan (SP) of the Province of Leyte**

Q4: Can you relay to the Honorable members of the Sangguniang Panlalawigan (SP) of the Province of Leyte how the respondent committed the acts you complained of?

A: On January 4, 2023 at around 4 o'clock in the afternoon in Brgy. Tabunok, Palompon, Leyte, while the my driver, Bryan Cotejo Cajeras, was driving the dump truck with plate number CCO 1844 loaded with washed sand legitimately purchased from the Industrial Sand and Gravel operator in the person of Erwin Lagancia, in Kananga, Leyte, along the highway in Brgy. Tabunok, he was illegally prohibited by an LGU employee in the person of Ranulfo Andales a.k.a "Dodong Andales" to traverse the road going to his destination in Brgy. Cantuhaon, Palompon, Leyte.

Q5: What happened next after?

A: Mr. Andales forced Mr. Cajeras to unload the washed sand against his will in the shoulder portion of the national highway, just across the church in Barangay Tabunok, Palompon, Leyte despite of the fact that Mr. Carejas showed to him the Delivery Receipts (DRs) which was duly issued to the complainant by Mr. Lagancia who is a legitimate operator of sand and gravel business in Kananga, Leyte.

Q6: What evidence do you have to prove that your driver was equipped with delivery receipts at the time he was prohibited to proceed to his destination?

A: The copy of the delivery receipts.

Q7: I have here with me a copy of the Delivery Receipts (DRs) which were already marked as **Exhibit B** and series, are these the same DRs that you were referring to?

A: Yes.

Q8: What happened after your driver was directed to unload said washed sand?

A: My driver Bryan Cajeras explained to Mr. Andales that all documents needed to transport said washed sand are complete, but no avail. Instead, Mr. Andales threatened, intimidated and pressured my driver that he would not be allowed to proceed to his destination should he not unload the washed sand.

Q9: What happened next after your driver was threatened, intimidated and pressured by Mr. Andales?

A: My driver was forced to unload the washed sand in the shoulder portion of the national highway, just across the church in Barangay Tabunok, Palompon, Leyte.

Q10: What evidence do you have that said washed sand was forcibly unloaded in the said area?

A: I have here the photo of the washed sand that was forcibly unloaded.

Q11: I have here with me a copy of the photo of the washed sand that was forcibly unloaded which was already marked as **Exhibit C**, is this the same document that you were referring?

A: Yes, that's the same document.

Q12: What action did you your driver Bryan Cajeras take when was forced to unload the washed sand?

A: He reported the incident to the nearest station and he had it recorded in the police blotter.

Q13: I have here with me a copy of the police blotter which was already marked as **Exhibit A**, is this the same document that you were referring?

A: Yes, that's the same document.

Q14: What else transpired during the moment that your driver was forcibly directed by Mr. Andales to unload the said washed sand?

A: My driver was also pressured, intimidated and forced to sign a document at the Brgy. Hall of Brgy. Tabunok, Palompon, Leyte alleging among others that he voluntarily unloaded said washed sand. Also, Mr. Ranil Pacaldo who came to the rescue of Bryan Cajeras was also forced to sign said document at the said Brgy. Hall because Mr. Andales threatened that they would seize the dump truck. Further, the Punong Barangay of Brgy. Tabunok, Palompon, Leyte who exerted pressure also on Mr. Cajeras and Pacaldo is the fourth degree relative by consanguinity with the wife of respondent Ramon C. Oñate (Mayor Oñate) in this case.

Q15: Do you have proof of your statement?

A: The copy of the Judicial Affidavit of Mr. Cajeras.

Q16: I have here with me a copy of the Judicial Affidavit of Mr. Cajeras which is marked as **Exhibit D**, is this the same document that you were referring?

A: Yes, that's the same document.

Q17: What was the reason of Mr. Andales in prohibiting your driver to proceed to his destination with the aforesaid washed sand?

A: Mr. Andales reasoned out that he was enforcing the Executive Order No. 1, Series of 2023 that the respondent Mayor Oñate allegedly issued.



Q18: Do you have proof to support your statement?

A: I have here the photo of the signage of the checkpoint.

Q19: I have here with me a copy of the photo of the signage of the checkpoint which was marked as **Exhibit E**, is this the same document that you were referring?

A: Yes, that's the same document.

Q20: What action did you take after the said incident?

A: On January 23, 2023, I wrote a letter to the respondent complaining about the incident that Mr. Andales and his companion did to Bryan Cajares, and further, asked for a copy of the Executive Order (EO) No. 1, Series of 2023 that he issued that established several check points in the Municipality of Palompon, Leyte.

Q21: Do you have proof of said letter?

A: Yes, I have here with me the copy of said letter.

Q22: I have here with me a copy of the said letter which was marked as **Exhibit F**, is this the same document that you were referring?

A: Yes, that's the same document.

Q23: What happened to your letter addressed to the respondent?

A: On February 8, 2023, I received the respondent's letter-reply where the latter affirmed that he issued the aforesaid EO. Sections 1 and 2 of said EO is hereunder reproduced for easy reference:

“Section 1. Strict Monitory on the Compliance in Securing Prerequisite Permits and Clearances from Leyte Provincial Environment and Natural Resources Office (PENRO) and Mines ang Geosciences Bureau Region 8 (MGB R8) Concerning the Transport and Transfer of Sand and Gravel from any part of Leyte to the Municipality of Palompon.

The transport and transfer of sand and gravel from any party of Leyte to the municipality of Palompon is hereby strictly monitored. As used in this Order, it means that all sand and gravel to be transported and transferred to the municipality of Palompon shall have prerequisite permits and clearances particularly from the concerned offices stated above.

Section 2. Penalties for violation. Failure to present these permits and clearances when asked at the

municipal border check point shall constitute as a violation of this Order and trucks or any form of transportation equipment carrying/loading sand and gravel shall not be allowed to enter in any territorial jurisdiction of Palompon, Leyte.”

Q24: Do you have proof of said letter-reply?

A: Yes.

Q25: I have here with me the copy of the said Letter-Reply of the respondent and his EO which were marked as **Exhibits G and H**, are these the same documents that you were referring to?

A: Yes, these are the same documents.

Q26: What else can you say about the said EO issued by the respondent?

A: Based on said provision of the LGC, it is only the Provincial Government that is vested with the power to regulate the extraction of sand, gravel and other quarry resources within the territorial jurisdiction of the Province. Component Cities and Municipalities, like the Municipality of Palompon, Leyte, are bereft of such power.

The aforesaid EO was issued by the respondent as his means to harass legitimate businessmen who did not support him during the last elections. It has been a public knowledge in Palompon, Leyte, that the respondent closed business establishments and did not renew the business permits of his political opponents and that of the latter’s supporters.

Q27: Before you sent said letter to the respondent on January 23, 2023, what else did you do in so far as the aforesaid EO is concerned?

A: In the morning of January 23, 2023, I made inquiries with the Office of the Provincial Governor of Leyte and the Sangguniang Panlalawigan (SP) of Leyte whether the respondent has submitted a copy of said EO for review and approval by the Governor and concurrence by the SP of the Province of Leyte, and it was found out that he did not submit the same to said offices.

Q28: Do you have proof of your statement that the respondent did not submit to said offices the subject EO?

A: Yes, the copies of the certification of the Office of the Governor and SP of Leyte.

Q29: I have here with me the copies of the certification of the Office of the Governor and SP of Leyte. which were marked as

**Exhibits I and J**, are these the same documents that you were referring to?

A: Yes, that's the same document.

Q30: What can you say about the enforcement of the said EO which was not submitted for review and approval by the Provincial Governor and concurrence with SP?

A: Based on my research, that act of the respondent is a clear violation of the Local Government Code of 1991, particularly Sections 29 and 30 of the 1991 Local Government Code (LGC) of the Philippines provide:

SEC. 29. Provincial Relations with Component Cities and Municipalities. - The province, through the governor, shall ensure that every component city and municipality within its territorial jurisdiction acts within the scope of its prescribed powers and functions. Highly urbanized cities and independent component cities shall be independent of the province.

SEC. 30. Review of Executive Orders. - (a) Except as otherwise provided under the Constitution and special statutes, the governor shall review all executive orders promulgated by the component city or municipal Mayor within his jurisdiction. The city or municipal Mayor shall review all executive orders promulgated by the punong barangay within his jurisdiction. Copies of such orders shall be forwarded to the governor or the city or municipal Mayor, as the case may be, within three (3) days from their issuance. In all instances of review, the local chief executive concerned shall ensure that such executive orders are within the powers granted by law and in conformity with provincial, city, or municipal ordinances. (b) If the governor or the city or municipal Mayor fails to act on said executive orders within thirty (30) days after their submission, the same shall be deemed consistent with law and therefore valid. (Emphasis supplied)

He also violated article 59 of Rule XII of the IRR of the 1991 LGC of the Philippines also provides,

“Art. 59. General Supervision of the Province Over Component Cities and Municipalities...

(b) The scope of supervision by the province over component cities and municipalities shall include, but not limited to, the following:

(1) ***The governor shall review executive orders issued by the mayor of the component city or municipality, subject to the concurrence of the sangguniang panlalawigan***, except as otherwise provided under the Constitution and special statutes. If the governor and the sangguniang panlalawigan fail to act on said executive orders within thirty (30) days from receipt thereof, the same shall be deemed consistent with the law and therefore valid.” (Emphasis supplied)

Q30: What else can you say about the said EO as the basis of Mr. Andales in prohibiting your driver to enter Polompon, Leyte with said washed sand?

A: As can be easily gleaned from the Letter-Reply of the respondent, he is mum and silent in so far as his violation to the afore-stated provisions of LGC. He never answered the query in my letter about the requirement by the LGC that all EOs of the component cities and municipalities should be submitted to the Governor for review and approval, and for SP’s concurrence.

**Political harassment by the respondent against his political opponents and the latter’s supporters after he assumed office as Mayor**

Q31: Now, you mentioned that the aforesaid EO was issued by the respondent as his means to harass legitimate businessmen who did not support him during the last elections. You also said that it has been a public knowledge in Palompon, Leyte, that the respondent closed business establishments and did not renew the business permits of his political opponents and that of the latter’s supporters, why did you say that?

A: Because I have been a victim of the cruelty and vindictiveness of the respondent since he assumed Mayor of Palompon, Leyte in the afternoon of June 30, 2022. Since then, my businesses have been subjected to several harassments by the respondent. Particularly, on July 11, 2022, the respondent directed me to

explain in writing why I constructed a gasoline station in an area zone as agricultural land.

Q32: Do you have proof of said show because order dated July 11, 2022?

A: Yes.

Q33: I have here with me a copy of the show cause order dated July 11, 2022 which was marked as **Exhibit K**, is the same document that you were referring?

A: Yes, that's the same document.

Q34: After you received said show cause order, what did you do next?

A: On July 12, 2022, I replied that said the construction of said gasoline station was with building permit and zoning clearance. I also called the respondent's attention to Section 23 of Municipal Ordinance No. 424-070518 also known as "An Ordinance adopting (or amending) the integrated zoning regulations of the Municipality of Palompon and providing for the administration, enforcement and amendment thereof and for the repeal of all ordinances therewith", which provides that:

"Section 23: Agricultural Land Conservation and Preservation Criteria:

Xxxx

However, Agricultural Lands parallel to the National, Provincial and Barangay roads within 200 meters are hereby declared as residential areas and as far as practicable and beneficial use for institutional and agro-industrial purposes..." (Emphasis supplied)

Q35: Do you have proof of said letter-reply?

A: Yes, the copy of my July 12, 2022-letter-reply.

Q36: I have here the copy of the July 12, 2022-letter-reply which was marked as **Exhibit L**, is this the same document that you were referring?

Q37: After you replied to said show cause order, what else took place?

A: On July 18, 2022, the respondent, again, issued another show cause order. This time he directed me to submit an Environmental Compliance Certificate (ECC) for my gasoline station.

Q38: Do you have proof of said show cause order?

A: Yes, I have a copy of the show cause order dated July 18, 2022.

Q39: I have here with me a copy of the of said July 18, 2022-show cause order which was marked as **Annex M**, is this the same document that you were referring?

A: Yes, that's the same document.

Q40: What did you do next after receiving the second show cause order?

A: In compliance with said second show cause order, I replied in writing to the respondent where I attached the copy of the Certificate of Non-Coverage (CNC-OL-R08-2017-03-00182). I further explained in my letter that ECC is not applicable to the construction of the gasoline station.

Q41: Do you have proof of said letter?

A: Yes, copy of said letter dated July 19, 2022.

Q42: I have here with me the copy of the letter dated July 19, 2022 which was marked as **Exhibit N**, is this the same document that you were referring?

A: Yes, that's the same document.

Q43: After you sent your letter dated July 19, 2022, what happened next?

A: Not satisfied with my letter-reply to respondent's second show cause order, the latter again issued another letter on August 17, 2022 directing me to submit the Certificate of Compliance (CoC) from the Department of Energy (DOE) in relation to the operation of my gasoline station.

Q44: Do you have proof to said directive?

A: Yes, the copy of said directive issued by the respondent on August 17, 2022.

Q45: I have here with me a copy of the said directive issued by the respondent on August 17, 2022 which was marked as **Exhibit O**, is this the same document that you were referring?

A: Yes, that's the same document.

Q46: Upon receipt of said directive, what did you do next?

A: In reply to said August 17, 2022-directive, I called the respondent's attention that since Cozy Gas Station started its operation in 2017, it was duly issued with Business Permit. Based on the Citizen Charter for the issuance of Business Permit/Mayor's Permit found and posted on the Transparency Board of the BPLS of the Municipality of Palompon, Leyte, COC



is not one of the prerequisites or preconditioned permits before the issuance of Business Permit/Mayor's Permit.

I also emphasized that the business permit of said gasoline station has been consistently renewed up to the present. I also cited section 21 of the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 provides:

"Sec. 21. *Violations and Persons Liable.* – Any person who performs or cause the performance of the following acts shall be liable:

**"(b) Imposition of additional requirements other than those listed in the Citizen's Charter;"** (Emphasis supplied)

Q47: Do you have proof to support your statement?

A: Yes, the copy of the copy of the complainant's reply to said August 17, 2022-directive.

Q48: I have here with me a copy of your reply to said August 17, 2022-directive which was marked as **Exhibit P**, is this the same document that you were referring?

A: Yes, that's the same document. As you can notice, as early as July 2022, he already started harassing me and my children's businesses and even up to now.

***Deliberate inaction on the part of the respondent on the application for the renewal of the business permits of the complainant's businesses for 2023***

Q49: You mentioned that as early as July 2022, he already started harassing you and your children's businesses and even up to now, why did you say that?

A: Because, the respondent was contented with his malevolent ways in harassing the supporters of his political opponents last year, he continued doing said harassment until now. He deliberately refused, through his subordinates, the processing of my application for the renewal of the business permits of my businesses and that of my children.

Q50: Why did you say so that?

A: Because on January 6, 2023, when my Attorney-in-Fact who was duly equipped with Special Power of Attorney (SPA), in the person of TERESA P. OLORVIDA of Brgy. San Isidro, Palompon, Leyte, came personally to the Office of Mr. Christopher Montebon, who is respondent's Municipal Planning and

Development Officer, to process the renewal of the business permit of COZY GAS STATION, MESMAR General Merchandise and MATEO Enterprises, he did not act on said application.

Q51: Why did you say that Mr. Montebon did not act on said application?

A: Because, when Ms. Olorvida personally handed over all the required documents to start the process of the renewal of said business permit on January 6, 2023, Mr. Montebon did not even bother to act on it. The MPD Officer was supposed to act on the documents presented for his conformity with and endorsement to Municipal Treasurer's Office (MTO) for the payment of the corresponding fees, unfortunately, **HE DID NOT ACT ON THESE APPLICATIONS FOR RENEWAL**, but instead, he brought my Attorney-in-Fact to the respondent's office, and who directed Ms. Olorvida to inform me and my children to personally appear before the respondent's office, as a condition for him to act on the application for the renewal of the business permits.

Q52: Before she went to MPDO, what else did Ms. Olorvida do in so far as the renewal of business permits is concerned?

A: Before she went to the Office of Mr. Montebon at the Municipal Planning and Development Office (MPDO), she visited the Business Permits and Licensing Office (BPLO) first which assessed the documents if the same were complete and then, came to Office of the Building Official (OBO) that referred her to MPDO to begin with the process of the renewal of business permits as per BPLO's citizen charter.

Q53: What evidence do you have to prove that Ms. Olorvida went to MPDO to start the process in the renewal of said business permits?

A: Yes, a copy of the Certificate of Appearance issued by Mr. Montebon on January 6, 2023 certifying that Ms. Olorvida was in his office to process the renewal of my business permits and the copy of the SPA.

Q54: I have here with me copy of the Certificate of Appearance issued by Mr. Montebon on January 6, 2023 certifying that Ms. Olorvida was in his office to process the renewal of said business permits which was marked as **Exhibit Q**, and the copy of the SPA which was marked as **Exhibit R** and series, are these the same documents that you were referring to?

A: Yes, these are the same documents.

Q54: After your application for the renewal of business permit was not acted upon by Mr. Montebon on January 6, 2023, what happened next?

A: On January 12, 2023, Ms. Olorvida came back to MPDO bringing again all the required documents attached to my letter which reiterated my application for renewal of my business permit. Mr. Montebon accepted said letter with attached documents but instructed Ms. Olorvida to come back after break. She came back as per instruction, but to her dismay, the letter with the required documents were returned to her without written approval or disapproval.

Q55: Do you have proof of your statements?

A: Yes, the copy of said letter and its attachments and the Affidavit of Ms. Olorvida and the audio and video recording made by Ms. Olorvida when she delivered the pertinent documents for the renewal of said business permits.

Q56: I have here with me copy of the of said letter which was marked as **Exhibits S** and **series**, and the affidavit of Ms. Olorvida and the audio and video recording which were marked as **Exhibits T** and **U** and **series**, are these the same letter, affidavits, audio and video recording that you were referring to?

A: Yes, that's the same document.

Q57: What action did you take after Mr. Montebon refused to receive the said letter?

A: After the said refusal of Mr. Montebon, on the same day, I sent the said letter via registered mail together with all of its attachments which are the complete and relevant documents necessary for the renewal of said business permits.

Q58: Do you have proof that you sent the letter through registered mail to Mr. Montebon?

A: Yes, the copy of the registry receipt and the return card of said mail matter.

Q59: I have here with me a copy of the registry receipt which was marked as **Exhibit V** and the copy of the return card which was marked as **Exhibit W**, are these the same documents that you were referring to?

A: Yes, these are the same documents,

Q60. What happened to the letter that you sent to Mr. Montebon?

A: Despite of the receipt of the said letter with the complete and required documents by Mr. Montebon on January 17, 2023 which demanded to act on said application for the renewal of

business permits, until now **MR. MONTEBON DID NOT ACT** on the same. Unfortunately, despite of the several follow-ups made on the application for the renewal of our business permits, up to this date, no action whether approval or disapproval in writing that MPDO issued to me and to my children. **Almost ONE (1) MONTH has passed** since the letters of application with complete documents for the renewal of said business permits were received by MPDO via registered mail, the MPDO has not acted on it. He also did not issue a written disapproval on said application.

Q61: What happened next if there is any?

A: On February 7, 2023, my children and I received three (3) separate Cease and Desist Orders dated February 1, 2023 which directed me and my children to cease and desist from operating our businesses.

Q62: Do you have proof of your statement?

A: Yes, the Cease and Desist Order dated February 1, 2023 which directed me and my children to cease and desist from operating our businesses.

Q63: I have here with me the copies of the said Cease and Desist Orders which were marked as **Exhibits X** and series, are these the same documents that you were referring to?

A: Yes, that are the same documents,

**Violation of Section 9, 21 and 22 of R.A. No. 11032 otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018**

Q64: What else can you say about the inaction on the part of the respondent on your application for the renewal of your business permits?

A: The inaction on the part of the MPDO upon the instruction of the respondent on the complainant's application is a clear violation of R.A. No. 11032 otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 which states. Section 9 of said Act provides that:

“Section 9. *Accessing Government Services.* – The following shall adopted by all government offices and agencies:

(a) Acceptance of Applications or Requests. –

- (1) **All officers or employees shall accept written applications, requests, and/or documents being submitted by applicants or requesting parties of the offices or agencies.**
- (2) The receiving officer or employee shall perform a preliminary assessment of the application or request submitted with its supporting documents to ensure a more expeditious action on the application or request. The receiving officer or employee shall immediately inform the applicant or requesting party of any deficiency in the accompanying requirements, which shall be limited to those enumerated in the Citizen's Charter.
- (3) The receiving officer or employee shall assign a unique identification number to an application or request, which shall be the identifying number for all subsequent transactions between the government and the applicant or requesting party regarding such specific application or request.
- (4) The receiving officer or employee shall issue an acknowledgement receipt containing the seal of the agency, the name of the responsible officer or employee, his/her unit and designation, and the date and time of receipt of such application or request.

(b) Action of Offices. –

- (1) All applications or requests submitted shall be acted upon by the assigned officer or employee within the prescribed processing time stated in the Citizen's Charter which shall not be longer than three (3) working days in the case of simple transactions and seven (7) working days in the case of complex transactions from the date the request and/or complete application or request was received.



For applications or requests involving activities which pose danger to public health, public safety, public morals, public policy, and highly technical application, the prescribed processing time shall in no case be longer than twenty (20) working days or as determined by the government agency or instrumentality concerned, whichever is shorter.

The maximum time prescribed above may be extended only once for the same number of days, which shall be indicated in the Citizen's Charter. Prior to the lapse of the processing time, the office or agency concerned shall notify the applicant or requesting party in writing of the reason for the extension and final date of release of the government service/s requested. Such written notification shall be signed by the applicant or requesting party to serve as proof of notice.

If the application or request for license, clearance permit, certification or authorization shall require the approval of the local *Sangguniang Bayan, Sangguniang Panlungsod*, or the *Sangguniang Panlalawigan* as the case may be, the *Sanggunian* concerned shall be given a period of forty-five (45) working days to act on the application or request, which can be extended for another twenty (20) working days. If the local *Sanggunian* concerned has denied the application or request, the reason for the denial, as well as the remedial measures that may be taken by the applicant shall be cited by the concerned *Sanggunian*.

In cases where the cause of delay is due to force majeure or natural or man-made disasters, which result to damage or destruction of documents, and/or system failure of the computerized or automatic processing, the prescribed processing times mandated in this Act

shall be suspended and appropriate adjustments shall be made.

- (2) No application or request shall be returned to the applicant or requesting party without appropriate action. In case an application or request is disapproved, the officer or employee who rendered the decision shall send a formal notice to the applicant or requesting party within the prescribed processing time, stating therein the reason for the disapproval. A finding by a competent authority of a violation of any or other laws by the applicant or requesting party shall constitute a valid ground for the disapproval of the application or request, without prejudice to other grounds provided in this Act or other pertinent laws.”

Q65: What else does said law provide?

A: Further, Section 21 of said Act provides:

“Sec. 2. *Violations and Persons Liable.* – Any person who performs or cause the performance of the following acts shall be liable:

- (a) *Refusal to accept application or request with complete requirements being submitted by an applicant or requesting party without due cause;*
- (b) *Imposition of additional requirements other than those listed in the Citizen’s Charter;*
- (c) *Imposition of additional costs not reflected in the Citizen’s Charter;*
- (d) *Failure to give the applicant or requesting party a written notice on the disapproval of an application or request;*
- (e) *Failure to render government services within the prescribed processing time on any application or request without due cause;*
- (f) *Failure to attend to applicants or requesting parties who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch break;*
- (g) *Failure or refusal to issue official receipts; and*

*(h) Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage."*

Q66: What else can you add?

A: The issuance of the cease and desist orders by the respondent despite of his inaction through his employee at MPDO is a proof that he intentionally violated the aforesaid laws. In application to the case at bar, the respondent, in conspiracy with his subordinates, clearly violated the aforesaid law. **First**, they did not accept my application for renewal of my business permit; **Second**, they did not assign a unique identification number to an application or request; and **Third**, they did not issue an acknowledgement receipt containing the seal of the agency. Further, the respondent had undoubtedly violated the procedure on "**Action of Offices**" as far as the application for business permit is concerned. Until now, my application has not been acted upon by the respondent. The law clearly prescribes that the respondent should act on said application **within 3 days for simple transactions or 7 days for complex**. The respondent also violated the provision that requires him to send formal notice **in writing explaining the reason of the denial or disapproval of said application for business permit**.

**The respondent has patently violated Section 3, (e) and (f) of Republic Act No. 3019 also known as Anti-Graft and Corrupt Practices Act**

Q67: Based on the foregoing, what other laws did the respondent violate?

A: The respondent has patently violated Section 3, **(e) and (f)** of Republic Act No. 3019 also known as Anti-Graft and Corrupt Practices Act which states that:

*"e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.*  
*(f) Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose*

*of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party."*

Q68: Why did you say that?

A: As I said, there is evident bad faith on the part of the respondent in not acting on my application for business permit and for maliciously issuing cease and desist order despite of the fact that the I have applied for the renewal of said business permit. It is not my fault considering that it is the respondent who, through MPDO, did not act on said application. Further, it is clear that the respondent has been illegally using his power as the Mayor to run after his political opponents and those who did not support him last elections. He issued the subject EO just to go after his opponents without even complying with the requirements under the LGC. In addition, the respondent has violated paragraph f of Section 3 of RA 3019, in intentionally and in bad faith, refusing without sufficient justification, to act on the application for the renewal of said business permit.

**Sections 4 and 5 of REPUBLIC ACT NO. 6713 are also violated.**

Q69: What else can you add?

A: The acts of the respondent are also violation of Section 4 of REPUBLIC ACT NO. 6713 also known as Code of Conduct and Ethical Standards for Public Officials and Employees, particularly paragraph (a) which states that:

*"SECTION 4. Norms of Conduct of Public Officials and Employees. — (A) Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties:*

*(a) Commitment to public interest. — Public officials and employees shall always uphold the public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in public funds and revenues.*

xxxx

*(c) Justness and sincerity. — Public officials and employees shall remain true to the people at all*

times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are coterminous with theirs.

(d) *Political neutrality.* — Public officials and employees shall provide service to everyone without unfair discrimination and regardless of party affiliation or preference.

(e) *Responsiveness to the public.* — Public officials and employees shall extend prompt, courteous, and adequate service to the public. Unless otherwise provided by law or when required by the public interest, public officials and employees shall provide information of their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed rural and urban areas.”

The respondent has also violated Section 5 of the aforesaid law, which provides that:

“SECTION 5. *Duties of Public Officials and Employees.*

— In the performance of their duties, all public officials and employees are under obligation to:

xxxx

(c) *Process documents and papers expeditiously.* — All official papers and documents must be processed and completed within a reasonable time from the preparation thereof and must contain, as far as practicable, not more than three (3) signatories therein. In the absence of duly authorized signatories,



the official next-in-rank or officer in charge shall sign for and in their behalf.

(d) *Act immediately on the public's personal transactions.*  
— All public officials and employees must attend to anyone who wants to avail himself of the services of their offices and must, at all times, act promptly and expeditiously.”

It is clear that the respondent has not observed the above-mentioned norms of conduct of public officials, thus, he has intentionally violated the said law.

**The respondent is also liable for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Section 7 of the Revised Internal Rules of Procedure of the Sangguniang Panlalawigan of the Province of Leyte**

Q70: What other laws or rules did the respondent violate?

A: The respondent is also liable for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Section 7 of the Revised Internal Rules of Procedure of the Sangguniang Panlalawigan of the Province of Leyte. Section 7 of the Revised Internal Rules of Procedure of the Sangguniang Panlalawigan of the Province of Leyte provides that:

“Section 7. Grounds for Filing of Administrative Disciplinary Cases. An elective municipal official may be disciplined or suspended from office by the Sangguniang Panlalawigan on any of the following grounds:

- 1.) Disloyalty to the Republic of the Philippines;
- 2.) Culpable violation of the Constitution;
- 3.) **Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty;**
- 4.) Commission of an offense involving moral turpitude or an offense punishable by at least prison mayor;
- 5.) **Abuse of authority;**
- 6.) Unauthorized absence for 15 consecutive days, in case of municipal mayors and vice mayors, and unjustifiable absences for four consecutive sessions, in the case of members

of Sangguniang Bayan;

- 7.) Application for, or acquisition of foreign citizenship or residence or status of an immigrant of another country; and
- 8.) Such other grounds as may be provided in Republic Act 7160 otherwise known as the Local Government Code of 1991; Republic Act No. 6713 also known as Code of Conduct and Ethical Standards for Public Officials and Employees; Republic Act No. 3019, Anti-Graft and Corrupt Practices Act; Administrative Code of 1987; the Revised Penal Code and all other applicable general and special laws.

**Q71:** Why did you say that the respondent Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority?

**A:** It cannot be denied that the respondent is liable for dishonesty, oppression, gross misconduct in his office, gross negligence, dereliction of duty and abuse of authority. He was dishonest to the oath of his office by oppressing me and abusing his authority just to get back at his political opponents, including me. He is liable for dereliction of duty for his failure to protect his constituents, including me, from his own abuses. From the foregoing exhaustive discussion, it is indubitably clear that respondent is at the same time, guilty for **grave misconduct and/or gross negligence** under the applicable laws and jurisprudence.

**Q72:** Now, what are your prayers before the Honorable members of the Sangguniang Panlalawigan (SP) of the Province of Leyte?

- A:** My prayers before the Honorable members of the Sangguniang Panlalawigan (SP) of the Province of Leytea are:
- a. To preventively suspend the respondent for sixty (60) days;
  - b. To find the respondent administratively guilty for violation of:
    1. Sections 29 and 30 of the 1991 Local Government Code (LGC) of the Philippines and Article 59 of Rule XII of the IRR of the 1991 LGC of the Philippines;
    2. Section 9, 21 and 22 of R.A. No. 11032 otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018;
    3. Section 3, (e) and (f) of Republic Act No. 3019 also known as Anti-Graft and Corrupt Practices Act;

4. Sections 4 and 5 of REPUBLIC ACT NO. 6713;
5. Dishonesty, Oppression, Gross Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Section 7 of the Revised Internal Rules of Procedure of the Sangguniang Panlalawigan of the Province of Leyte and pursuant to applicable laws and other relevant laws;

c. To impose a penalty of six (6) months suspension upon the respondent after being found guilty of the aforesaid violations.

Q73: Do you have anything more to say?

A: None for now sir.


6. I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Panlalawigan (SP), New Provincial Capitol, Palo, Leyte entitled MESIAS P. AREVALO vs. RAMON C. OÑATE.

7. I further sayeth naught.

IN WITNESS WHEREOF, I have hereunto affixed my signature on FEB 17 2023 in Ormoc City, Philippines.

  
**MESIAS P. AREVALO**  
Affiant/Complainant

SUBSCRIBED AND SWORN TO before me on FEB 17 2023 in Ormoc City, Philippines.

  
**ATTY. DENNIS L. HIBAYA**  
Notary Public for the City of Ormoc,  
Municipalities of Kananga, Matag-ob,  
Meycauayan, and Isabel  
NC No. ORM-72-07-011-NC issued on 08/26/2022  
Valid until December 31, 2023,  
PTR No. 7450209, 01/03/2023  
IBP No. 255940, 12/29/2022  
Roll of Attorney No. 76903  
TIN 922-420-348  
MCLE Exemption Bar Matter No. 850, Sec. 3 (a)

Doc. No. 114 ;  
Page No. 40 ;  
Book No. XNV ;  
Series of 2023.

**SWORN ATTESTATION**

I, **DENNIS L. HIBAYA**, Filipino, of legal age, married with business address at Solibaga Law Office, J. Navarro St., Ormoc City, after having been sworn to oath in accordance with law, hereby depose and state, THAT:

1. I faithfully recorded the questions I asked of and the corresponding answers that **MESIAS P. AREVALO** gave;
2. Neither I nor any other person then present or assisting him coached **MESIAS P. AREVALO** regarding the latter's answers.

IN WITNESS WHEREOF, I have hereunto affixed my signature this \_\_\_ day of FEB 17 2023 in Ormoc City, Philippines.

**DENNIS L. HIBAYA**

SUBSCRIBED AND SWORN TO before me on FEB 17 2023 in Ormoc City, Philippines.

Doc No. 19  
Page No. 4  
Book No. 44  
Series of 2023

**ATTY. ADELITO M. SOLIBAGA JR.**  
 Notary Public for the City of Ormoc,  
 Municipalities of Kananga, Matag-ob,  
 Merida and Isabel  
 NC No. ORM-2012-0354-C issued on 07/07/2022  
 Valid until December 31, 2024,  
 PTR No. 742708, 07/03/2023, Ormoc City  
 IBP No. 1255920, 12/29/2021, Leyte  
 Roll of Attorney No. 51625  
 TIN 207-693-136  
 MCLE Compliance No. VI-0014640  
 Valid until April 14, 2025

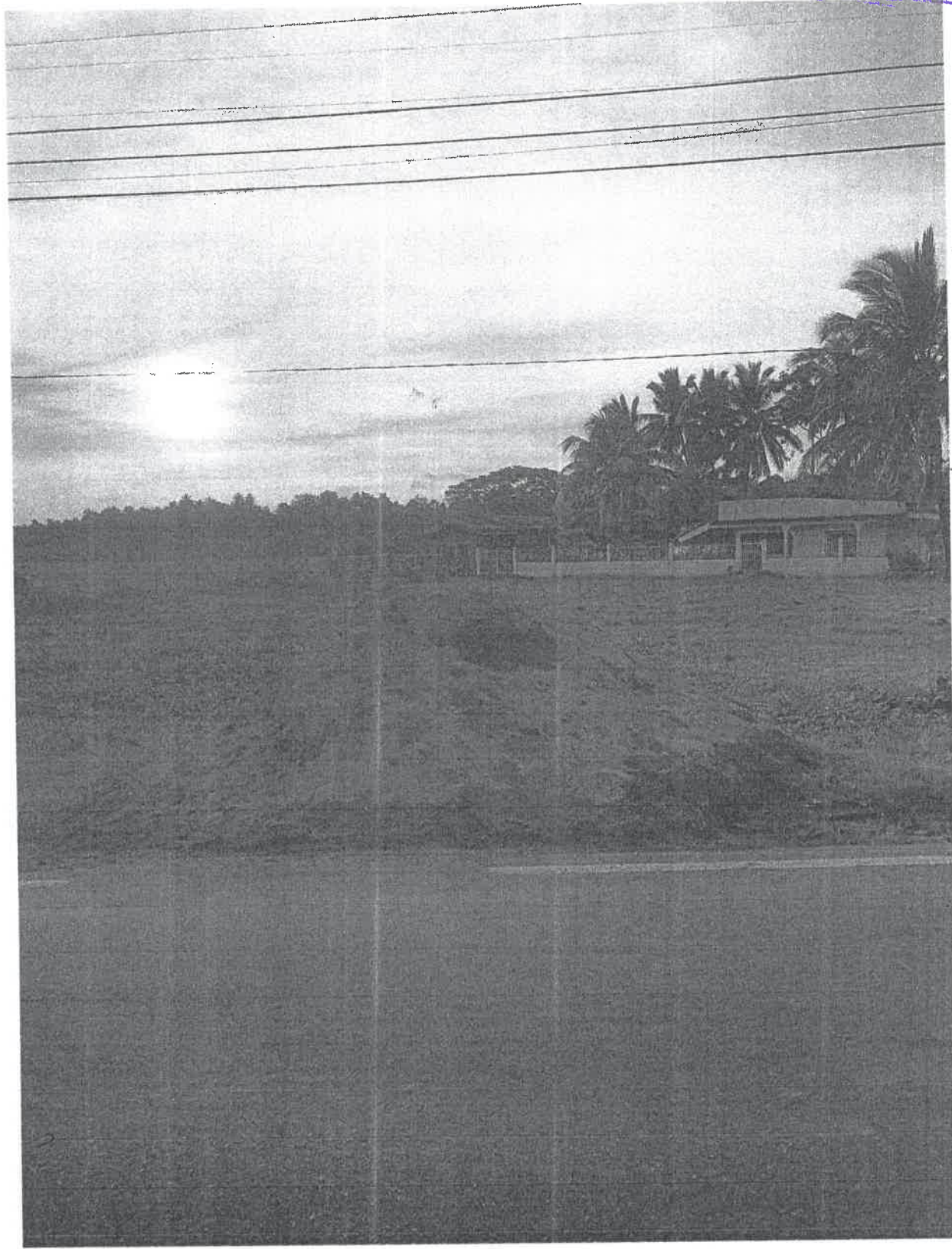






"C"

ANNEX  
EXHIBIT





Republic of the Philippines  
NATIONAL POLICE COMMISSION  
PHILIPPINE NATIONAL POLICE  
LEYTE POLICE PROVINCIAL OFFICE  
PALOMPON POLICE STATION  
Palompon, Leyte



PLNinv-

CERTIFICATION **ANNEX**  
**EXHIBIT**

TO WHOM IT MAY CONCERN:

**THIS IS TO CERTIFY** that hereunder is a certified true and correct extract copy from the Police Blotter of Palompon Police Station, Palompon, Leyte.

**Incidents/Events**  
Malicious Mischief

**Page No. 050/051, Entry No. 3547, Date: January 5, 2023, Time: 11:30am**

One Bryan Cajeras y Cotejo, 33 years old (September 18, 1989), married, truck driver and a resident of Brgy Cantuhaon, Palompon, Leyte personally appeared to this station and requested to put into records and alleged that on January 4, 2023 at around 4:00pm at Brgy Tabunok, Palompon, Leyte he was driving a dump truck with plate number CCO1844 owned by Mesias P Arevalo. The dump truck was fully loaded with wash sand coming from the quarry site in Kananga, Leyte. Upon turning right towards Brgy Magsaysay, a certain Ranulfo Andales aka 'Dodong Andales' chased the dump truck and immediately positioned himself in front of the dump truck. Mr Andales forcibly stopped him from moving towards the direction of his destination in Brgy Cantuhaon, Palompon, Leyte. At that time, Mr Andales was also accompanied by three (3) unidentified men without showing any authority from the Department of Environment and Natural Resources (DENR) or from the Provincial Government. Mr Andales directed him, against his will to produce the supporting papers in connection with the transported wash sand loaded in the truck. Upon turning over the documents, Mr Andales, without lawful authority and without the presence of the Police Officers, told him that he lacks certain documents. Thereafter, he left the area and went to inform his employer about the incident. But before leaving, he was told by Andales 'Palaban sa imong Amo'. When Bryan came back along with his co-driver, Ranil Pacaldo, they were told that they cannot retrieve the dump truck unless they unload the cargo and that they signed a manifestation in the barangay that were not forced to unload the was sand. With great reluctance, as it was against their will and having witnessed the intimidating manner in which they are made to perform an act they signed a manifestation as directed. Thereafter, they were told by the barangay officials and Ranulfo Andales to dump the wash sand beside the National Highway across the church in Barangay Tabunok.

Entered by : PCMS Joemar R Muertigue

ISSUED this 27<sup>th</sup> day of January 2023 at Palompon Police Station, Palompon, Leyte, Philippines.

Prepared by :

  
PCMS Joemar R Muertigue  
Duty Investigator

  
**REALTHUR S TABERNERO**  
Acting Chief of Police

OR No. : 7543717  
Date Issued : January 31, 2023  
Issued at : Palompon, Leyte  
Amount : Php 50.00



# OFFICIAL RECEIPT

Republic of the Philippines  
OFFICE OF THE TREASURER  
Province of Leyte



Accountable Form No. 51  
Revised January 1992  
Per SP Res. no. 03-327

**ORIGINAL**  
87543717

DATE 01/27/2023

**NO.PL7543717 B**

ligalangan 1. 0

PAYOR MENDOZA, Editha

FUND

San Isidro

NATURE OF COLLECTION

ACCOUNT CODE

AMOUNT

Police Extrajudicial Blotter

PLB

50.00

**TOTAL**

50.00

AMOUNT IN WORDS

Fifty Pesos and 00/100 Only

- Cash
- Check
- Money Order

DRAWEE BANK

NUMBER

DATE

Received the amount stated above

By

Ana C. Vertudes

COLLECTING OFFICER

NOTE: Write the number and date of this receipt on the back of check or money order received.

EXHIBIT

D

REPUBLIC OF THE PHILIPPINES  
Province of Leyte  
**Sangguniang Panglalawigan (SP)**  
New Leyte Provincial Capitol  
Palo, Leyte  
-oOo-

**MESIAS P. AREVALO,**

Complainant, ADMIN. CASE  
NO. \_\_\_\_\_

FOR:

Dishonesty, Oppression,  
Misconduct in Office, Gross  
Negligence, Dereliction of Duty,  
abuse of authority under Section  
7 of the Revised Internal  
Procedure of the Sangguniang  
Panlalawigan (SP) of the  
Province of Leyte, Philippines,

-versus-

Violation of Republic Act No.  
3019 (Anti-Graft and Corrupt  
Practices Act), R.A. 6713 (Code  
of Conduct and Ethical  
Standards for Public Officials and  
Employees), Section 9, 21 and  
22 of the R.A. No. 11032  
otherwise known as the Ease of  
Doing Business and Efficient  
Government Service Delivery Act  
of 2018

**RAMON C. OÑATE,**

Respondent,

x- - - - -x

Republic of the Philippines)  
City of Ormoc ) S.S.

**JUDICIAL AFFIDAVIT OF WITNESS**

I, **BRYAN CAJERAS**, having been sworn in accordance with law  
hereby depose and say THAT:

1. I am of legal age, Filipino, single and a resident of Brgy.  
Cantuhaon, Palompon, Leyte, Philippines;



2. That in accordance with A.M. No. 12-8-8-SC, which prescribes the use of judicial affidavits to serve as the direct examination testimony of a witness, on the basis of which the adverse party may conduct his cross examination on such a witness, I hereby execute this judicial affidavit in a question and answer format;
3. That conformably with section 3 (b) of said A.M. No. 12-8-8-SC, my examination as a complaining witness was conducted and taken under the supervision of Atty. Dennis L. Hibaya, at Solibaga Law Office, J. Navarro St., Ormoc City;
4. I have honestly answered the questions propounded to me, fully conscious that I do so under oath, and that I may face criminal liability for false testimony or perjury;
5. The questions asked of me and my corresponding answers are as follows:
6. The questions asked of us and my corresponding answers are as follows:
  - Q1: Palihog estotya imo pangalan, estado, gipuy-an ug trabaho. (Please state your name, status, residence and occupation.)  
A: Ako si Bryan Cajeras, ulitawo, nag puyo sa Brgy. Cantuhaon, Palompon, Leyte, ug usa ako ka drayber. (I am Bryan Cajeras, single, and a resident of Brgy. Cantuhaon, Palompon, Leyte, I am a driver.)
  - Q2: Kaila kaba sa nag kihante aning kasuha? (Do you know the complainant of this case?)  
A: Oo. (Yes.)
  - Q3: Nganong kaila man ka niya? (Why do you know him?)  
A: Kaila ko niya kay ako siya amo. (I know him, because he is my employer.)
  - Q4: Kaila sad ka sa mga gisumbong aning kasuha? (How about the respondent, do you know him?)  
A: Oo, ka'y siya maoy Mayor sa Palompon, Leyte. (Yes, because he is the incumbent Mayor of Palompon, Leyte.)
  - Q5: Diin manka atong January 4, 2023 sa alas kwatro sa hapon? (Where were you on January 4, 2023 at around 4 o'clock in the afternoon?)  
A: Nag drayb ko ug dump truck sa Brgy. Tabunok, Palompon, Leyte, nga na gipanag-iyahan sa kihante nga duna'y plate number CCO 1844 ug nga naay karga nga balas na gipalit gikan sa lehitimo na Industrial Sand and

Gravel operator nga gipanag-iya ni Erwin Lagancia sa Kananga, Leyte.

(I was driving the complainant's dump truck with plate number CCO 1844 loaded with washed sand legitimately purchased from the Industrial Sand and Gravel operator in the person of Erwin Lagancia, in Kananga, Leyte, along the highway in Brgy. Tabunok, Palompon, Leyte.)

Q6: Una man ang sunod nahitabo? (What happened next?)

A: Pag abot nako sa Tabunok, giharang ko ug mga tawo ug ila ko gipapadaplin sa kalsada ug gipakanaog ko nila sa truck. (When I arrived at Tabunok, there were persons who blocked my way and ordered me to get out from the truck.)

Q7: Unsa man ang sunod nahitabo? (What happened next?)

A: Gi did-an ko paglahos sa kalsada sa usa ka tawo padung sa destinasyon sa Brgy. Cantuhaon, Palompon, Leyte. (I was illegally prohibited by one person to traverse the road going to my destination in Brgy. Cantuhaon, Palompon, Leyte.)

Q8: Nag ingon man ka nga gi did-an ka pag agi sa usa ka tawo padung sa Brgy. Cantuhaon, Palompon, Leyte, kaila kaba ani na tawo? (You mentioned that you were illegally prohibited by a certain person to traverse the road going to Brgy. Cantuhaon, do you know this person?)

A: Oo, si Ranulfo Andales a.k.a. "Dodong Andales", nakaila ko niya kay nag trabaho siya sa munisipyo sa Palompon. (Yes, his name is Ranulfo Andales a.k.a. "Dodong Andales", I know him because he works at the LGU of Palompon.)

Q9: Unsa man ang sunod nga nahitabo sa dihang gipapanaog ka sa imo truck nga gi drayban? (What happened next after you were ordered to get out from the truck?)

A: Ako gipakita nila delivery receipts nga nagpamatuod na mipalit ang nag kihante sa maong balas kang Mr. Lagancia nga lehitimo nga namaligya ug sand and gravel nga negosyo sa Kananga, Leyte. Gani, ako pud sila gipakita sa permit nga pwede mag karga ang kihante ug balas ug graba. (I showed them the Delivery Receipts which were duly issued to the complainant by Mr. Lagancia who is a legitimate operator of sand and gravel business in Kananga, Leyte. In fact, I also showed the permit that the complainant is allowed to haul sand and gravel.)



Q10: Unsa man ang sunod nga nahitabo? (What happened next?)

A: Wala man ko paminawa ni Mr. Andales iya lang nuon gikuha tanan dokumento na ako gipakita sa iyaha (nga hangtod karon wala nila giuli sa akoo ug sa kihante) ug iya ko gibaharan ug gihadlok ko niya nga dili ko pwede molahos padung Brgy. Cantauhan kung dili nako iyabo ang balas na karga sa truck. (Mr. Andales did not listen to me instead he got all the documents that I showed him (until now they did not yet return said documents to me or to the complainant) and he threatened, intimidated and pressured me that I would not be allowed to proceed to my destination in Brgy. Cantauhan should I not unload the washed sand.)

Q11: Unsa man sunod na nahitabo? (What happened next, thereafter?)

A: Gi yabo nako ang balas nga karga sa truck nga supak sa akong kabubut-on, tungod sa kahadlok nga ila i-kuhaon ang maong truck. (I unloaded the washed sand from my truck due to fear that he might seize the said dump truck.)

Q12: Human nimo giyabo ang balas gikan sa truck, unsa man ang imo sunod nga gibuhat? (After you unloaded the washed sand from the truck, what happened next?)

A: Ila ko gidala sa Brgy. Hall sa Brgy. Tabunok, Palompon, Leyte ug gi pwersa ko papirma ko nila para ila daw ibedensya nga boluntaryo nga ako pag yabo ang balas gikan sa truck. (I was forced to sign a document at the Brgy. Hall of Tabunok, Palompon, Leyte alleging among others that I voluntarily unloaded said washed sand.)

Q13: Unsa man sunod na nahitabo? (What happened next, thereafter?)

A: Milakaw ko, ako gibiyaan ang truck ug miadto ko sa ako employer (ang kihante) aron pahibaw-on siya sa mga nahitabo. (I left the truck and I immediately proceeded to the complainant to inform him about what happened.)

Q14: Unsa man sunod na nahitabo? (What happened next?)

A: Gi apas ko ni Ranil Pacaldo aron iya ko tabangan pero naapil siya nga gi pugos papirma ug dokumento ug gihadlok kung dili mo pirma pati ang dump truck ipabilin nila. (Ranil Pacaldo came to rescue me but he was also forced to sign said document at the said Brgy. Hall because Mr. Andales threatened that they would seize the dump truck.)

7. I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Panlalawigan (SP), New Provincial Capitol, Palo, Leyte entitled MESIAS P. AREVALO vs. RAMON C. OÑATE.

8. I further sayeth naught.

IN WITNESS WHEREOF, I have hereunto affixed my signature on \_\_\_\_\_ in Ormoc City, Philippines.

FEB 17 2023

  
**BRYAN CAJERAS**  
Affiant/Witnesses

SUBSCRIBED AND SWORN TO before me on FEB 17 2023 in Ormoc City, Philippines.



Doc. No. 112 ;  
Page No. 40 ;  
Book No. XIV ;  
Series of 2023.

**SWORN ATTESTATION**

I, **DENNIS L. HIBAYA**, Filipino, of legal age, married with business address at Solibaga Law Office, J. Navarro St., Ormoc City, after having been sworn to oath in accordance with law, hereby depose and state, THAT:

1. I faithfully recorded the questions I asked of and the corresponding answers that **BRYAN CAJERAS** gave;
2. Neither I nor any other person then present or assisting him coached **BRYAN CAJERAS** regarding the latter's answers.

IN WITNESS WHEREOF, I have hereunto affixed my signature this \_\_\_ day of \_\_\_\_\_ in Ormoc City, Philippines.

FEB 17 2023

  
**DENNIS L. HIBAYA**

SUBSCRIBED AND SWORN TO before me on \_\_\_\_\_ in Ormoc City, Philippines.

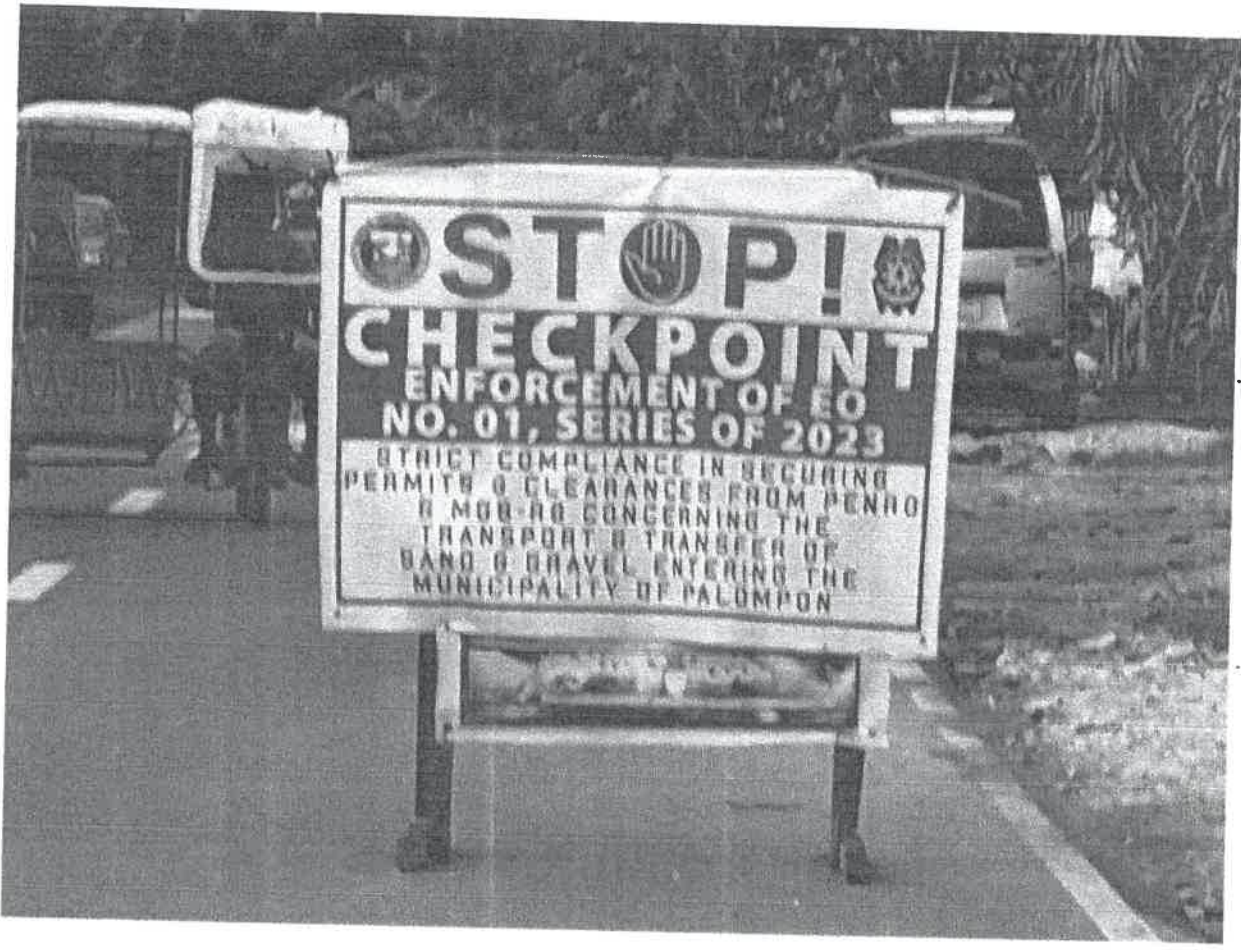
FEB 17 2023

Doc No. 13  
Page No. 3  
Book No. XIV  
Series of 2023

**ASTY. ADILTON M. SOLIBAGA, JR.**  
Notary Public for the City of Ormoc,  
Municipalities of Kawayan, Matagob,  
Merida and Cabal  
P.O. Box 091122, 1000 Solibaga Road, Ormoc 6723  
April 11 2024  
FEB 17 2023, Leyte  
Roll No. 11475  
ISS. FEB 23 2023  
2023 Philippine Not. VI 0014610  
Valid until April 14, 2025

ANNEX  
EXHIBIT

"E"



January 23, 2023

**HON. RAMON C. OÑATE**

Mayor  
Municipality of Palompon  
Province of Leyte

Dear Mayor Oñate,

Greetings of Peace and Solidarity.

This pertains to the incident on January 4, 2023 at around 4 o'clock in the afternoon in Brgy. Tabunok, Palompon, Leyte where my driver, Bryan Cotejo Cajeras, who was driving my dump truck with plate number CCO 1844 loaded with washed sand legitimately purchased from the Industrial Sand and Gravel operator in Kananga, Leyte, was illegally prohibited by an LGU employee in the person of Ranulfo Andales a.k.a "Dodong Andales" to traverse the road going to his destination in Brgy. Cantuhaon, Palompon, Leyte.

Mr. Andales forced Mr. Cajeras to unload the washed sand against his will in the shoulder portion of the national highway, just across the church in Barangay Tabunok, Palompon, Leyte.

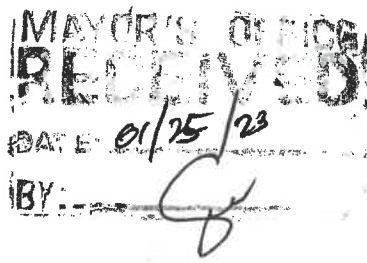
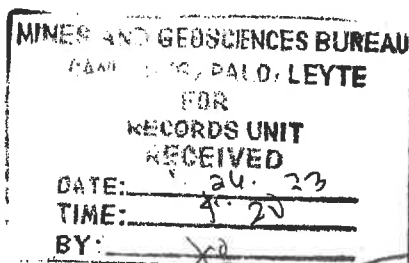
This is to inform your office that Mr. Cajeras was with delivery receipts (DRs) issued by the legitimate operator of sand and gravel business in Poblacion, Kananga, Leyte, at the time he was forcibly stopped by Mr. Andales in driving said dump truck towards his destination. It has a validly issued Industrial Sand and Gravel Permit from the Provincial Government of Leyte.

Mr. Andales was accompanied by three (3) unidentified men without authority from the DENR or Provincial Government of Leyte Task Force on Sand and Gravel. The copy of the blotter is hereto attached for your reference as **Annex A** and the **Delivery Receipts** and **ISAG Permit** as **Annexes B** and **C**, respectively.

The photo of the washed sand that was forcibly unloaded in the above-mentioned place are hereto attached as **Annex D**.

Under the Local Government Code of the Philippines (LGC), particularly Section 138 provides:

**SEC. 138. Tax on Sand, Gravel and Other Quarry Resources.** - The province may levy and collect not more than ten percent (10%) of fair market value in the locality per cubic meter of ordinary stones, sand, gravel, earth, and other quarry resources, as defined under the National Internal Revenue Code, as amended, extracted from public lands or from the beds of seas, lakes, rivers, streams, creeks, and other public



**ANNEX F**



waters within its territorial jurisdiction. The permit to extract sand, gravel and other quarry resources shall be issued exclusively by the provincial governor, pursuant to the ordinance of the sangguniang panlalawigan. The proceeds of the tax on sand, gravel and other quarry resources shall be distributed as follows...”

In view of the foregoing, may respectfully ask your good office of your legal basis in not allowing the entry of my dump truck loaded with washed sand with duly issued DELIVERY RECEIPTS from the legitimate operator of sand and gravel business in Kananga, Leyte?

On that ill-fated day, Mr. Andales reasoned out that he was enforcing the Executive Order No. 1, Series of 2023 that you issued. The photo of the signage of the checkpoint is hereto attached as **Annex E**.

May I respectfully request for a copy of said Executive Order (EO) No. 1, Series of 2023, considering that based on my inquiry with the Office of the Provincial Governor of Leyte and the Sangguniang Panlalawigan (SP) of Leyte, you have not yet submitted the aforesaid EO for review and approval by the Governor and concurrence by the SP of the Province of Leyte. The copy of the certification of the Office of the Governor and SP of Leyte is hereto attached as **Annexes F and G**.

Under Article 59 of Rule XII of the IRR of the 1991 LGC of the Philippines provides,

“Art. 59. General Supervision of the Province Over Component Cities and Municipalities...

(b) The scope of supervision by the province over component cities and municipalities shall include, but not limited to, the following:

(1) The governor shall review executive orders issued by the mayor of the component city or municipality, subject to the concurrence of the sangguniang panlalawigan, except as otherwise provided under the Constitution and special statutes. If the governor and the sangguniang panlalawigan fail to act on said executive orders within thirty (30) days from receipt thereof, the same shall be deemed consistent with the law and therefore valid.

Since you have not submitted the aforesaid EO for the Governor’s review and approval and SP’s concurrence, said EO should have not yet been implemented assuming the same was issued with legal basis.

Further, may I respectfully request to allow the driver of my dump trucks and the dump trucks of the sand and gravel operator equipped with delivery receipts from Kananga, Leyte to deliver washed sand and gravel in Palompon, Leyte.

My trucks have been singled out by you. All other trucks that deliver washed sand coming from other municipalities were allowed entry in the Municipality of Palompon, Leyte. Thus, this request.

As can be recalled, since you assumed as Mayor in the afternoon of June 30, 2022, my businesses have been subjected to harassment.

On July 11, 2022, you directed me to explain in writing why I constructed a gasoline station in an area zone as agricultural land. The copy of said Show Cause Order dated July 11, 2022 is hereto attached as **Annex H**.

On July 12, 2022, I replied that said the construction of said gasoline station was with building permit and zoning clearance. I also called your attention to Section 23 of Municipal Ordinance No. 424-070518 also known as "An Ordinance adopting (or amending) the integrated zoning regulations of the Municipality of Palompon and providing for the administration, enforcement and amendment thereof and for the repeal of all ordinances therewith", which provides that:

"Section 23: Agricultural Land Conservation and Preservation  
Criteria:

Xxxx

However, Agricultural Lands parallel to the National, Provincial and Barangay roads within 200 meters are hereby declared as residential areas and as far as practicable and beneficial use for institutional and agro-industrial purposes..." (Emphasis supplied)

The copy of my July 12, 2022-letter reply is hereto attached as **Annex I**.

On July 18, 2022, you issued another show cause order. This time you directed me to submit an Environmental Compliance Certificate (ECC). The copy of said July 18, 2022-show cause order is hereto attached as **Annex J**.

In compliance with said second show cause order, I replied in writing to you where I attached the copy of the Certificate of Non-Coverage (CNC-OL-R08-2017-03-00182). I further explained in my letter that ECC finds no application to the construction of the gasoline station. The copy of said my letter dated July 19, 2022 is hereto attached as **Annex K**.

Not satisfied with my letter-reply to your second show cause order, you again issued another letter on August 17, 2022 directing me to submit the Certificate of Compliance (CoC) from the Department of Energy (DOE) in relation to the operation of my gasoline station. The copy of the August 17, 2022-directive is hereto attached as **Annex L**.

In reply to said August 17, 2022-directive, I called your attention that since Cozy Gas Station started its operation in 2017, it was duly issued with Business Permit. Based on the Citizen Charter for the issuance of Business Permit/Mayor's Permit



found and posted on the Transparency Board of the BPLS of the Municipality of Palompon, Leyte, COC is not one of the prerequisite or preconditioned permits before the issuance of Business Permit/Mayor's Permit. The copy of my August 19, 2022-Letter reply to said directive is hereto attached as **Annex M**.

I also emphasized that the business permit of said gasoline station has been consistently renewed up to the present. I also cited section 21 of the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 provides:

"Sec. 21. *Violations and Persons Liable.* – Any person who performs or cause the performance of the following acts shall be liable:

**"(b) Imposition of additional requirements other than those listed in the Citizen's Charter;"**  
(Emphasis supplied)

Now, here comes another harassment from you. You did not act on our application for the renewal of the business permit of my businesses and that of my children.

I wrote a letter to Mr. Christopher T. Montebon, the MPDO of your administration, to act on our application, but as of the present, the same has not been acted upon. The copy of said letters is hereto attached as **Annexes, N, O, and P**.

In view of the foregoing, I am respectfully praying that my application for the renewal of business permit with complete preconditioned permits/documents which was processed by my Attorney-in-Fact be approved. Further, that my trucks be allowed entry in the municipality of Palompon, Leyte delivering washed sand and gravel.

Further, I am reiterating that I be given copy of the Executive Order No. Executive Order (EO) No. 1, Series of 2023. I will shoulder the expenses for the photocopying of said EO.

I respectfully hope that you will give this matter with utmost attention and immediate favorable response.

Respectfully yours,

  
**MESIAS P. AREVALO SR.**  
Dump truck owner

SUBSCRIBED AND SWORN TO before me on \_\_\_\_\_,  
in Ormoc City, Philippines.

Doc. No. 53 ;  
Page No. 28 ;  
Book No. 1 ;  
Series of 2023.

  
**ATTY. DENNIS L. HIBAYA**

Notary Public for the City of Ormoc,  
Municipalities of Tananga, Matag-ob,  
Merida and Isabel

NC No. ORM-22-07-011-NC issued on 08/26/2022

Valid until December 31, 2023,

P.R. No. 7470209, 01/03/2023

IB No. 255940, 12/29/2022

Roll of Attorney No. 76903

TIN 922-420-348

MCLE Exemption Bar Matter No. 850, Sec. 3 (a)

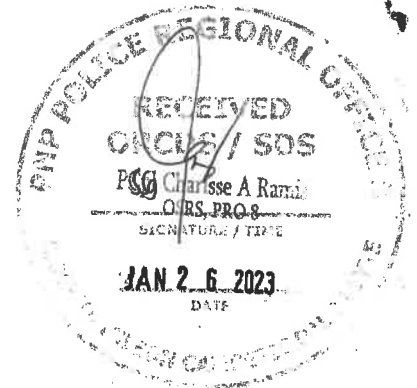
Copy furnished:

**Hon. Carlos Jericho L. Petilla**  
Leyte Provincial Governor  
New Capitol Hall, Palo, Leyte

**Atty. Dante F. Vargas**  
Deputy Ombudsman  
**OMB- Visayas Area Office (Cebu City)**  
Office of the Ombudsman for the Visayas  
Department of Agriculture  
R0-7 Compound, M. Velez St.  
Guadalupe, 6000 Cebu City

**OMB-Visayas Tacloban Regional/Satellite Office**  
3rd Flr. LY Building, Fatima Village, Barangay 77  
Marasbaras, Tacloban City, Leyte 6500  
(+6353) 321-7969 / 523-4010 / 523-3042

**PBGEN ROMMEL FRANCISCO D. MARBIL**  
Regional Director  
Philippine National Police, Regional Office 8  
Camp Campetic  
Candahug, Leyte



**MARTIN JOSE V. DESPI**  
Environmental Management Bureau (EMB), Region 8,  
Jones Ext., DENR Compound, Tacloban City

**CARLOS A. TAYAG**  
Mines and Geosciences Bureau  
Candahug, Palo, Leyte

**Secretary Ernesto V. Perez**  
Director General  
Anti-Red Tape Authority, 4th & 5th Floor, NFA Building,  
NFA Compound, Visayas Avenue, Brgy. Vasra, Diliman, Quezon City, Philippines  
1128

**Atty. Leonardo O. Tapia**  
Officer-in-Charge, Director IV  
Legal Department, Anti-Red Tape Authority 4th & 5th Floor, NFA Building,  
NFA Compound, Visayas Avenue,  
Brgy. Vasra, Diliman, Quezon City, Philippines 1128

**Hon. Richard I. Gomez**  
Representative  
4th District, Leyte,

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Address: COZY GAS STATION,  
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Contact No.(s): 9296813635 /9296813635  
Card Number: TIN: Bus. Style:  
Email :

CONSIGNEE:  
And or/ care of :/  
**TAPIA, LEONARDO**  
Address: OFFC. IN CHARGE DIRECTOR IV LEGAL DEPARTME  
NT ANTI RED TAPE AUTHORITY 4TH & 5TH FLR. NFA BLDG.  
VASRA, QUEZON CITY, METRO MANILA  
Contact No.(s): 9000000000

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Origin : VIS-OMC02-SM ORMOG  
Tran. Date : 01/26/2023 02:30:39 PM  
Delivery Date : 01/30/2023 - 02/02/2023  
Area Dest. : METRO MANILA  
Tran. Type : Delivery  
Cut-Off : 12:00 PM  
Actual Wt (Kg.) : 0.00

VATable(Freight) : 178.57  
Supplies Fee : (0.00)  
VAT-Exempt : 0.00  
VAT Zero-Rated : 0.00  
10AM Pickup Fee : 0.00  
Total Sales : 178.57  
12% VAT : 21.43  
Amount Due : 200.00  
Discount : 0.00  
Mode : CASH

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Signature of Associate

AREVALO MESIAS  
Signature of Shipper

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Card Number: TIN: Bus. Style:  
Email :

CONSIGNEE:  
And or/ care of :/  
**DESPI, MARTIN JOSE**  
Address: REGIONAL DIRECTOR DENR-EMB R8 DENR CMPND J  
ONES ST.  
TACLOBAN, LEYTE  
Contact No.(s): 9000000000

**Courier N-Pouch SS**

Origin : VIS-OMC02-SM ORMOG  
Tran. Date : 01/26/2023 02:31:55 PM  
Delivery Date : 01/30/2023 - 02/01/2023  
Area Dest. : Visayas  
Tran. Type : Delivery  
Cut-Off : 12:00 PM  
Actual Wt (Kg.) : 0.00

VATable(Freight) : 138.39  
Supplies Fee : (0.00)  
VAT-Exempt : 0.00  
VAT Zero-Rated : 0.00  
10AM Pickup Fee : 0.00  
Total Sales : 138.39  
12% VAT : 16.61  
Amount Due : 155.00  
Discount : 0.00  
Mode : CASH

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Signature of Associate

AREVALO MESIAS  
Signature of Shipper

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Contact No.(s): 9296813635 /9296813635  
Card Number: TIN: Bus. Style:  
Email :

CONSIGNEE:  
And or/ care of :/  
**VARGAS, DANTE**  
Address: OMB VISAYAS AREA OFFC. DEPARTMENT OF AGRI.  
RO-7 CMPND M. VELEZ ST.  
GUADALUPE, CEBU CITY, CEBU  
Contact No.(s): 9000000000

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Origin : VIS-OMC02-SM ORMOG  
Tran. Date : 01/26/2023 02:30:12 PM  
Delivery Date : 01/30/2023 - 02/01/2023  
Area Dest. : Visayas  
Tran. Type : Delivery  
Cut-Off : 12:00 PM  
Actual Wt (Kg.) : 0.00

VATable(Freight) : 183.04  
Supplies Fee : (0.00)  
VAT-Exempt : 0.00  
VAT Zero-Rated : 0.00  
10AM Pickup Fee : 0.00  
Total Sales : 183.04  
12% VAT : 21.96  
Amount Due : 205.00  
Discount : 0.00  
Mode : CASH

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AREVALO MESIAS  
Signature of Shipper

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ORMOC CITY PROPER, LEYTE  
Contact No.(s): 9296813635 /9296813635  
Card Number: TIN: Bus. Style:  
Email:

CONSIGNEE:  
And or/ care of: /

**OFFICE OF THE DEPUTY OMBUDSMAN, FOR T**  
Address: 3/F LY BUILDING FATIMA VILLAGE BRGY. 77 MA  
RASBARAS  
FATIMA VILLAGE, TACLOBAN, LEYTE  
Contact No.(s): 900000000

**Courier N-Pouch SS**

Origin : VIS-OMC02-SM ORMOG  
Tran. Date : 01/26/2023 02:35:59 PM  
Delivery Date : 01/30/2023 - 02/01/2023  
Area Dest. : Visayas  
Tran. Type : Delivery  
Cut-Off : 12:00 PM  
Actual Wt (Kg.) : 0.00

VATable(Freight) : 138.39  
Supplies Fee : (0.00)  
VAT-Exempt : 0.00  
VAT Zero-Rated : 0.00  
10AM Pickup Fee : 0.00  
Total Sales : 138.39  
12% VAT : 16.61  
Amount Due : 155.00  
Discount : 0.00  
Mode : CASH

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Signature of Associate

AREVALO, MESIAS  
Signature of Shipper

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Official Receipt No : OMC023069

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Contact No.(s): 9296813635 /9296813635  
Card Number: TIN: Bus. Style:  
Email:

CONSIGNEE:  
And or/ care of: /

**PEREZ, ERNESTO**  
Address: DIRECTOR GENERAL ANTI-RED TAPE AUTHORITY 4  
TH & 5TH FLR. NFA DILIMAN  
VASRA, QUEZON CITY, METRO MANILA  
Contact No.(s): 900000000

**Courier N-Pouch SS**

Origin : VIS-OMC02-SM ORMOG  
Tran. Date : 01/26/2023 02:34:17 PM  
Delivery Date : 01/30/2023 - 02/02/2023  
Area Dest. : METRO MANILA  
Tran. Type : Delivery  
Cut-Off : 12:00 PM  
Actual Wt (Kg.) : 0.00

VATable(Freight) : 178.57  
Supplies Fee : (0.00)  
VAT-Exempt : 0.00  
VAT Zero-Rated : 0.00  
10AM Pickup Fee : 0.00  
Total Sales : 178.57  
12% VAT : 21.43  
Amount Due : 200.00  
Discount : 0.00  
Mode : CASH

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Signature of Associate

AREVALO, MESIAS  
Signature of Shipper

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BIR Accreditation No: 1220007821402015060319 Date Issued: 06/25/2015



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

-o0o-

*Office of the Municipal Mayor*

January 30, 2023

MESIAS P. AREVALO SR.

*Dump truck Owner*

ANNEX  
EXHIBIT

G

Mr. Arevalo Sr:

This is in reference to your letter dated January 23, 2023 duly received by this Office on January 25, 2023 which contains the following accusations:

- a. That an LGU personnel in the person of Ranulfo Andales illegally prohibited your dump truck with plate number CCO 1844 driven by one Bryan Cotejo Caheras to traverse the road going to his destination in Barangay Cantuhaon, Palompon, Leyte; and
- b. That Mr. Andales forced Mr. Cajeras to unload the washed sand against his will in the shoulder portion of the national highway.

The foregoing accusations are malicious, baseless and without an iota of truth and as such, must be controverted by an unbiased presentation of facts. Allow me to explain to you in detail the facts of the incident that occurred on and before January 4, 2023 for you to have a full grasp of the incident.

On January 3, 2023, Executive Order No. 01 series of 2023 was made effective which requires pre-requisite permits and licenses for the transport of sand and gravel before it can enter the territorial jurisdiction of the Municipality of Palompon. Following its effectivity, three checkpoints were established in three different barangays of this municipality, one of which is in Barangay Tabunok, Palompon, Leyte. Pursuant to Executive Order No. 01, all vehicles transporting sand and gravel, without exception, are flagged down at the checkpoints and were asked to present the prerequisite licenses, permits and other pertinent documents such as, but not limited to, copies of **Delivery Receipt**, **Official Receipt** and **Industrial Sand and Gravel (ISAG) Permit**. LGU Personnel who man the checkpoint has the duty to ensure that the transport of sand and gravel is coupled with the necessary permit. Otherwise, entry to the Municipality of Palompon shall not be allowed and drivers will be advised to secure the necessary permit before they can validly traverse any part of Palompon, Leyte.

With the following premise properly laid down, it is now time to address your accusations.



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

-o0o-

*Office of the Municipal Mayor*

First, that your dump truck was illegally prohibited to traverse the road is inaccurate.. The truth of the matter being that at around 4 o'clock in the afternoon of January 4, 2023, a dump truck loaded with sand was flagged down in the checkpoint of Brgy. Tabunok. When required to present documents pertaining to the transported sand, the driver, Bryan Cotejo Cajeras, only presented an **unsealed Delivery Receipt**. When asked for copy of the **Official Receipt (OR)** of purchased S&G from the legitimate Industrial Sand and Gravel Operator and copy of the latter's **Industrial Sand and Gravel (ISAG) Permit**, he could not present any. Hence, pursuant to the provisions of Executive Order No. 01, he was refused entry until he could furnish the LGU with a copy of the ISAG.

Second, that Mr. Andales, an LGU personnel, forced your driver to unload the sand at the shoulder portion of the national highway across the church of Brgy. Tabunok is a complete and utter lie. The truth of the matter being that the driver, Mr. Cajeras, called you, Mr. Mesias Arevalo Sr., and that you instructed him to dump the sand by the side of the road so that your truck could pass by the checkpoint. To further belie your claim that Mr. Cajeras was forced to unload the sand, barangay blotter entry no. 17 recorded on January 4, 2023 at 7:45 pm has the following entry, to wit:

*Si Bryan Cajeras ug Ranil Pacaldo me sa Brgy. Hall sa Tabunok dala nila ang sakyanan nga Ten wellers ISUZU GIGA MATEO HARDWARE nga voluntary nga e Dump nila ang karga nga baras karon sa oras nga 7:47 didto atubangan sa simbahan sa testigos nila ang maong truck plate # CCO 1844.*

Based on the foregoing, it is clear that your driver acted voluntarily following your instruction and was not forced by any LGU employee. *Attached is the copy of the extracted barangay blotter and certification marked as Annex A and B, respectively.*

On another note, you have also concluded in your letter that this Office cannot implement Executive Order (EO) No. 01 series of 2023. Noteworthy however is the fact that not being a member of the legislative branch or of the judicial branch of the government, you possess no personality as to render implementation of the executive order as not valid. Further, please be informed that the concept and principle of the subject executive order is purely to strictly monitor and ensure that the transport of sand and gravel going to Palompon are properly supported by the necessary permits. *Attached is the copy of the said EO marked as Annex C.*

And finally, anent your allegation of inaction concerning your applications for renewal of your businesses which were coursed through registered mail, be thoroughly informed that a reply-letter dated January 19, 2023 has already been similarly mailed to your address. A reading of the reply-letter will hopefully enlighten you. And since it appears that you have not received a copy thereof, *attached herein is a copy of the reply-letter marked as Annex D.*





Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

-o0o-

*Office of the Municipal Mayor*

---

Corollary thereto, a perusal of your application for renewal of business permits would readily reveal the incompleteness of pre-requisite documents that is necessary for the issuance of business permit. Hence, this Office suggests that instead of exhausting your energy and resources into throwing false accusations and allegations of harassment with neither basis nor proof, it would be wise to focus your attention into complying with the requirements set forth by the Local Government Unit of Palompon, Leyte.

I hope that this letter has addressed your concerns and that you are guided and informed appropriately.

Very truly yours,

  
RAMON C. OÑATE  
Municipal Mayor

DATE \_\_\_\_\_

Republic of the Philippines  
Province of Leyte  
Municipality of Palompon  
Barangay Tabunok

Entry no. 17

Time: 7:45 pm

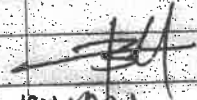
Who: Bryan Cajeras, Panil Pacaldo

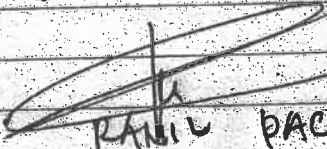
When: January 4, 2023


Where: Brgy. Tabunok Palompon, Leyte

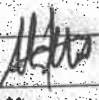
Why:

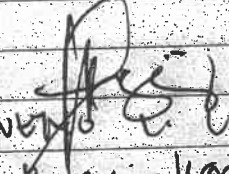
Sr. Bryan Cajeras ug Panil Pacaldo me sa Brgy. Hall sa Tabunok data nila ang sakyanan nga Jan rollers 125cc Gilra Mateo Hardware nga Voluntaryo nga e Dump nila ang karga nga (karga) Baras karon sa oras nga 7:47 oras atobangan sa Simbahan sa festigo nila. Ang maong <sup>tricycle</sup> plate # CCO 1844.

 7:53  
BRYAN CAJERAS  
Driver

 7:54  
PANIL PACALDO  
Driver

 7:55  
RANZITO ANDALES  
LGU - Festigos

 7:56  
ALCANON ASTIMERO  
LGU - Festigos

 7:57  
ROWEN E. LIMPANGOB  
Brgy. Kagawad  
Witness



Republic of the Philippines  
Province of Leyte  
Municipality of Palompon  
**BARANGAY TABUNOK**

Annex "B"

-o0o-

**OFFICE OF THE BARANGAY CHAIRMAN**

**CERTIFICATION**

**TO WHOM IT MAY CONCERN:**

**THIS IS TO CERTIFY THAT** as per records on barangay blotter, **MR. BRYAN CAJERAS**, Driver and **MR. RANIL PACALDO**, Helper of Ten-Wheeler Dumptruck with Plate Number CCO 1844 owned by MATEO HARDWARE was stopped at Barangay Tabunok for carrying Washed Sand Cargoes with lacking documents and voluntarily unloaded the said cargo and dump in front of the Barangay Chapel along the National Highway last January 4, 2023 at around 7:47 pm.

**THIS CERTIFICATION** is being issued upon the request of the interested party for whatever legal purpose this certification may serve.

**ISSUED** this 30<sup>th</sup> day of January 2023 at Barangay Tabunok, Palompon, Leyte, Philippines.

Note: Not Valid  
w/o Brgy Seal

  
**RENE A. CAMPOSANO**  
Barangay Captain



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON  
-o0o-

ANNEX  
EXHIBIT

H

## Office of the Municipal Mayor

2<sup>nd</sup> Floor Building, Municipal Town Hall, Rizal St., Palompon, Leyte  
(053) 525-0292 | lgupalompon@gmail.com || www.palomponleyte.gov.ph

### EXECUTIVE ORDER NO. 01 SERIES OF 2023

**“AN EXECUTIVE ORDER ON THE STRICT COMPLIANCE IN  
SECURING PREREQUISITE PERMITS AND CLEARANCES  
FROM LEYTE PROVINCIAL ENVIRONMENT AND NATURAL  
RESOURCES OFFICE (PENRO) AND MINES AND  
GEOSCIENCES BUREAU REGION 8 (MGB R8) CONCERNING  
THE TRANSPORT AND TRANSFER OF SAND AND GRAVEL  
FROM ANY PART OF LEYTE TO THE MUNICIPALITY OF  
PALOMPON, LEYTE ”**

**WHEREAS**, the Constitution declares that the State shall protect and advance the right of the people to a balanced and healthful ecology in accordance with the rhythm and harmony of nature;

**WHEREAS**, the rhythm and harmony of nature "indispensably include, inter alia, the judicious disposition, utilization, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources to the end that their exploration, development and utilization be equitably accessible to the present as well as future generations" (Oposa vs. Factoran);

**WHEREAS**, every generation has a responsibility to the next to preserve that rhythm and harmony for the full enjoyment of a balanced and healthful ecology (Oposa vs. Factoran);

**WHEREAS**, the right to a balanced and healthful ecology carries with it the correlative REVIEWED duty to refrain from impairing the environment;

**WHEREAS**, the Local Government Code mandates that local government units shall enhance the right of the people to a balanced ecology;

**WHEREAS**, R.A. 7942, otherwise known as the Philippine Mining Act of 1995 and the Government Code mandate the rational exploration and utilization of mineral resources so that the environment and rights of affected communities are also protected;

**WHEREAS**, the Local Government Code empowers local chief executives to adopt adequate measures to safeguard and conserve land, mineral, marine, forest, and other resources of the city;

**NOW THEREFORE**, I, **RAMON C. OÑATE**, Municipal Mayor of Palompon, Leyte, by the powers vested in me by law, and pursuant to the provisions of R.A. 7160, and other pertinent issuances, do hereby declare:

**Section 1. Strict Monitoring on the Compliance in Securing Prerequisite Permits and Clearances from Leyte Provincial Environment and Natural Resources Office (PENRO) and Mines and Geosciences Bureau Region 8 (MGB R8) Concerning the Transport and Transfer of Sand and Gravel from any part of Leyte to the Municipality of Palompon.**

The transport and transfer of sand and gravel from any part of Leyte to the municipality of Palompon is hereby strictly monitored. As used in this Order, it means that all sand and gravel to be transported and transferred to the municipality of Palompon shall have prerequisite permits and clearances particularly from the concerned offices stated above.

**Section 2. Penalties for violation.** Failure to present these permits and clearances when asked at the municipal border check point shall constitute as a violation of this Order and trucks or any form of transportation equipment carrying /loading sand and gravel shall not be allowed to enter in any territorial jurisdiction of Palompon, Leyte.


**Section 3. Implementing Office.** The Municipal Environment and Eco-Tourism Office, in coordination with concerned offices, shall perform the following functions:

1. Ensure that this Order is effectively enforced;
2. Conduct coordination meetings with concerned stakeholders and relevant government offices/agencies for the effective implementation of this Order and related laws;
3. Furnish copies of this Order to the, **Community on Environment and Natural Resources Office, Ormoc City, Leyte Provincial Environment and Natural Resources Office (PENRO) and Mines and Geosciences Bureau Region 8 ( MGB R8);**
4. Perform such acts as are required for the implementation of this Executive Order.

**Section 6. Repealing Clause.** All orders, issuances, rules and regulations, or parts thereof, which are inconsistent with this Executive Order are hereby repealed or modified accordingly.

**Section 7. Effectivity.** This executive order shall take effect immediately as shall remain in effect until revoked or otherwise modified.

Done this 3<sup>rd</sup> day of January 2023 in Palompon, Leyte.

  
**RAMON C. OÑATE**  
*Municipal Mayor*



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

Annex "D"

-o0o-

*Office of the Municipal Mayor*

January 19, 2023

**MESIAS AREVALO SR.**  
Proprietor  
Cozy Gas Station  
Canipaan, Palompon, Leyte

RE 657 679 856 ZZ  
REGISTERED MAIL RECEIPT  
COUNTER  
Post Office \_\_\_\_\_  
Letter/Package No. \_\_\_\_\_  
Posted on JAN 19 2020  
Preserve this receipt for reference in case of inquiry  
Postmaster/Teller \_\_\_\_\_

Dear Mr. Arevalo,

This is in reference to your letter dated January 10, 2023 sent through registered mail and duly received by this office on January 12, 2023.

It must be emphasized that the actions of this Office are mandated by law and the rules and regulations of this Municipality. There is no categorical denial of any application for renewal unless there is sufficient ground thereto.

For your reference, the following are the requirements for business renewal:

- a. Affidavit of Consent for access on CCTV Records
- b. Locational and Zoning Clearance
- c. Building Clearance
- d. Sanitary Permit
- e. Fire Safety Inspection Certificate
- f. Income Tax Return / Financial Audited State
- g. BIR Registration
- h. SSS Clearance and Philhealth / Certificate of Good Payment Standing
- i. Fire Training Certificate of Personnel

A careful perusal of your attached documents would readily show that there is an utter lack of the pre-requisite documents. As can be noted, attached to your letter were permits and certificates which expired on December 31, 2022 rendering the same as irrelevant in the application of renewal of business permit for the year 2023. Considering the lack of pre-requisite documents, your application for renewal cannot be processed by this Office.

Further, upon inspection of available records, COZY Gas Station lacks the following documents to legally operate a gasoline station:

- a. DOE Certificate of Compliance
- b. DENR Discharge Permit
- c. DENR Permit to Operate

Hence, this Office strongly suggests that the foregoing documents be secured first.

On a final note, this Office reiterates that a Mayor's Permit is a privilege granted for the conduct of business within the territorial jurisdiction of this Municipality. It is not a right. The grantee of this privilege is bound by the rules and regulations of the Municipality. Failure to abide is a sufficient reason to deny access to said privilege.

Very truly yours,

**RAMON C. OÑATE**

*Municipal Mayor*





Republic of the Philippines  
**PROVINCE OF LEYTE**  
Palo, Leyte

**ANNEX  
EXHIBIT**

**PROVINCIAL GOVERNOR'S OFFICE**

## **CERTIFICATION**

**THIS IS TO CERTIFY** that per records of this Office and despite diligence search of alleged Executive Order No. 01 Series of 2023 issued by the LGU Palompon, no copy has been received or on file by this office.

Issued this 23<sup>rd</sup> day of January 2023 at Leyte Provincial Government Complex, Palo, Leyte.

*(Coor)*  
**PHYLLIS I. SOLEDAD**  
PGADH





Republic of the Philippines  
PROVINCE OF LEYTE  
Palo, Leyte  
-oOo-

~~EXHIBIT~~

J



Sangguniang Panlalawigan

## CERTIFICATION

THIS IS TO CERTIFY that as per Records, this Office has not received a copy of the EO No. 1 Series of 2023 issued by the Local Chief Executive of Palompon, Leyte regarding Strict Compliance in Securing Permits and Clearances from PENRO and MGB Region 08 Concerning the Transport and Transfer of Sand and Gravel Entering the Municipality of Palompon, Leyte.

Issued this 23<sup>rd</sup> day of January 2023.

*Ma. Luz*  
MA. VILMA T. EAMIGUEL  
Records Officer III

NOTED:

*Florinda*  
FLORINDA JILL S. UYVICO  
Secretary to the Sanggunian

**EXHIBIT**

**K**



Republic of the Philippines  
Province of Leyte  
Municipality of Palompon  
-o-o-o-



*Office of the MPDC*

July 11, 2022

MESIAS AREVALO, Sr.  
Brgy. Cantuhaon  
Palompon, Leyte

**SHOW CAUSE ORDER**

Dear Mr. Arevalo,

This has reference to your existing business located at Lot No. 7126-B, Psd-08-032951-D Part, Brgy. Cantuhaon, Palompon. Relative to the above-cited project, this Office found that you have constructed your Gasoline Station in an agricultural land.

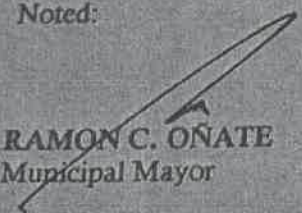
Accordingly, this Office serves you this SHOW CAUSE ORDER and hereby requires you to submit your sworn statement WITHIN THREE (3) DAYS FROM RECEIPT HEREOF stating reasons why you constructed your gasoline station business in an area zone as agricultural land.

The foregoing actions do not extinguish your liability under the law and shall be without prejudice to the imposition of fine or the issuance of Cease and Desist Order or to institution of criminal and civil sanctions.

**FAIL NOT UNDER PENALTY OF LAW**

  
**CHRISTOPHER T. MONTEBON**  
OIC/MPDC

Noted:

  
**RAMON C. ONATE**  
Municipal Mayor

VISION: "A vibrant self-sustaining and ecologically balanced Palompon"  
MISSION: "To ensure quality of life of the people of Palompon"  
(053) 525-0292 \* [lapalompon@gmail.com](mailto:lapalompon@gmail.com) \* [www.palomponleyte.gov.ph](http://www.palomponleyte.gov.ph)

7-11-22  
4:03 PM





**ANNEX**

**M**



Republic of the Philippines  
Province of Leyte  
Municipality of Palompon  
-000-



*Office of the MPDO*

July 18, 2022

MESIAS AREVALO, Sr.  
Brgy. Cantuhaon  
Palompon, Leyte

**SHOW CAUSE ORDER**

Dear Mr. Arevalo,

This has reference to your letter dated July 12, 2022 regarding your existing business located at Lot No. 7126-B, Psd-08-032951-D Part, Brgy. Cantuhaon, Palompon. Relative to the above-cited business, you have made mentioned "Section 23: Agricultural Land Conservation and Preservation Criteria, it is indeed usable for residential areas and also a beneficial use for institutional and agro-industrial purposes. Since your gasoline was constructed in a residential area and it is now considered as within the environmental critical area, we would appreciate that you submit to this office the Environmental Compliance Certificate (ECC) as one of the requirements in putting up a gasoline station.

Accordingly, this Office serves you this SHOW CAUSE ORDER and hereby requires you to submit your sworn statement WITHIN THREE (3) DAYS FROM RECEIPT HEREOF stating reasons why you constructed your gasoline station business in an area zone as agricultural land.

The foregoing actions do not extinguish your liability under the law and shall be without prejudice to the imposition of fine or the issuance of Cease and Desist Order or to institution of criminal and civil sanctions.

**FAIL NOT UNDER PENALTY OF LAW**

**CHRISTOPHER T. MONTEBON**  
OIC-MPDC

Noted:

**RAMON C. OÑATE**  
Municipal Mayor







EXHIBIT  
ANNEX

0

Republic of the Philippines  
Province of Leyte  
Municipality of Palompon  
-000-

Office of the *MPDC*

August 17, 2022

MESIAS AREVALO, SR.  
Brgy. Cantuhaon  
Palompon, Leyte

Dear Mr. Arevalo,

This has reference to the operation of COZY Gas, a gasoline station business, owned and managed by you, located at Lot No. 7126-B, Fed-08-032951-D Part, Brgy. Cantuhaon, Palompon, Leyte. As you well know, several prerequisite compliance certificates are required to build or operate a petroleum retail stations. Among said prerequisite is the Certificate of Compliance (COC) from the Department of Energy (DOE) pursuant to the provision embodied in the IRR (Implementing Rules and Regulation) of Republic Act 8479, otherwise known as *Downstream Oil Industry Deregulation Act of 1998*.

In view of the foregoing, records show that your gasoline station has been operating for several years however, this office is bereft of copy of your requisite Certificate of Compliance. Hence, you are hereby ordered to furnish this Office a copy of the above-stated COC within seventy two (72) hours upon receipt hereof. Failure on your part to comply with this order shall obligate this Office to impose regulatory sanction against your business operation.

For your information and compliance.

*[Signature]*  
CHRISTOPHER T. MONTEBON  
OIC-MPDC

Noted:

*[Signature]*  
RAMON C. ONATE  
Municipal Mayor

*M. Arevalo*  
*Mmes Arevalo* 2:10 PM  
8/18/22



ANNEX  
EXHIBIT

August 19, 2022

HON. RAMON C. ONATE  
Mayor  
Municipality of Palompon  
Province of Leyte

Dear Mayor Onate,

Greetings of Peace and Solidarity.

On July 18, 2022, the undersigned again has received another letter (third letter since you assumed office on June 30, 2022 in the afternoon as Mayor) from your Honorable Office directing him to submit a copy of the Certificate of Compliance (COC) issued by the Department of Energy (DOE) for the operation of his Cozy Gas Station in Brgy. Canipaán, Palompon, Leyte.

Since Cozy Gas Station started its operation in 2017, it was duly issued with Business Permit. Based on the Citizen Charter for the issuance of Business Permit/Mayor's Permit found and posted on the Transparency Board of the BPLS of the Municipality of Palompon, COC is not one of the prerequisite or preconditioned permits before the issuance of Business Permit/Mayor's Permit. In fact, the business permit has been consistently renewed up to the present.

Under Section 21 of the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 provides:

"Sec. 21. *Violations and Persons Liable.* – Any person who performs or cause the performance of the following acts shall be liable:

*"(b) Imposition of additional requirements other than those listed in the Citizen's Charter;"* (Emphasis supplied)

Thank you in advance and it is hoped that this letters finally settles your concern as to the operation of Cozy Gas Station.

Respectfully yours,

  
MESIAS P. AREVALO SR.



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

-000-

Office of the Municipal Administrator

### CERTIFICATE OF APPEARANCE

THIS IS TO CERTIFY THAT Teresa P. Clorida  
freelancer of SPA of the \_\_\_\_\_  
POSITION (Office/Agency/Barangay)

\_\_\_\_\_ appeared and transacted an official business at this office.

To submit the renewal of business documents of  
copy gas station, Mated Enterprises & Mesmar Gen. Mds. to the

ISSUED this 6<sup>th</sup> day of JANUARY 2023 at Palompon, Leyte, Philippines.

**CHRISTOPHER T. MONTEBON**

*Municipal Administrator-Des.*



KNOW ALL MEN BY THESE PRESENTS:

ANNEX  
EXHIBIT

R

I, **IRENE D. AREVALO**, of legal age, married, Filipino and a resident of Brgy. Central III, Palompon, Leyte, Philippines, do hereby **NAME, APPOINT** and **CONSTITUTE, TERESA P. OLORVIDA**, also of legal age, married, Filipino and a resident of Brgy. San Isidro, Palompon, Leyte, Philippines, to be my true and lawful Attorney-in-Fact, for me and in my name, place and stead, to do and perform the followings acts and things, to wit:

1. To process the application for renewal of business permit and license with the Local Government of Palompon, Leyte, in connection with my business with registered business name, **MATEO HARDWARE**, located at Brgy. Cantuhaon, Palompon, Leyte;
2. To sign and execute documents and other writings which may be necessary to realize the same; and to do and perform whatever acts and things necessary to serve the foregoing purpose.

**HEREBY GRANTING** unto my said Attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes, as I might or could do if personally present. And hereby ratifying and confirming that my said attorney shall lawfully do or cause to be done by virtue thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 10<sup>th</sup> day of January 2023 at Palompon, Leyte, Philippines.

*Irene D. Arevalo*  
**IRENE D. AREVALO**  
Grantor

SIGNED IN THE PRESENCE OF:

*Josh Vincent A. Encarnacion*  
1. **JOSH VINCENT A. ENCARNACION**

**ACKNOWLEDGMENT**

Republic of the Philippines  
Province of LEYTE..... } Sc.  
Municipality of Palompon  
x-----/

**BEFORE ME**, this 10<sup>th</sup> day of January 2023, at Palompon, Leyte, Philippines, personally appeared **IRENE D. AREVALO**, known to me to be the same person who executed the foregoing Special Power of Attorney by her competent proof of identity, consisting of her private Lic. No. #10-00-000750, and she acknowledged to me that the same is her free and voluntary deed.

**WITNESS MY HAND AND SEAL** the day, year and place above-written.

*Lloyd P. Surigao*  
**LLOYD P. SURIGAO**

Notary Public

NC No. R-PAL-22-06-002; July 14, 2022

Until December 31, 2023

PTR No. 6174820; 01.03.2022

IBP No. 175250; 01.11.2022

Attorney's Roll No. 46782

450 San Francisco St., Palompon, Leyte

MCLE CC No. VII-0017828; May 12, 2022

DOC No.	66
PAGE No.	14
BOOK No.	XXXI
SERIES OF	2020



SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

I, MESIAS D. AREVALO JR., of legal age, married, Filipino and a resident of Brgy. Cantuhaon, Palompon, Leyte, Philippines, do hereby NAME, APPOINT and CONSTITUTE, TERESA P. OLORVIDA, also of legal age, married, Filipino and a resident of Brgy. San Isidro, Palompon, Leyte, Philippines, to be my true and lawful Attorney-in-Fact, for me and in my name, place and stead, to do and perform the followings acts and things, to wit:

R-1

ANNEX  
EXHIBIT

1. To process the application for renewal of business permit and license with the Local Government of Palompon, Leyte, in connection with my business with registered business name, MESMAR General Merchandise, located at Brgy. Cantuhaon, Palompon, Leyte;
2. To sign and execute documents and other writings which may be necessary to realize the same, and to do and perform whatever acts and things necessary to serve the foregoing purpose.

HEREBY GRANTING unto my said Attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes, as I might or could do if personally present. And hereby ratifying and confirming that my said attorney shall lawfully do or cause to be done by virtue thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 10<sup>th</sup> day of January 2023 at Palompon, Leyte, Philippines.

MESIAS D. AREVALO JR.  
Grantor

SIGNED IN THE PRESENCE OF:

1. JOSH VINCENT A. ENCARNACION

ACKNOWLEDGMENT

Republic of the Philippines  
Province of LEYTE..... ). Sc.  
Municipality of Palompon  
x-----/

BEFORE ME, this 10<sup>th</sup> day of January 2023, at Palompon, Leyte, Philippines, personally appeared MESIAS D. AREVALO JR., known to me to be the same person who executed the foregoing Special Power of Attorney by his competent proof of identity, consisting of his Driver license # 110-45-000 QCD, and he acknowledged to me that the same is his free and voluntary deed.

WITNESS MY HAND AND SEAL the day, year and place above written.

DOC. No.	67
PAGE No.	19
BOOK No.	0007
DATE OF	2023

LLOYD P. SURIGAO

Notary Public

NC No. R-PAL-22-06-002; July 14, 2022

Until December 31, 2023

PTR No. 6174820; 01.03.2022

IBP No. 175250; 01.11.2022

Attorney's Roll No. 46782

450 San Francisco St., Palompon, Leyte

MCLE CC No. VII-0017828; May 12, 2022



I, **MESIAS P. AREVALO SR.**, of legal age, married, Filipino and a resident of Brgy. Central III, Palompon, Leyte, Philippines, do hereby **NAME, APPOINT** and **CONSTITUTE, TERESA P. OLORVIDA**, also of legal age, married, Filipino and a resident of Brgy. San Isidro, Palompon, Leyte, Philippines, to be my true and lawful Attorney-in-Fact, for me and in my name, place and stead, to do and perform the followings acts and things, to wit:

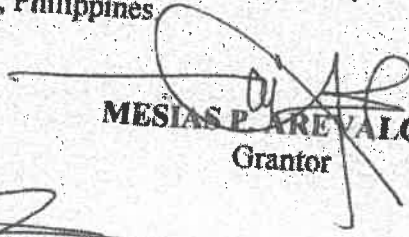
**ANNEX EXHIBIT**

**R-2**


1. To process the application for renewal of business permit and licenses with the Local Government of Palompon, Leyte, in connection with my businesses with registered business names, **COZY GAS STATION** and **MATEO HARDWARE**, both located at Brgy. Cantuhaon, Palompon, Leyte;
2. To sign and execute documents and other writings which may be necessary to realize the same; and to do and perform whatever acts and things necessary to serve the foregoing purpose.

**HEREBY GRANTING** unto my said Attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes, as I might or could do if personally present. And hereby ratifying and confirming that my said attorney shall lawfully do or cause to be done by virtue thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 19<sup>th</sup> day of December 2022 at Palompon, Leyte, Philippines

  
**MESIAS P. AREVALO SR.**  
Grantor

SIGNED IN THE PRESENCE OF:


1.   
**JOSH VINCENT A. ENCARNACION**

**ACKNOWLEDGMENT**

Republic of the Philippines  
Province of **LEYTE**..... } So.  
Municipality of Palompon  
x\_\_\_\_\_

**BEFORE ME**, this 19<sup>th</sup> day of December 2022, at Palompon, Leyte, Philippines, personally appeared **MESIAS P. AREVALO SR.**, known to me to be the same person who executed the foregoing Special Power of Attorney by his competent proof of identity, consisting of his Driver's License No. H07-75-003771, and he acknowledged to me that the same is his free and voluntary deed.

**WITNESS MY HAND AND SEAL** the day, year and place above-written.

  
**LLOYD P. SURIANO**  
Notary Public  
NC No. R-PAL-22-06-002; July 14, 2022  
Until December 31, 2023  
PTR No. 6174820; 01.03.2022  
IBP No. 175250; 01.11.2022  
Attorney's Roll No. 46782  
450 San Francisco St., Palompon, Leyte  
MCLE (C No. VII-0017828; May 12, 2022

Doc No. 519  
PAGE No. 101  
BOOK No. XXV  
SERIES OF 1077



January 10, 2023

**MR. CHRISTOPHER T. MONTEBON**  
Municipal Planning and Development Officer  
Municipality of Palompon  
Province of Leyte

**ANNEX**  
**EXHIBIT**

**S**

Dear Mr. Montebon,

Greetings of Peace and Solidarity.

I am the proprietor of MESMAR General Merchandise located in Brgy. Cantuhaon, Palompon, Leyte. Since it started its operation, its business permit has been consistently renewed every year.

However, on January 6, 2023, when my Attorney-in-Fact with duly issued Special Power of Attorney (SPA), in the person of TERESA P. OLORVIDA of Brgy. San Isidro, Palompon, Leyte, came to your Office bringing all the required documents for the renewal of the Business Permit of MESMAR General Merchandise after it was assessed by the Business Permits and Licensing Office (BPLO) and Office of the Building Official (OBO) which endorsed to your Office for your approval or conformity and endorsement of the same to the Municipal Treasurer's Office (MTO) for the payment of the corresponding fees, **YOU DID NOT ACT ON IT**, but instead, brought my Attorney-in-Fact to the Mayor's Office who required my appearance before he would act on the application for the renewal of the Business Permit of MESMAR General Merchandise.

This is to inform this Office that all the required documents for the renewal of the business permit of MESMAR General Merchandise were already complete when my Attorney-in-Fact went to your office for your action. Unfortunately, you failed to act on it.

In view of the foregoing, I am reiterating my application for your endorsement of my application for the renewal of the business permit of MESMAR General Merchandise to MTO for the payment of MPDO fees if there is any, and/or business permit fees, and/or to other concerned offices and/or to the Mayor's Office for the issuance of the renewed business permit.

Again, I am being represented by my Attorney-in-Fact, Ms. Olorvida to process the renewal of the business permit of MESMAR General Merchandise before your Office and other concerned offices. She will be again bringing all the required documents including the duly notarized SPA.

I am hoping that you will immediately, this time, act on my application in accordance with the Citizen Charter of your Office and in compliance with the Ease of Doing Business and Efficient Government Service Delivery Act of 2018.

Section 9 of said Act provides that:

"Section 9. Accessing Government Services. – The following shall adopted by all government offices and agencies:

(a) Acceptance of Applications or Requests. –

- (1) **All officers or employees shall accept written applications, requests, and/or documents being submitted by applicants or requesting parties of the offices or agencies.**
- (2) The receiving officer or employee shall perform a preliminary assessment of the application or request submitted with its supporting documents to ensure a more expeditious action on the application or request. The receiving officer or employee shall

immediately inform the applicant or requesting party of any deficiency in the accompanying requirements, which shall be limited to those enumerated in the Citizen's Charter.

- (3) The receiving officer or employee shall assign a unique identification number to an application or request, which shall be the identifying number for all subsequent transactions between the government and the applicant or requesting party regarding such specific application or request.
  - (4) The receiving officer or employee shall issue an acknowledgment receipt containing the seal of the agency, the name of the responsible officer or employee, his/her unit and designation, and the date and time of receipt of such application or request.
- (b) Action of Offices. -

- (1) All applications or requests submitted shall be acted upon by the assigned officer or employee within the prescribed processing time stated in the Citizen's Charter which shall not be longer than three (3) working days in the case of simple transactions and seven (7) working days in the case of complex transactions from the date the request and/or complete application or request was received.

For applications or requests involving activities which pose danger to public health, public safety, public morals, public policy, and highly technical application, the prescribed processing time shall in no case be longer than twenty (20) working days or as determined by the government agency or instrumentality concerned, whichever is shorter.

The maximum time prescribed above may be extended only once for the same number of days, which shall be indicated in the Citizen's Charter. Prior to the lapse of the processing time, the office or agency concerned shall notify the applicant or requesting party in writing of the reason for the extension and final date of release of the government service/s requested. Such written notification shall be signed by the applicant or requesting party to serve as proof of notice.

If the application or request for license, clearance permit, certification or authorization shall require the approval of the local Sangguniang Bayan, Sangguniang Panlungsod, or the Sangguniang Panlalawigan as the case may be, the Sanggunian concerned shall be given a period of forty-five (45) working days to act on the application or request, which can be extended for another twenty (20) working days. If the local Sanggunian concerned has denied the application or request, the reason for the denial, as well as the remedial measures that may be taken by the applicant shall be cited by the concerned Sanggunian.

In cases where the cause of delay is due to force majeure or natural or man-made disasters, which result to damage or destruction of documents, and/or system failure of the computerized or automatic processing, the prescribed processing times mandated in this Act shall be suspended and appropriate adjustments shall be made.

- (2) No application or request shall be returned to the applicant or requesting party without appropriate action. In case an application or request is disapproved, the officer or employee who rendered the decision shall send a formal notice to the applicant or requesting party within the prescribed processing time, stating therein the reason for the disapproval. A finding by a competent authority of a violation of any or other laws by the

applicant or requesting party shall constitute a valid ground for the disapproval of the application or request, without prejudice to other grounds provided in this Act or other pertinent laws."

Further, Section 21 of said Act provides:

"Sec. 2. *Violations and Persons Liable.* – Any person who performs or cause the performance of the following acts shall be liable:

- (a) *Refusal to accept application or request with complete requirements being submitted by an applicant or requesting party without due cause;*
- (b) *Imposition of additional requirements other than those listed in the Citizen's Charter;*
- (c) *Imposition of additional costs not reflected in the Citizen's Charter;*
- (d) *Failure to give the applicant or requesting party a written notice on the disapproval of an application or request;*
- (e) *Failure to render government services within the prescribed processing time on any application or request without due cause;*
- (f) *Failure to attend to applicants or requesting parties who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch break;*
- (g) *Failure or refusal to issue official receipts; and*
- (h) *Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage."*

Furthermore, Section 22 of the same act provides for the penalties and liabilities of any violation of said act, which states that:

"Sec. 22. *Penalties and Liabilities.* – Any violations of the preceding actions will warrant the following penalties and liabilities. *lawphil*

- (a) *First Offense: Administrative liability with six (6) months suspension. Provided, however, that in the case of fixing and/or collusion with fixers under Section 21(h), the penalty and liability under Section 22(b) of this Act shall apply.*
- (b) *(b) Second Offense: Administrative liability and criminal liability of dismissal from the service, perpetual disqualification from holding public office and forfeiture of retirement benefits and imprisonment of one (1) year to six (6) years with a fine of not less than Five hundred thousand pesos (P500,000.00), but not more than Two million pesos (P2,000,000.00).*

Criminal liability shall also be incurred through the commission of bribery, extortion, or when the violation was done deliberately and maliciously to solicit favor in cash or in kind. In such cases, the pertinent provisions of the Revised Penal Code and other special laws shall apply."

Section 10 of said Act also provides for automatic approval or extension of license, clearance, permit, certification or authorization should you fail to act my application for renewal of my business permit. It states that:

"Sec. 10. *Automatic Approval or Automatic Extension of License, Clearance, Permit, Certification or Authorization.* – *If a government office or agency fails to approve or disapprove an original application or request for issuance of license, clearance, permit, certification or authorization within the prescribed processing time, said application or request shall be deemed approved.* Provided, That all required documents have been submitted and



all required fees and charges have been paid. The acknowledgment receipt together with the official receipt for payment of all required fees issued to the applicant or requesting party shall be enough proof or has the same force and effect of a license, clearance, permit, certification or authorization under this automatic approval mechanism.

"if a government office or agency fails to act on an application or request for renewal of a license, clearance, permit, certification or authorization subject for renewal within the prescribed processing time, said license, clearance, permit, certification or authorization shall automatically be extended: Provided, That the Authority, in coordination with the Civil Service Commission (CSC), Department of Trade and Industry (DTI), Securities and Exchange Commission (SEC), Department of the Interior and Local Government (DILG) and other agencies which shall formulate the IRR of this Act, shall provide a listing of simple, complex, highly technical applications, and activities which pose danger to public health, public safety, public morals or to public policy."

I am respectfully praying that you ACT on my application and receive or acknowledge the receipt of all the documents required for renewal of the business permit of MESMAR General Merchandise as presented and submitted to you by my Attorney-in-Fact, Ms. Olorvida.

For your easy reference, I am attaching hereto the complete and pertinent documents for my application of business permit of MESMAR General Merchandise, to wit:

- 1) Affidavit of Consent for Access on CCTV Records
- 2) Business Permit for year 2022
- 3) Sanitary Permit issued on December 31, 2022 by the Office of the Municipal Health
- 4) Locational Clearance No. TP2-06-22-260 dated June 28, 2022
- 5) DTI Certificate of Business Name Registration
- 6) Photos of MESMAR General Merchandise
- 7) Tax Declaration No. 2537 of Lot No. 8126 where the MESMAR General Merchandise is located
- 8) OBO Clearance issued to MESMAR General Merchandise dated January 1, 2022
- 9) Fire Safety Inspection Certificate issued by the Bureau of Fire Protection (BFP) dated May 19, 2022
- 10) BIR Certification of Registration of MESMAR General Merchandise

Respectfully yours,

  
**MESIAS D. AREVALO JR.**  
MESMAR General Merchandise



**EXHIBIT**

**T**

REPUBLIC OF THE PHILIPPINES  
Province of Leyte  
**Sangguniang Panglalawigan (SP)**  
New Leyte Provincial Capitol  
Palo, Leyte  
-oOo-

**MESIAS P. AREVALO,**

Complainant, ADMIN. CASE  
NO. \_\_\_\_\_

FOR:

Dishonesty, Oppression,  
Misconduct in Office, Gross  
Negligence, Dereliction of Duty,  
abuse of authority under Section  
7 of the Revised Internal  
Procedure of the Sangguniang  
Panlalawigan (SP) of the  
Province of Leyte, Philippines,

-versus-

Violation of Republic Act No.  
3019 (Anti-Graft and Corrupt  
Practices Act), R.A. 6713 (Code  
of Conduct and Ethical  
Standards for Public Officials and  
Employees), Section 9, 21 and  
22 of the R.A. No. 11032  
otherwise known as the Ease of  
Doing Business and Efficient  
Government Service Delivery Act  
of 2018

**RAMON C. OÑATE,**

Respondent,

x- - - - -x

Republic of the Philippines)  
City of Ormoc) S.S.

x- - - - - /

**JUDICIAL AFFIDAVIT OF WITNESS**

I, **TERESA P. OLORVIDA**, having been sworn to oath in  
accordance with law, hereby depose and state, THAT:

1. I of legal age, Filipino, widow and a resident of Brgy. San

Isidro, Palompon, Leyte, Philippines;

2. That in accordance with A.M. No. 12-8-8-SC, which prescribes the use of judicial affidavits to serve as the direct examination testimony of a witness, on the basis of which the adverse party may conduct his cross examination on such a witness, I hereby execute this judicial affidavit in a question and answer format;

3. That conformably with section 3 (b) of said A.M. No. 12-8-8-SC, my examination as a complaining witness was conducted and taken under the supervision of Atty. Dennis L. Hibaya, at Solibaga Law Office, J. Navarro St., Ormoc City.

4. I have honestly answered the questions propounded to me, fully conscious that I do so under oath, and that I may face criminal liability for false testimony or perjury;

5. The questions asked of me and my corresponding answers are as follows:

Q1: Please state your name, status, residence and occupation.

A: I am Teresa P. Olorvida, of legal age, widow, Filipino and a resident of Brgy. San Isidro, Palompon, Leyte.

Q2: Do you know the complainant of this case?

A: Yes.

Q3: Why do you know him?

A: Because I was engaged by the complainant and his children (Mesias D. Arevalo, Jr and Irene D. Arevalo) to process the papers for the renewal of their respective business permits. I was duly authorized by them through Special Power of Attorney (SPA).

Q4: Can you tell before this office their respective business?

A: The complainant is the owner of Cozy Gas Station, Mesias D. Arevalo, Jr. is the registered owner of Mesmar General Merchandise and Irene D. Arevalo is the registered owner of Mateo Enterprises, all located at Brgy. Cantuhaon, Palompon, Leyte.

Q5: How about the respondent do you know him?

A: Yes, because he is the incumbent mayor of Palompon, Leyte.

Q6: Do you know the circumstances why the complainant filed this instant case against the respondent?

A: Yes.

Q7: Can you please relay the same to this Honorable Office?

A: On January 6, 2023, I was one of those who were queuing at the ground floor of the Municipal Hall building to submit the required documents for the renewal of their respective business permits. I brought with me the documents for the renewal.

Q8: What happened next?

A: When I reached the person-in-charge at the table representing the Municipal Planning and Development Coordinator (MPDC) of the Municipal Planning and development Office (MPDO) of the Municipality of Palompon, Leyte, manned by Mae Escoton, I handed to Ms. Escoton the documents in support of the renewal of business permit for the above-named businesses. However, Ms. Escoton merely looked at the names of the owners and compared it with the list of businesses and names of its owners which she kept in her possession. She did not care to examine all the documents. Upon finding their names to be among those in her list, she took the documents with her and went up to the Office of the Mayor. When she came back, she told me to go up to the Mayor's Office. While in the Mayor's Office, they gave me the documents and I was told by Gemma Maupo Apuya to come back the following day at 9:00 o'clock in the morning.

Q9: What you were told to come back the following day, what happened?

A: I came back to the Office of the Mayor the following day as I was told.

Q10: You said that you came back to the Office of the Mayor the following day, what happened at the Office of the Mayor?

A: I was able to talk to Mayor Ramon C. Oñate who asked for my purpose.

Q11: Then, what was your reply?

A: I replied, "Imong mga best friend magpa renew sa business permit" (Your best friends would want their permit renewed.)

Q12: Then, what was his reply?

A: I was told by Mayor Oñate in this wise: "Sila lang paanhia. Sila paatubanga" (Let them come here. Let them come

face with me.) He never bothered to examine the documents.

Q13: After you were told by the Mayor Oñate about it, what did you do next?

A: I went out, and informed the complainant about it.

Q14: After you informed the complainant about Mayor Oñate told you, what happened next?

A: On January 12, 2023, I was tasked by Mesias Arevalo to hand over the letters signed by him, Mesias D. Arevalo, Jr. and Irene D. Arevalo concerning the application for renewal of his business permit to Mr. Christopher Montebon, Municipal Planning and Development Officer/Coordinator of the Municipality of Palompon, Leyte. However, Mr. Montebon received and opened said letter and later on refused to receive the same. Instead, Mr. Isagani Jaena, his officemate, told me in front of Mr. Montebon, "Imo nang ipareceive ni Tope para inyo na kihaan? (You would want it received by Tope, referring to Christopher Montebon, so you would sue him.)

Q15: What evidence do you have proving that Mr. Montebon refused to receive the said letter?

A: I have here a copy of the audio and video recordings which I took on that day to prove that indeed said personnel of the MPDO of the Municipality of Palompon, Leyte refused to receive the said documents necessary for the renewal of their respective business permits. I saved the said audio and video recordings in a CD to preserve it which is attached hereto as **Annex X**.

Q16: What did you do when the said documents were refused to receive by Mr. Montebon?

A: I returned the documents to the complainant on the same day and informed him about the said incident.

Q17: Do you have anything more to say?

A: Based on my observation, Mayor Oñate's demand for the business owners to come to his Office and to face him is unreasonable and tainted with malice and bad faith, as there is no law that requires the business owners to personally come and face the Mayor for the renewal of their business permit. In fact, the Citizen's Charter of the local government of Palompon did not provide as a requirement for the business owners to come and face with the mayor before their business permits can be renewed. Based on my personal knowledge, Mayor Oñate unilaterally and

unreasonably imposed such requirement without written Order or Memorandum only upon businessmen who supported former Mayor Myra Georgina Arevalo. But for business owners who are allied with him, the renewal of their business permit did not have to go through tedious process, which includes going to the Office of the Mayor to face him in person.

I believe that for Mayor Oñate to impose such requirement is legally actionable because it violated the provisions of ANTI-RED TAPE ACT (ARTA) and the pertinent Presidential executive issuance on Ease of Doing Business. It will not serve the best interest not only of the business owners but also the people of Palompon.

5. I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Panlalawigan, New Provincial Capitol, Palo, Leyte entitled MESIAS P. AREVALO vs. RAMON C. OÑATE.
6. I further sayeth naught.

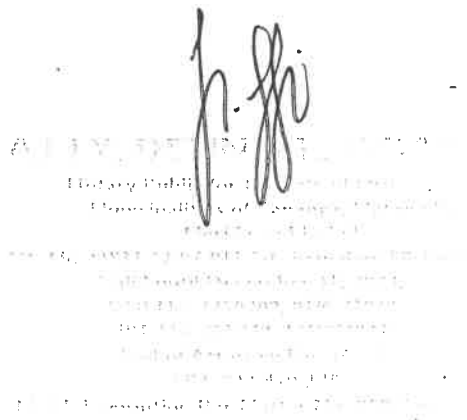
IN WITNESS WHEREOF, I have hereunto affixed my signature on FEB 17 2023 in Ormoc City, Philippines.



**TERESA P. OLORVIDA**  
Affiant/Witness

SUBSCRIBED AND SWORN TO before me on FEB 17 2023, in Ormoc City, Philippines.

Doc No. 111  
Page No. 40  
Book No. 1  
Series of 2023





\_\_\_\_\_ : Series of J. Navarro St., Ormoc City, Philippines  
2023.

### SWORN ATTESTATION

I, **DENNIS L. HIBAYA**, Filipino, of legal age, married with business address at Solibaga Law Office, J. Navarro St., Ormoc City, after having been sworn to oath in accordance with law, hereby depose and state, THAT:

1. I faithfully recorded the questions I asked of and the corresponding answers that **TERESA P. OLORVIDA** gave;
2. Neither I nor any other person then present or assisting him coached **TERESA P. OLORVIDA** regarding the latter's answers.

IN WITNESS WHEREOF, I have hereunto affixed my signature on \_\_\_\_\_ in Ormoc City, Philippines.

FEB 17 2023

  
**DENNIS L. HIBAYA**

SUBSCRIBED AND SWORN TO before me on \_\_\_\_\_ in Ormoc City, Philippines.

FEB 17 2023

Doc No. 12  
Page No. 3  
Book No. XUV  
Series of 2023

**Y. ADELITO M. SOLIBAGA**  
Notary Public for the City of Ormoc,  
Municipalities of Kananga, Matig-oh,  
Merid, and Isabel  
NC No. OR11 22 12 048 NC issued on 01/01/2023  
Valid until December 31, 2024  
PTR No. 245070-1010-2023, Ormoc City  
IMP No. 25530, 12/29/0121, Leyte  
Bar of Attorney No. 31625  
TIN 207-693 130  
MLJE Compliance No. VI-0014640  
Valid until April 14, 2025

PHILIPPINE POSTAL CORPORATION

Form No. 1303 A

ANNEX

REGISTRY RETURN RECEIPT

Penalty for official use to avoid payment of postage is fine of P300 or six months imprisonment

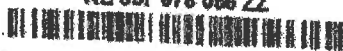


Name of Sender MESIAS B. ARSVAIO JR.  
 House No. / Street/ or P O Box No. BRGY. CANTINAON  
 Zip Code/Municipality/City Province PAIOMPON, LETYE

SENDER OF REGISTERED ARTICLE MAY USE THIS SPACE FOR THE PRIVATE FILING GUIDE

FILE CASE OR ACCOUNT NUMBER

RE 657 678 056 ZZ



EXHIBIT

✓

Post Office CANTINAON  
 Letter/Package No. 0001  
 Posted on JAN 18 20  
 Preserve this receipt for reference in case of inquiry  
 Postmaster/Teller

ANNEX

W

REGISTRY RETURN RECEIPT

RECEIVED from the postmaster at \_\_\_\_\_  
 Registered Letter/Parcel No. \_\_\_\_\_ Posted at \_\_\_\_\_  
 Addressed to CHRISTOPHER T. MONTEBEN  
 Date 1-17-23 2023

RC 657 678 056 ZZ



Christopher Monteben  
(Signature of Addressee Over Printed Name)

(Signature of Addressee's agent/Authorized Representative)

The Sender shall completely and legibly fill out the sender's information (front side face of this RRR) and Registry No. and addressee's name at the back.  
 A Registered article must be delivered under receipt to (under signature by) the addressee or to his/her authorized representative, except for Restricted Registered Mail which should be delivered to The Delivery Office shall postmark this RRR and mail back to the Postmaster of the post office of mailing via Ordinary Mail.



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

-o0o-

*Office of the Municipal Mayor*

February 1, 2023

MESIAS AREVALO SR.  
Proprietor  
Cozy Gas Station  
Canipaan, Palompon, Leyte

ANNEX  
EXHIBIT

X-

**CEASE AND DESIST ORDER**

**Mr. Arevalo:**

On January 12, 2023, this Office received your application for renewal of business permit coursed through registered mail. However, the Office cannot process the same considering that attached to said letter were permits and licenses that have expired on December 31, 2022 rendering the same as irrelevant in the application for renewal of business permit for 2023. Considering the foregoing, it is apparent that Cozy Gas Station has been operating without a business permit.

In view of the foregoing, you are hereby directed to **CEASE AND DESIST** from further operating your business until a Business Permit granting you the privilege to conduct business within the Municipality for the year 2023 has been duly issued. In the meantime, you are advised to process your business permit accordingly.

This Order is without prejudice to the filing of appropriate charges against you for violating the provisions of the Municipal Tax Regulatory Code.

SO ORDERED.

  
RAMON C. OÑATE  
Municipal Mayor

VISION: "A vibrant self-sustaining and ecologically balanced Palompon"  
MISSION: "To ensure quality of life of the people of Palompon"

(053) 525-0292 \* [lgupalompon@gmail.com](mailto:lgupalompon@gmail.com) \* [www.palomponleyte.gov.ph](http://www.palomponleyte.gov.ph)



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

-o0o-

*Office of the Municipal Mayor*

February 1, 2023

MESIAS D. AREVALO JR.  
Proprietor  
MESMAR General Merchandise  
Cantuhaon, Palompon, Leyte

EXHIBIT

X-1

**CEASE AND DESIST ORDER**

**Mrs. Arevalo:**

On January 12, 2023, this Office received your application for renewal of business permit coursed through registered mail. However, the Office cannot process the same considering that attached to said letter were permits and licenses that have expired on December 31, 2022 rendering the same as irrelevant in the application for renewal of business permit for 2023. Considering the foregoing, it is apparent that Mesmar Enterprises has been operating without a business permit.

In view of the foregoing, you are hereby directed to **CEASE AND DESIST** from further operating your business until a Business Permit granting you the privilege to conduct business within the Municipality for the year 2023 has been duly issued. In the meantime, you are advised to process your business permit accordingly.

This Order is without prejudice to the filing of appropriate charges against you for violating the provisions of the Municipal Tax Regulatory Code.

SO ORDERED.

  
RAMON C. OÑATE  
Municipal Mayor





Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF PALOMPON

-o0o-

*Office of the Municipal Mayor*

February 1, 2023

**IRENE D. AREVALO**  
Proprietor  
MATEO Enterprises  
Cantuhaon, Palompon, Leyte

**EXHIBIT X-2**

**CEASE AND DESIST ORDER**

**Mrs. Arevalo:**

On January 12, 2023, this Office received your application for renewal of business permit coursed through registered mail. However, the Office cannot process the same considering that attached to said letter were permits and licenses that have expired on December 31, 2022 rendering the same as irrelevant in the application for renewal of business permit for 2023. Considering the foregoing, it is apparent that Mateo Enterprises has been operating without a business permit.

In view of the foregoing, you are hereby directed to **CEASE AND DESIST** from further operating your business until a Business Permit granting you the privilege to conduct business within the Municipality for the year 2023 has been duly issued. In the meantime, you are advised to process your business permit accordingly.

This Order is without prejudice to the filing of appropriate charges against you for violating the provisions of the Municipal Tax Regulatory Code.

SO ORDERED.

  
**RAMON C. OÑATE**  
Municipal Mayor



PHILIPPINE POSTAL CORPORATION

Form No. 1548-A

ANNEX

F

REGISTRY RETURN RECEIPT  
Penalty for official use to avoid payment  
of postage is fine of P300 or six months imprisonment



Name of Sender NEBIAS D. ARBYALO JR.  
House No. / Street or P.O. Box No. BRGY. GANTURAGON  
Zip Code/Municipality/City Province PALOMPON, LETYEN

SENDER OF REGISTERED ARTICLE MAY USE THIS SPACE  
FOR THE PRIVATE FILING GUIDE

FILE CASE OR ACCOUNT  
NUMBER

RE 657 678 066 ZZ



Post Office WAWAN  
Letter/Package No. \_\_\_\_\_  
Posted on JAN 18 20  
Preserve this receipt for reference in case of inquiry  
Postmaster/Teller \_\_\_\_\_

ANNEX G

REGISTRY RETURN RECEIPT

RECEIVED from the postmaster at \_\_\_\_\_  
Registered Letter/Parcel No. \_\_\_\_\_ Posted at \_\_\_\_\_  
Addressed to CHRISTOPHER T. MONTEBEN  
(Name of Addressee)  
Date 1-17-23 2023



Christopher Monteben  
(Signature of Addressee Over Printed Name)

(Signature of Addressee's agent/authorized representative)

The Sender shall completely and legibly fill out the sender's information (front side face of this RRR) and Registry No. and addressee's name at the back.

A Registered article must be delivered under receipt to (under signature by) the addressee or to his/her authorized representative, except for Restricted Registered Mail which should be delivered to The Delivery Office shall postmark this RRR and mail back to the Postmaster of the post office of mailing via Ordinary Mail.