

MESIAS P. AREVALO SR.
Complainant,

ADMIN. CASE NO.

-versus-

RAMON C. OÑATE
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.

Violation of Republic Act
No. 3019 (Anti-Graft
and Corrupt Practices
Act), R.A. 6713 (Code of
Conduct and Ethical
Standards for Public
Officials

X -----/

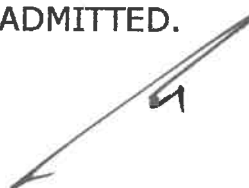
VERIFIED ANSWER

Respondent **RAMON C. OÑATE**, of legal age, married, Filipino, incumbent Municipal Mayor of Palompon, Leyte with Office Address at the Municipal Hall, Rizal St., Palompon, Leyte, in answer to the Complaint filed by Complainant MESIAS AREVALO SR. received on April 3, 2023, respectfully states that:

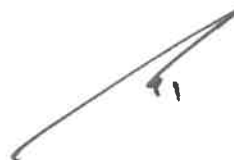
A.

ADMISSIONS/DENIALS

1. Paragraphs 1 and 2 are ADMITTED.



2. Paragraphs 3, 4, 5, 6, 7, 8, 9, and 10 are all DENIED for being false, baseless, and hearsay, and for the reasons to be discussed in the Affirmative Allegations and Defenses below.
3. Paragraphs 11 is ADMITTED.
4. Paragraph 12 is DENIED for lack of knowledge or information sufficient to form a belief as to the truth or falsity of said averment.
5. Paragraphs 13, 14, and 15 are ADMITTED.
6. Paragraphs 16 and 17 are not statements of ultimate facts, but are conclusions of law or personal opinions of the complainant, as to which the respondent makes no admissions or denials.
7. Paragraph 18 is DENIED for lack of knowledge or information sufficient to form a belief as to the truth or falsity of said averment.
8. Paragraphs 19 and 20 are provisions of law culled from the Local Government Code and its Implementing Rules and Regulations and not statements of ultimate facts, as to which the respondent makes no admissions or denials.
9. Paragraph 21 is not a statement of ultimate facts, but is conclusions of law drawn by the complainant based on the two preceding paragraphs, as to which the respondent makes no admission or denial.
10. Paragraph 22 is DENIED.
11. Paragraph 23 is DENIED insofar as it alleges that "complainant's businesses have been subjected to several harassments by the respondent" is DENIED for being false and baseless. The truth is that COZY GAS STATION, complainant's business, was inquired upon by the Local Government Unit of Palompon, Leyte.



12. Paragraphs 24, 25, 26, 27, 28, and 29 are ADMITTED.
13. Paragraph 30 is PARTIALLY ADMITTED insofar as it alleges that Cozy Gas Station started its operation in 2017. However, the rest is DENIED for being false and for reasons discussed in the affirmative defenses below.
14. Paragraph 31 is ADMITTED.
15. Paragraph 32 is DENIED for being false, baseless and inaccurate. As further discussed in the Affirmative Allegations and Defenses below, respondent did not "deliberately refuse" to process the application for renewal of business permit. The application for renewal was denied for complainant's failure to comply with the requirements.
16. Paragraphs 33, 34, and 35 are DENIED for lack of knowledge or information sufficient to form a belief as to the truth or falsity of said averment.
17. Paragraph 36 is ADMITTED.
18. Paragraph 37 is DENIED for lack of knowledge or information sufficient to form a belief as to the truth or falsity of said averment.
19. Paragraph 38 is DENIED.
20. Paragraph 39 is DENIED for lack of knowledge or information sufficient to form a belief as to the truth or falsity of said averment.
21. Paragraphs 40 and 41 are DENIED.
22. Paragraph 42 is DENIED for being false, baseless and misleading. The application for renewal of business was responded to through a letter dated January 19, 2023, two (2) days after receipt of the application.



23. Paragraph 43 is ADMITTED.
24. Paragraphs 44 and 45 are DENIED for being false and for reasons further discussed in the affirmative defenses below.
25. Paragraph 46 is ADMITTED.

B.

AFFIRMATIVE ALLEGATIONS AND DEFENSES

I.

THE RESPONDENT DID NOT COMMIT ACTS AMOUNTING TO DISHONESTY, OPPRESSION, MISCONDUCT IN OFFICE, GROSS NEGLIGENCE, DERELICTION OF DUTY, AND ABUSE OF AUTHORITY

26. Complainant alleges that the Respondent committed Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty and Abuse of Authority, when he supposedly:

- (1) Issued the Executive Order to harass legitimate businessmen who did not support him during the last elections;¹
- (2) Subjected complainant's businesses to several harassments;²
- (3) Deliberately refused the processing of complainant's application for renewal of business permit.³

27. None of these charges will give rise to Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, and Abuse of Authority, simply because the "facts" alleged by the Complainant are utterly false especially fabricated to support the filing of the instant complaint.

¹ Complaint, par. 17

² Id., par. 23

³ Id., par. 32



Executive Order No. 01 is implemented to all vehicles transporting and transferring sand and gravel from any part of Leyte to the Municipality of Palompon, Leyte

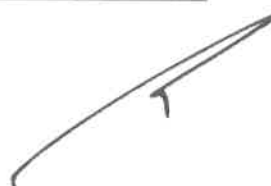
21.1. Executive Order No. 01 Series of 2023 is being implemented regardless of political color. Pursuant to the EO, transport and transfer of sand and gravel is strictly monitored so as to ensure that all sand and gravel transported and transferred to the municipality of Palompon shall have pre-requisite permits and clearances from appropriate government agencies particularly, PENRO and MGB. All vehicles passing through the checkpoints underwent the same inspection. It was unfortunate however, that complainant's driver was not able to provide the necessary permit for the transport of sand. As such, the entry of Complainant's dump truck, which was then loaded with washed sand, was disallowed.

COZY Gas Station was not subjected to harassments

21.2. Issuance of Show Cause Orders is a simple exercise of the Respondent's power essential to the promotion of the general welfare.⁴ Further, show cause orders are specifically made to afford the Complainant with an opportunity to provide explanation on the queries of the Local Government Unit. Thus, instead of allegations of harassment, herein Complainant's right to due process was duly provided..

Processing and Issuance of Business Permits were in

⁴ See Sec. 16 of the LGC of 1991




accordance with the Citizen's
Charter

21.3. Complainant's application for renewal of business permit was denied after failing to comply with the pre-requisite documents as enumerated in the Citizen's Charter.

28. On January 3, 2023, Executive Order No. 01 Series of 2023 also known as "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"⁵ was made effective. Relevant provisions are hereunder reproduced as follows:

Section 1. Strict Monitoring on the Compliance in Securing Prerequisite Permits and Clearances from Leyte Provincial Environment and Natural Resources (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 be transported and transferred to the municipality of Palompon shall have prerequisite permits and clearances particularly from concerned offices stated above.

⁵ EO No. 01 s. 2023 as Annex "1"



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.*

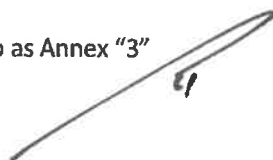
29. Following its effectivity, three checkpoints were established in three different barangays of the Municipality of Palompon, one of which is in Barangay Tabunok, Palompon, Leyte.
30. Pursuant to Executive Order No. 01 series of 2023, all vehicles transporting sand and gravel, with no exception, are flagged down at the checkpoints and were asked to present the pre-requisite licenses, permits and other pertinent documents such as, but not limited to, **Delivery Receipt, Official Receipt and Industrial Sand and Gravel (ISAG) Permit**, without which entry into the municipality shall be prohibited.
31. A careful scrutiny of the subject Executive Order would show that there is no additional imposition of requirements for the extraction of sand and gravel. Instead, Respondent is merely exercising the local government's police power in ensuring that all sand and gravel going to the Municipality of Palompon has duly complied with the requirements of the law.
32. On January 4, 2023, at around 4 o'clock in the afternoon, a dump truck loaded with sand was flagged down in the checkpoint of Brgy. Tabunok, Palompon, Leyte. When required to present license and permit pertaining to the transported sand, the driver, Bryan Cajeras, was only able to present an unsealed delivery receipt.⁶

⁶ Delivery Receipt as Annex "2"



33. When asked for copy of the Official Receipt (OR) of purchased sand from legitimate industrial sand and gravel operator and copy of the latter's Industrial Sand and Gravel (ISAG) Permit, Mr. Cajeras could not present any. Hence, pursuant to the provisions of EO No. 01, the dump truck he was driving was refused entry until copy of the ISAG is furnished to the LGU personnel manning the checkpoint.
34. Unable to drive the dump truck past the checkpoint, Mr. Cajeras alighted from the dump truck, left the engine running, hailed a motorcycle and left.
35. That on or about the same time, Complainant called the Chief of Police of Palompon, Police Chief Tabernero, requesting the latter to allow entry of his dump truck through the checkpoint in Barangay Tabunok. Further stating that should his dump truck be allowed entry, Complainant will comply with the requirements later.⁷
36. Had there been a permit, it would be illogical for Complainant to make such request. But alas, it only goes to show that the transport and transfer of sand carried by Complainant's dump truck was without the necessary permit.
37. That Police Chief Tabernero denied the request. He then went to the Barangay Tabunok checkpoint to assess the situation.
38. Moments later, Mr. Cajeras returned together with a man later identified as Ranil Pacaldo, and declared that they will dump the sand by the side of the road as per instruction of their employer, herein Complainant, Mr. Mesias Arevalo Sr.
39. That in order to have proof that the dumping of the sand will be voluntarily made, Mr. Cajeras, Mr. Pacaldo, and Ranulfo

⁷ Affidavit of Chief of Police Realthur Tabernero as Annex "3"



Andales and three other LGU personnel agreed that such fact be entered into the barangay blotter.⁸

40. As such, at the barangay hall of Brgy. Tabunok, Barangay Blotter Entry No. 17⁹ was recorded dated January 4, 2023 at around 7:45 in the afternoon, signed by Mr. Cajeras, Mr. Pacaldo, Mr. Andales and Mr. Astillero duly witnessed by Barangay Kagawad Roweno Limpangog and in the presence of police officers, including the Police Chief Tabernerero. A Certification¹⁰ dated January 30, 2023 was also issued certifying the barangay blotter entry made on January 4, 2023 Barangay blotter entry no. 17 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."

41. After signing the barangay blotter, Mr. Cajeras proceeded to dump the washed sand in front of the chapel across the street and drove off towards Barangay Cantuhaon, Palompon, Leyte.
42. Based on the foregoing, it is apparent that Complainant has fabricated a false narrative in order to concoct a seemingly persuasive set of allegations to support the filing of the instant complaint.
43. Further, it is blatantly clear that Complainant is lying under oath when he alleged that:
- (1) Mr. Andales forced Mr. Cajeras to unload the washed sand against his will;
 - (2) Mr. Cajeras explained to Mr. Andales that all documents needed to transport said washed sand are complete;

⁸ Joint Affidavit of Ranulfo Andales, et al as Annex "4"

⁹ Barangay Blotter Entry No. 01 as Annex 5"

¹⁰ Certification as Annex "6"



- (3) 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;
 - (4) Mr. Cajeras was pressured, intimidated and forced to sign a document alleging that they voluntarily unloaded the washed sand;
 - (5) Mr. Pacaldo was also forced to sign because Mr. Andales threatened that they would seize the dump truck;
 - (6) Punong Barangay of Barangay Tabunok, Palompon, Leyte also exerted pressure on Mr. Cajeras and Mr. Pacaldo.
44. The truth being that the unloading of the washed sand was proposed by Mr. Cajeras after being instructed to do so by his employer, herein Complainant, Mr. Mesias Arevalo Sr.
45. In order to protect themselves from false narratives, as in this case, Mr. Andales together with three other LGU personnel took the initiative to put the matter into records through the barangay blotter to which Mr. Cajeras and Mr. Pacaldo agreed.
46. This incident was witnessed not only by Barangay Officials of Tabunok but also by police officers who responded to the checkpoint where the dump truck was refused entry at Brgy. Tabunok.
47. Surprisingly even, Complainant even lied when he alleged that the Punong Barangay exerted pressure on Mr. Cajeras and Mr. Pacaldo when in truth and in fact, the Punong Barangay was not around during the incident.¹¹ It can only be surmised, therefore, that this is another lie propounded by Complainant in order to have basis in the filing of the instant Complaint.

**COZY GAS STATION WAS
SUBJECTED TO AN INQUIRY
NOT HARASSMENT**

¹¹ Affidavit of Rene Camposano as Annex "7"



48. Anent Complainant's business, Cozy Gas Station, which he claimed was subjected to several harassments, a reading of the allegations in his Complaint would reveal that other than the issuances of three (3) Show Cause Orders, no other acts were alleged amounting to harassment.
49. Contrary to Complainant's allegation of political harassment, the issuance of the Show Cause Orders to several businesses resulted from the review conducted by the newly appointed new sets of public officials of Palompon. It is worth noting that during the transition of administration, no turnover of public documents took place, computer files were deleted and accountable officers resigned from their posts. Hence, the new administration was constrained to work on all available records left in the respective offices.
50. In the course of review, it was discovered that Cozy Gas Station was located in an area identified as Agricultural Land. Hence, the issuance of the first Show Cause Order¹² to which Complainant was able to give an explanation¹³.
51. Subsequently, a second Show Cause Order¹⁴ was issued inquiring if Complainant's business was able to submit the Environmental Compliance Certificate (ECC) considering that records of the LGU were not turned over by the previous administration. This order was replied to by Complainant in a letter dated July 19, 2022.¹⁵
52. Lastly, a third Show Cause Order¹⁶ was issued inquiring if a Certificate of Compliance (COC) from the Department of Energy was duly issued to Cozy Gas Station. Unfortunately, Complainant

¹² Show Cause Order dated July 11, 2022 as Annex "8"

¹³ Letter dated July 12, 2022 as Annex "9"

¹⁴ Show Cause Order dated July 18, 2022 as Annex "10"

¹⁵ Letter dated July 19, 2022 as Annex "11"

¹⁶ Show Cause Order dated August 17, 2022 as Annex "12"



did not provide a clear answer in his letter¹⁷ and instead invoked the provisions of Republic Act 11032 otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018. As admitted by Complainant in the said letter, Cozy Gas Station has been in operation since 2017. Yet, Complainant acted so defensive in a simple inquiry as to the existence of a COC to which a reasonable mind could conclude that Cozy does not have the required COC.

53. If harassment did in fact took place, their business should have been ordered closed without being given opportunity for explanation. However, this was not the case. Despite issuance of three (3) Show Cause Orders, the business of Complainant, Cozy Gas Station was never ordered closed in 2022.

**COMPLAINANT FAILED TO
COMPLY WITH THE
REQUIREMENTS FOR RENEWAL
OF BUSINESS PERMIT**

54. On the alleged inaction of his application for renewal, again Complainant lied under oath when he claimed that it was not acted upon.

55. In response to the application for renewal¹⁸ sent through registered mail and addressed to Mr. Christopher Montebon by herein Complainant, Respondent, on January 19, 2023, issued a letter¹⁹ explaining in detail the reason why his application for renewal of business permit cannot be processed. Excerpt from said letter is hereby reproduced as follows:

XXX

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

¹⁷ Letter dated August 19, 2022 as Annex "13"

¹⁸ Application for Renewal as Annex "14"

¹⁹ Letter dated January 19, 2023 as Annex "15"



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.

XXX

56. Contrary to Complainant's allegation in paragraph 42 of his Complaint, the submitted documents were incomplete rendering the issuance of Business Permit unjustifiable.

57. Naturally, for lack of Business Permit for 2023, Cozy Gas Station, a business owned by Complainant, was ordered closed. Notwithstanding the Closure Order, Complainant is continuing to operate in utter violation of the said order.

58. Evidently, Respondent did not conceal or distort a fact as have committed Dishonesty²⁰ nor did Respondent committed an act of cruelty, severity, unlawful exaction, domination or excessive use of authority as to constitute Oppression²¹. Respondent likewise committed no wrongful, improper or unlawful conduct premeditated, obstinate or intentional purpose so as to be liable for Misconduct.²² In the same vein that Respondent could not have committed Gross Negligence and Dereliction of Duty simply because Respondent did not intentionally omit to act where there is duty to act.²³

59. Based on the foregoing, Respondent could not have violated Section 7 of the Revised Internal Procedure of the Sangguniang Panlalawigan.

II.

SECTION 9, 21 AND 22 OF R.A. 11032 WAS NOT VIOLATED

²⁰ See Fajardo v. Corral, G.R. No. 212631, July 5, 2017

²¹ See Ochate v. Deling 105 Phil. 384 (1959)

²² See Ombudsman v. Magno 592 Phil. 636, 658 (2008)

²³ See COC Marigomen v. Manabat Jr., 676 Phil. 157, 164 (2011)



60. Respondent did not violate Section 9, 21 and 22 of RA 11032 for the following reasons, to wit:

- (1) The application for renewal of business permit sent was received by the Respondent through Mr. Montebon; and
- (2) The same was acted upon through a letter dated January 19, 2023 explaining the circumstances why the business permit cannot be issued.

61. Further, it must be noted that herein Complainant has lodged similar complaints for violation of R.A. 11032 before the Anti-Red Tape Authority (ARTA) against herein Respondent²⁴ and Mr. Montebon.²⁵ Copies of the Show Cause Order and explanation²⁶ thereto are hereto attached in this Answer.

62. On the other hand and as discussed earlier, the issuance of the Cease and Desist Order stemmed from Complainant's lack of Business Permit for the year 2023 after failing to comply with the submission of pre-requisite documents.

III.

SECTION 3 (e) and (f) OF R.A. 3019 WAS NOT VIOLATED

63. At the outset, it must be emphasized that in cases involving public officials, the Sandiganbayan has exclusive original jurisdiction over violations of Republic Act No. 3019 otherwise known as Anti-Graft and Corrupt Practices Act pursuant to Republic Act No. 8249, also known as "An Act Further Defining the Jurisdiction of the Sandiganbayan".

64. Hence, Complainant's prayer that an order be issued finding Respondent administratively liable for Violation of RA 3019 must necessarily fail as the Sangguniang Panlalawigan is without jurisdiction over said alleged violations.

²⁴ ARTA Show Show Cause Order – Oñate as Annex "16"

²⁵ Arta Show Cause Order – Montebon as Annex "17"

²⁶ Oñate's Answer to SCO as Annex "18" ; Montebon's Answer to SCO as Annex "19"

65. Notwithstanding the fact, Respondent hereby denies any violation over Section 3(e) and (f) of RA 3019.
66. Complainant has failed to establish undue injury suffered by him at the hands of the Respondent. Without this element, there could be no violation of Section 3 (e) of RA 3019.
67. Respondent also could not have violated Section 3 (f) of RA 3019 because, as explained above, acted on his application for renewal of business permit. To reiterate, Respondent issued a letter denying the application for Complainant's failure to provide the pre-requisite documents for the issuance of business permit.

IV.

SECTION 4 AND 5 OF R.A. 6713 WAS NOT VIOLATED

68. In *Domingo v. Office of the Ombudsman*²⁷, the Supreme Court had the occasion to rule that failure to abide by the norms of conduct under Section 4 (A) (b) of R.A. No. 6713, in relation to its implementing rules, is not a ground for disciplinary action, to wit:

The charge of violation of Section 4(b) of R.A. No. 6713 deserves further comment. The provision commands that "public officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill." Said provision merely enunciates "professionalism as an ideal norm of conduct to be observed by public servants, in addition to commitment to public interest, justness and sincerity, political neutrality, responsiveness to the public, nationalism and patriotism, commitment to democracy and simple living. Following this perspective, Rule V of the Implementing Rules of R.A. No. 6713 adopted by the Civil Service Commission mandates the grant of incentives and rewards to officials and employees who demonstrate exemplary

²⁷ G.R. No. 176127, January 30, 2009, 577 SCRA 476, 484.



service and conduct based on their observance of the norms of conduct laid down in Section 4. In other words, under the mandated incentives and rewards system, officials and employees who comply with the high standard set by law would be rewarded. Those who fail to do so cannot expect the same favorable treatment. **However, the Implementing Rules does not provide that they will have to be sanctioned for failure to observe these norms of conduct. Indeed, Rule X of the Implementing Rules affirms as grounds for administrative disciplinary action only acts "declared unlawful or prohibited by the Code." Rule X specifically mentions at least twenty three (23) acts or omissions as grounds for administrative disciplinary action. Failure to abide by the norms of conduct under Section 4(b) of R.A. No. 6713 is not one of them.** (Emphasis supplied.)

69. Applying the foregoing jurisprudence, Respondent may not be administratively liable for violation of Section 4 of R.A. 6713.
70. Respondent also could be not liable for violation of Section 5 of R.A. 6713 because the latter acted on the application for renewal of herein Complainant's business through a letter dated January 19, 2023 or two (2) days after receipt of the said application.

V.

SECTION 29 AND 30 OF THE LOCAL GOVERNMENT CODE WAS NOT VIOLATED

71. Section 444 (b) (2) (iii) of the Local Government Code (LGC) empowers the Municipal Mayor to "issue such Executive



orders as are necessary for the proper enforcement and execution of laws and ordinances”.

72. Pursuant to the power granted by the LGC to the Respondent, Executive Order No. 01 series of 2023 was promulgated.
73. A perusal of the subject Executive Order would readily show that there is no imposition of additional requirements nor is there a usurpation of power vested to the governor as by virtue of Section 138 of the LGC. Rather, the EO seeks to monitor that the transport and transfer of sand and gravel has the necessary accompanying permits duly issued by the Province and DENR which Complainant has miserably failed to do causing the latter to file the instant Complaint.
74. In view of the foregoing, Respondent could not have violated Section 29 and 30 of the Local Government Code.
75. First, it would be absurd that a Municipal Mayor would be liable for violating Section 29 which provision provides for the duties of the Province in relation to its Component Cities and Municipalities.
76. Second, the power to issue executive orders is vested by no less than the Local Government Code. The LGC did not set forth any requirements in relation to the power of the Municipal Mayor to issue executive orders. Hence, the subject EO No. 01 became effective immediately after its issuance.
77. Lastly, Section 30 is a provision in the LGC discussing more so the duty of the governor to review the executive orders of the mayors not less of the duty of the mayors to submit the EO.
78. While admittedly, EO No. 01 was not submitted for review, and all other executive orders for that matter, this has been the norm since.



79. However, if the Provincial Government of Leyte demands for the strict implementation of Section 30 such that all executive orders of all Mayors of the Province of Leyte be submitted, then the undersigned will immediately abide.

80. For these reasons, it is the humble submission of the Respondent that he did not violate Sections 29 and 30 of the Local Government Code.

RELIEF

WHEREFORE, premises considered, it is respectfully prayed that the Verified Complaint for Violation of Section 7 of the Revised Internal Procedure of the Sangguniang Panlalawigan of the Province of Leyte, Philippines, Violation of Section 3 (e) and (f) of Republic Act No. 3019, Violation of Section 4 and 5 of R.A. 6713, and Violation of Section 29 and 30 of the LGC be DISMISSED for lack of sufficient grounds and for lack of probable cause.

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

Palompon, Leyte for Palo, Leyte. April 18, 2023.

RAMON C. OÑATE
Respondent

Copy furnished:

*Merias P. Arenal, Sr.
Asellano St., Bryg. Cu
Palompon, Leyte*

RE 657 693 858 ZZ

Post Office REGISTERED MAIL ACCEPTANCE

Letter/Package No. COUNTER

Posted on APR 18/ 23 20

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

VERIFICATION

I **RAMON C. OÑATE**, of legal age, Filipino, married and with office address at the Municipal Hall, Rizal St., Palompon, Leyte, on oath, state:

1. That I am the Respondent in the above-mentioned case and I have caused the preparation of the foregoing pleading;
2. That I have read and understood its contents which are true and correct of my own personal knowledge and/or based on true records;
3. That I have not commenced any action or proceeding involving the same issue or subject matter in the Supreme Court, the Court of Appeals or any other tribunal or agency;
4. That of the best of our knowledge, no such action or proceeding is pending in the Supreme Court, the Court of Appeals or any other tribunal or agency, and that, if I should learn thereafter that a similar action or proceeding has been filed or is pending before these courts or tribunal or agency, we undertake to report that fact to the Court within five (5) days therefrom;
5. That the filing of this case is not in violation of the rules against splitting a single cause of action or multiplicity of suits;
6. That this Petition is filed not to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
7. That the factual allegations therein have evidentiary support or, if specifically, so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.


IN WITNESS WHEREOF, we have hereunto set our hands this 18th day of April 2023 at Palompon, Leyte, Philippines.


RAMON C. OÑATE
Affiant

DL# H01-88-005678

SUBSCRIBED AND SWORN to before me this 18th day of April 2023 at Palompon, Leyte, affiant exhibiting to me his competent ID.

Doc. No. 425 ;
Page No. 85 ;
Book No. 1 ;
Series of 2023.


ATTY. PHOEBE CHARIS A. ALBAÑO
Notary Public
Rizal St., Brgy. Gulwan I, Palompon, Leyte
Notarial Commission No. R-PAL-22-12-006
Valid Until December 31, 2024
Roll of Attorney's No. 75675
PTR No. 7543723 - February 27, 2023
IBP No. 239887 - November 17, 2022 - IBP CEBU
TIN: # 000-154-410-000
MILE No. 1570157924
Valid Until April 14, 2025



Office of the Municipal Mayor

2nd 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 3rd day of January 2023 in Palompon, Leyte.


RAMON C. OÑATE
Municipal Mayor

ANNEX " 2 "



PROVINCE OF LEYTE

(Office of the Provincial Governor)
Provincial Capitol Bldg. Senator Enage St.
6500 Tacloban City
NON-VAT Reg. TIN: 000-984-141-00000

SAND and GRAVEL

DELIVERY RECEIPT

1/4/20
Date issued

Delivered Mafed
Address Kananga North
Destination Palmeron
Truck Plate No. CCD-1844
Kind of Material Sold W Sand
(Volume cu. m.) 10 Value P _____

ORIGIN:
Name of Permittee Erwin Lagana
Kind & No. of Permittee Sand + Gravel
Date Granted _____
Total Volume allowed under Permit (cu .m.) **1,000 CU. M ONLY**

Total Volume extracted to Date (cu .m.) _____
Remaining Volume allowed to be extracted
To Date (Cu .m.) _____

Note: -
Not valid without the seal of the Province of Leyte
and counter Signature of the Provincial
Governor duly Authorized Representative

By: P. Magu
Permittee/Representative

1,000 Blks. (50x2) 704,701 - 754,700
BIR Authority to Print No. 088AU20210000001647
Date: 10-18-2021 Valid until: 10-17-2026
TAC. AR GRAFICA PRINTING PRESS INC.
161 Padrojos St., Tacloban City
TIN: 004-300-555-000 VAT

No 721218

Printer's Accreditation No. 088MP20190000000001
Date issued: February 11, 2019

"THIS DOCUMENT IS NOT VALID FOR CLAIMING INPUT TAXES"
THIS DELIVERY RECEIPT SHALL BE VALID FOR FIVE (5) YEARS FROM THE DATE OF ATP

AFFIDAVIT

I, REALTHUR TABERNERO of legal age, Filipino, married, and a resident of Hinabuyan, Villaba, Leyte after having been sworn in accordance with the law hereby depose and state:

1. That I am the Acting Chief of Police of the Municipal Police Station of Palompon, Leyte;
2. That at around five in the afternoon of January 4, 2023, while I was in the police station, Mr. Mesias Arevalo Sr. called me through my mobile phone number requesting that his dump truck be allowed to pass through the checkpoint located in Barangay Tabunok, Palompon, Leyte;
3. That he informed me that the lacking requirements will be complied later if I just allowed the entry of his dump truck;
4. That I explained to him that I cannot grant his request considering that implementation of the Executive Order lies with the Local Government Unit and as the Chief of Police, I have to ensure that the orders of the local government are followed;
5. That shortly after the call, I immediately went to Barangay Tabunok, Palompon, Leyte to assess the situation;
6. That upon arriving at Tabunok, I personally witnessed the driver Mr. Cajeras, say that he was instructed by his employer, Mr. Mesias Arevalo, Sr., to dump the washed sand by the side of the road in order for the truck to pass through the checkpoint;
7. That I also personally heard Ranulfo Andales calmly explain to Mr. Cajeras that before he could dump the washed sand, he should first have it on record in the Barangay Blotter that the same is his voluntary act;
8. That I personally saw the driver, Mr. Bryan C. Cajeras, together with a certain Ranil Pacaldo, sign the barangay blotter voluntarily;
9. That after signing the barangay blotter, the driver proceeded to dump the washed sand across the chapel and thereafter drove the dumptruck through the checkpoint and to the direction of Barangay Cantuhaon, Palompon, Leyte;



10. That I am executing this affidavit to attest to the truth of the foregoing and for whatever purpose it may serve best.

IN WITNESS WHEREOF, I hereunto set my hand this 18th day of April 2023 at Palompon, Leyte, Philippines.

REALTHUR S. TABERNERO

DLH H10-16-000048 10/28/23

SUBSCRIBED AND SWORN TO before me this 18th day of April 2023 at Palompon, Leyte, Philippines.

Doc. No. 420;
Page No. 2;
Book No. 1;
Series of 2023.

PA
ATTY. PHOEBE CHARIS A. ALBAÑO
Notary Public
Rizal St., Brgy. Guiwan I, Palompom, Leyte
Notarial Commission No. R-PAL-22-12-006
Valid Until December 31, 2024
Rol of Attorney's No. 75675
PTR No. 7543723 - January 27, 2023
IBP No. 239807 - November 17, 2022 - IBP CEBU
TIN: 439-353-460-000
MCLE No. VII-0017924
Valid Until April 14, 2025

JOINT-AFFIDAVIT

We, **RANULFO ANDALES, ALCHER ASTILLERO, LEOPOLDO CLAPANO,** and **RAMIL SOLIDUM**, all of legal ages, Filipino citizens, and residents of Brgy. Tabunok, Palompon, Leyte, Brgy. San Joaquin, Palompon, Leyte and Brgy. Baguinbin, Palompon, Leyte, respectively, after having been sworn in accordance with the law hereby depose and state:

1. That we are employees of the Local Government Unit of Palompon, Leyte;
2. That we are assigned to man the checkpoint at Barangay Tabunok, Palompon, Leyte,
3. That the checkpoint was established in order to effectively enforce Executive Order No. 01, series of 2023 or "Executive Order on the Strict Compliance in Securing Prerequisite Permits and Clearances from Leyte Provincial Environment and Natural Resources (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";
4. That pursuant thereto, we are tasked to monitor and ensure that all vehicles carrying sand and gravel have accompanying permits and clearances from PENRO and MGB R8.
5. That at around 4 pm on January 4, 2023, we motioned an approaching dump truck carrying sand to stop. We then led it to park by the side of the road;
6. That I, Ranulfo Andales, asked the driver, Mr. Bryan Cajeras, for the permit accompanying the transported sand. However, the driver was only able to provide an unsealed Delivery Receipt and no permit;
7. That, hence, I, Ranulfo Andales, told Mr. Cajeras that we cannot allow the dump truck to enter and advised him to get the necessary permit so that the vehicle carrying the sand may pass through the checkpoint;
8. That instead, Mr. Cajeras left the dump truck with its engine running, hailed a motorcycle and fled the area;
9. That moments later, Mr. Cajeras returned accompanied by a man later identified as Mr. Ranil Pacaldo. They informed us that they were



instructed by their employer, Mr. Mesias Arevalo Sr., to dump the sand so that Mr. Cajeras can drive the dump truck past the checkpoint;

10. That we agreed to put the matter in a barangay blotter as proof that they are dumping the sand out of their own free will;
11. That in the presence of several police officers, including the chief of police, and Barangay Kagawad Roweno L. Limpangog, we (Ranulfo Andales, Archer Astillero) and Bryan Cajeras and Ranil Pacaldo voluntarily signed the barangay blotter;
12. That thereafter, Mr. Cajeras proceeded to dump the sand across the chapel of Barangay Tabunok and then drove the dump truck past the checkpoint going to Barangay Cantuhaon, Palompon, Leyte;
13. That we are executing this affidavit to attest to the truth of the foregoing and for whatever purpose it may serve best.

IN WITNESS WHEREOF, I hereunto set my hand this 17th day of April 2023 at Palompon, Leyte, Philippines.



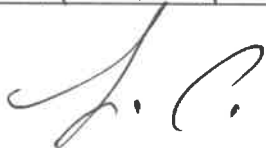
RANULFO ANDALES
Affiant

VIN 3740-00722-G0962-PCA10000



ALCHER ASTILLERO
Affiant

Phil. ID# 5980-690-8134-7209



LEOPOLDO CLAPANO
Affiant

Pag-big ID# 1211-3812-9741




RAMIL SOLIDUM
Affiant

Phil. ID# 2310-5965-8064-2040

SUBSCRIBED AND SWORN TO before me this 17th day of April 2023 at Palompon, Leyte, Philippines.

Doc. No.420;
Page No. 84 ;
Book No. 1;
Series of 2023.


ATTY. PHOEBE CHARIS A. ALBAÑO
Notary Public
Rizal St., Brgy. Guiwan I, Palompon, Leyte
Notarial Commission No. R-PAL-22-12-006
Valid Until December 31, 2024
Roll of Attorney's No. 75675
PTR No. 7543723 - January 27, 2023
IBP No. 239807 - November 17, 2022 - IBP CEBU
TIN: 439-353-460-000
MCLE No. VII-0017924
Valid Until April 14, 2025

DATE Jan. 4, 2023

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

Entry no. - 1

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. Han sa Tabunok dala nila ang sakyanang nga Ten wheelers IZUSU GIGA MATEO HARDWARE nga Voluntaryo nga e Dump nila ang karga nga (trash) Baras. Karon sa oras nga 7:47 adala adobangan sa Simbahan. sa festigos nila. pang maong ^{trap} plate # CCO 1844.

~~Signature~~ 7:53
BRYAN CASERAS
Driver

~~Signature~~ 7:54
RONIL PACALDO
Driver

~~Signature~~ 7:55
RONIL PACALDO
LGU - Festigos

~~Signature~~ 7:56
ALCORN ASTINERO
LGU - Festigos

~~Signature~~ 7:57
ROWEN E. LIMPANGOG
Brgy. Kasanad
Witness

CERTIFIED TRUE COPY
DATE: April 15, 2023

Cherlyn O. Oltimah
Secretary



Republic of the Philippines
Province of Leyte
Municipality of Palompon
BARANGAY TABUNOK
-o/o-

ANNEX " 6 "

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 30th day of January 2023 at Barangay Tabunok, Palompon, Leyte, Philippines.

Note: Not Valid
w/o Brgy Seal


RENE A. CAMPOSANO
Barangay Captain

AFFIDAVIT

I, **RENE CAMPOSANO**, of legal age, Filipino, married, and a resident of Brgy. Tabunok, Palompon, Leyte after having been sworn in accordance with the law hereby depose and state:

1. That I am the Punong Barangay of Barangay Tabunok, Palompon, Leyte;
2. That I am also the ABC (Association of Barangay Captains) President;
3. That on January 4, 2023, I attended the First Monthly Meeting for the ABC for 2023 held at ABC Hall in Palompon, Leyte;
4. That I spent the entirety of the day (January 4, 2023) at the Municipal Hall of Palompon, Leyte;
5. That I was made aware of the incident involving the dump truck through a mobile phone call from one of the Barangay Kawagads;
6. That I neither have seen Mr. Cajeras and Mr. Pacaldo nor have I talked to them personally or through phone;
7. That as such, it is physically impossible for me to have exerted pressure on Mr. Cajeras and Mr. Pacaldo;
8. That I am executing this affidavit to attest to the truth of the foregoing and for whatever purpose it may serve best.

IN WITNESS WHEREOF, I hereunto set my hand this 18th day of April 2023 at Palompon, Leyte, Philippines.



RENE CAMPOSANO

Driver's License No. H03-76-002457

To expire on March 9, 2032

SUBSCRIBED AND SWORN TO before me this 18th day of April 2023 at Palompon, Leyte, Philippines.


ATTY. PHOEBE CHARIS A. ALBAÑO

Notary Public

Rizal St., Brgy. Guiwan I, Palompon, Leyte

Notarial Commission No. R-PAL-22-12-006

Valid Until December 31, 2024

Roll of Attorney's No. 75675

PTR No. 7543723 - January 27, 2023

IBP No. 239807 - November 17, 2022 - IBP CEBU

TIN: 439-353-460-000

MCLE No. VII-0017924 valid until April 14, 2025

Doc. No.426;
Page No. 86 ;
Book No. 1;
Series of 2023.



Republic of the Philippines
Province of Leyte
Municipality of Palompon



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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. OÑATE
Municipal Mayor

Received By: 
7-11-22
4:03 PM

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 www.palomponleyte.gov.ph

July 13, 2022

ANNEX " 9 "

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.

If, presumably, the MEO of this Municipality has kept a record of all the building permits it issued. Based on the 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.

So 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.

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)

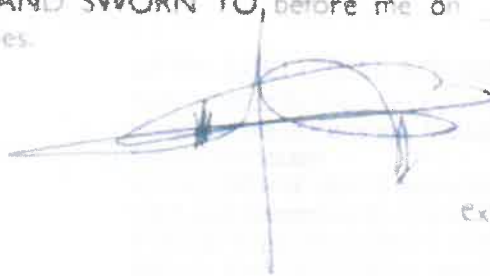
Thus, it is the humble submission of the undersigned that the land where the subject gasoline station is located is no longer an agricultural land, but a residential area and/or institutional and agro-industrial areas already by virtue of said Municipal Ordinance.

Respectfully yours,


MESIAS AREVALO SR.

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

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



extended until 12-31-22 Per C.O. 3745
dated 7/15/22

ANNEX " 10 "

Rec'd 7-18-22
11:15 AM



Republic of the Philippines
Province of Leyte
Municipality of Palompon



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 lcupalompon@gmail.com www.palomponleyte.gov.ph

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 Lot No. 7126-B, Psd-08-032951-D Part, Brgy. Cantuhaon, Palompon, Leyte was constructed on 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 _____ in Ormoc City,
Philippines

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Page No 75
Book No. XXXIX
Series of 2022


Notary Public



Republic of the Philippines
Province of Leyte
Municipality of Palompon

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ANNEX " 12 "

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. OÑATE
Municipal Mayor

M. Arevalo
MESIAS AREVALO

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 www.palomponleyte.gov.ph

August 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 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
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU

1153 Compound, Jones Street, Marikina 2, Taguig City
Tel. No. (053) 832-1988 Fax No. (053) 832-1988
region8@emb.gov.ph
Visit us at <http://www.emb.gov.ph>

IN ACCORDANCE WITH THE REVISED PROCEDURAL MANUAL FOR
DENR ADMINISTRATIVE ORDER NO. 30, SERIES OF 2003 OF PRESIDENTIAL
DECREE NO. 1586, THIS

CERTIFICATE OF NON-COVERAGE

CNC-OL-R08-2017-03-00182

Issued to

MESIAS PALANAS AREVALO

ON

March 29, 2017

For its

**COZY GASOLINE STATION
BRGY CANTOHAON, PALOMPON, LEYTE Palompon, Leyte, R08**

Classified as

**(REFILLING STATION PROJECTS/GASOLINE STATION PROJECTS: 17,000 Kilo
Liter Total storage capacity)**

THE ISSUANCE OF THIS CERTIFICATE SHALL NOT EXEMPT THE GRANTEE FROM COMPLIANCE WITH APPLICABLE ENVIRONMENTAL LAWS, RULES AND REGULATIONS INCLUDING THE PERMITTING REQUIREMENTS OF OTHER GOVERNMENT AGENCIES. MOREOVER, ANY EXPANSION AND/OR MODIFICATION OTHER THAN SPECIFIED ABOVE SHALL BE CONSIDERED AS A VIOLATION OF P.D. 1586 (EIA SYSTEM) AND SHALL BE SUBJECT TO IMPOSITION OF FINES/PENALTIES AMOUNTING TO PHP 50,000.00


Letecia R. Maceda
Regional Director



Bank Receipt No.:80080
Amount Paid: Php 1,126.00
Date Paid:3/23/2017
Application Ref No.:ed7469f0-3797-4b2e-ae7a-2aec796e2399

January 10, 2023

ANNEX " 14 "

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

Dear Mr. Montebon,

Greetings of Peace and Solidarity.

I am the proprietor of Cozy Gas Station located in Brgy. Canipaan, Palompon, Leyte, which has been operational since 2017 up the present. 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 Cozy Gas Station 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 Cozy Gas Station.

This is to inform this Office that 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.

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 your Office, the Municipal Planning and Development Office (MPDO), which is also the custodian of all the duplicates of the documents your office issued.

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

In view of the foregoing, I am reiterating my application for your endorsement of my application for the renewal of the business permit of Cozy Gas Station 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 Cozy Gas Station 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. /*awphi* /

- (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 Cozy Gas Station 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 Cozy Gas Station, 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) Photos of Cozy Gas Station
- 5) BIR Certification of Registration of Cozy Gas Station
- 6) Tax Declaration No. 0831-0018-00266 R13 of Lot No. 7126-B where the Zozy Gas Station is located
- 7) OBO Clearance issued to Cozy Gas Station
- 8) DTI Certificate of Business Name Registration
- 9) Fire Safety Inspection Certificate issued by the Bureau of Fire Protection (BFP).

Respectfully yours,


MESIAS P. AREVALO SR.
Cozy Gas Station Proprietor

REPUBLIC OF THE PHILIPPINES)
Municipality of Palompon) S.S

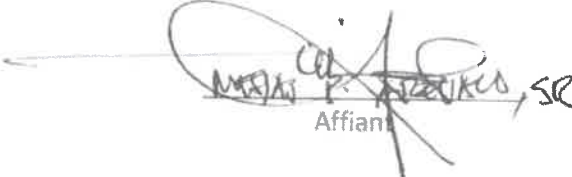
AFFIDAVIT OF CONSENT

I, Mesias Acero Sr., Filipino of legal age, and a resident of Brgy. Cantoan, Palompon


Philippines, having been duly sworn in accordance with the law, hereby depose and state:

1. That I am a proprietor/ business owner located within the Municipality of Palompon;
2. That as part of the requirements of the Local Government Unit of Palompon, through the Business Permit and Licensing Section, I have installed a CCTV Camera;
3. That I hereby signify my written consent, freely, willingly and voluntarily to allow our office (BPLS), Office of the Municipal Mayor, Office of the Building Official (OBO), and Police Officers of the Municipal Police Station of Palompon, Leyte to access the CCTV Camera installed within the premises of my business establishment;
4. That I am executing this affidavit to attest the truth of the foregoing facts as to my undertaking to give consent to the police officers to access my CCTV Camera.

IN WITNESS WHEREOF, I have here unto set my hand this day of JAN 04 2023, 2023 at Palompon, Leyte, Philippines.


Affiant

SUBSCRIBED AND SWORN to before me, this day of , 2023 at Palompon, Leyte, Philippines.


ATTY. DONNA VILLA M. CASPARIAN-CANTAN
Notary Public
Palompon, Leyte
Philippines
Toll No. 54-115

470
94
xax
3

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

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:

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 19th 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 1. Sc.
Municipality of Palompon

BEFORE ME, this 19th 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.

Doc No.	519
PAGE No.	104
BOOK No.	XSC
SERIES OF	10/22


LLOYD P. SURIGAO
Notary Public
NC No. R-PAL-22-06-002; July 14, 2022
Until December 31, 2023
PTR No. 6174823; 01.03.2022
IBP No. 175250; 01.11.2022
Attorney's Roll No. 46782
450 San Francisco St., Palompon, Leyte.
MCLP C No. VII-0017828; M-12, 2022



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

OFFICE OF THE MAYOR

BUSINESS PERMIT NO.

0680

Series of 20 22

Permit is hereby granted to

COZY GAS STATION

Business Name

AREVALO, MESIAS P.

Name of Proprietor/Manager/President/Representative

CANIPAAN, PALOMPON, LEYTE

Address

GASOLINE STATION A

Kind of Business

Upon payment of the required taxes/fees/charges subject to the provisions of existing laws and ordinances unless sooner revoked or cancelled for cause.

This PERMIT together with the official receipt issued by the Office of the Municipal Treasurer shall be displayed in a conspicuous place where the business is being operated

Issued on this 18th day of January in the year 20 22 at Palompon, Leyte, Philippines

This permit shall expire on December 31, 20 22

Amount Paid: **2,390.00**
Permit No.: **06180791**
Date Issued: **01/17/2022**


Myra Georgina L. Arevalo, M.D.
Municipal Mayor

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF PALOMPON

OFFICE OF THE MUNICIPAL HEALTH

This Sanitary Permit to operate is issued to

COZY GAS STATION
Arevalo, Mesias

Brgy. Canipaan, Palompon, Leyte

0839

Series of 2022

This Sanitary Permit is non-transferable and will be revoked for violation of any Sanitary Rule or Regulation. This permit shall be posted in a conspicuous place of the establishment per *chapter III Section 3 & 4 (Article F)* of the Presidential Decree No. 856 (Code Sanitation of the Philippines) series of 1995.

ISSUED this 17th day of **January** in the year 2022.

This PERMIT is valid until December 31, 2022.

Aileen R. Suan
AILEEN R. SUAN R.N.
Sanitation Inspector II

Kimberly T. Pabello
KIMBERLY T. PABELLO, M.D.
Municipal Health Officer



REPUBLIC OF THE PHILIPPINES
 KAGAWALAN NG PANANALAPI
 KAWAHIHAN NG INTERNAS
 REVENUE DIVISION NO. 014
 REVENUE DISTRICT NO. 089

BIR
 Form No. **2303**
 Revised July 1997

OCN 2RC000115668

CERTIFICATE OF REGISTRATION

TIN 113-485-912-000	NAME AREVALC, MESIAS PALANAS	REGISTRATION DATE 07/31/2000
------------------------	---------------------------------	---------------------------------

REGISTERED ADDRESS
 CANIPAAN PALOMPON
 LEYTE 6538

REGISTERED ACTIVITY (IES)

TAX TYPE

INCOME TAX
 VALUE - ADDED TAX

REGISTRATION FEE

TRADE NAME

COZY GAS STATION

LINE OF BUSINESS / INDUSTRY

5237 RETAIL OF LIQUEFIED PETROLEUM
 GAS, OTHER FUEL PRODUCTS

TAXPAYER TYPE

SINGLE PROPRIETOR

VAT

COR ISSUED

03/13/17

REMINDERS:

PER RR 5-2014
 PRESERVATION
 OF BOOKS &
 ALL ACCT'G
 RECORDS IS
 W/IN 10 YRS.

- 1) RENEWAL OF ANNUAL REG FEE IS DUE ON JAN. 31, USING (BIR FORM 0505)
- 2) RENEW REG. OF BOOKS OF ACCTS ON OR BEFORE 12/31 (BIR FORM 1905)
- 3) APPLY FOR ATP WITHIN 30 DAYS FROM DATE OF REGISTRATION (1906)
- 4) FILE THE REQUIRED RETURNS FOR REGISTERED TAX TYPES, WITH OR W/O
 BUS OPERATIONS TO AVOID PENALTIES & GENERATION OF OPEN CASES
- 5) SURRENDER THIS CERT (FORM) IN CASE OF TRANSFER, CLOSURE AND/OR
 MANY OTHER CHANGES IN THE REG DETAILS (BIR FORM 1905)



KDO DRY SEAL

I HEREBY CERTIFY THAT THE ABOVE NAMED PERSON IS REGISTERED AS
 INDICATED ABOVE, UNDER THE PROVISIONS OF THE NATIONAL INTERNAL
 REVENUE CODE, AS AMENDED.

MA. TERESA NOEMI A. PIZON

REVENUE DISTRICT OFFICER (signature over printed name)

THIS CERTIFICATE MUST BE EXHIBITED CONSPICUOUSLY IN THE PLACE OF BUSINESS



This certifies that

COZY GAS STATION
(CITY/MUNICIPALITY)

PALOMPON, LEYTE - REGION VIII (EASTERN VISAYAS)

is a business name registered in this office pursuant to the provisions of Act 3883, as amended by Act 4147 and Republic Act No. 863, and in compliance with the applicable rules and regulations prescribed by the Department of Trade and Industry.

This certificate issued to

MESIAS PALANAS AREVALO SR.

is valid from 24 February 2022 to 24 February 2027 subject to continuing compliance with the above-mentioned laws and all applicable laws of the Philippines, unless voluntarily cancelled

In testimony whereof, I hereby sign this

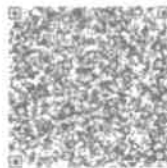
Certificate of Business Name Registration

and issue the same on 24 February 2022 in the Philippines.


RAMON M. LOPEZ
Secretary

Business Name No. 3656476

This certificate is not a license to engage in any kind of business and valid only at the scope indicated herein.



CHF319713290720

OWNER'S COPY

TAX DECLARATION OF REAL PROPERTY (008)

TD NO. 08-31-0018-00266 R13 Property Identification No. 044-31-018-08-018
 OWNER: SPS. MESIAS P. AREVALO AND ARACELI DIONGZON-AREVALO

Address: PALOMPON, LEYTE TIN: _____
 Tel. No. _____

Administrator/Beneficial User: _____ TIN: _____

Address: _____ Tel. No. _____

Location of Property CANIPUAN Palompon, Leyte
(Number and Street) (Barangay/District) (Municipality & Province/City)

OCT No. _____ Survey No. CAD 519-D

OCT: _____ Lot No. 7126-B, Pad-08-032951-D

Dated: _____ Blk. No. _____

Boundaries

NORTH 7126-C SOUTH 7126-A, 7125
 EAST 7127 WEST BRGY. ROAD

<input checked="" type="checkbox"/> LAND	2ND CORN	18,520.00	<input type="checkbox"/> MACHINERY	Adjustment: (a) along or no flood fringeage -0% (b) loss to all-weather rd. -0% (c) loss to market space 0% Total Adjustment 0% Adjusted Market Value -00%
<input type="checkbox"/> BUILDING	No. of Storeys: _____	Brief Description: _____	<input type="checkbox"/> OTHERS Specify: _____	

Classification	Actual Use	Area	Market Value	Assessment Rate	Assessed Value
AGRIC	CORN	2.8473 Ha	49,570.00	40%	19,830.00
		2.8473 Ha	49,570.00		
		TOTAL Php	49,570.00	Php	19,830.00

Total Assessed Value: **NINETEEN THOUSAND EIGHT HUNDRED THIRTY PESOS ONLY**

Taxable Exempt Effectivity of Assessment/Reassessment 2017
 Qtr. _____ Year _____

APPROVED BY: 
MILAGROS ROBLEDO
 OIC-Provincial Assessor

RECORDED BY: 
ENGR. SAGANI JAENA
 OIC-Municipal Assessor
 Previous M.V. Php: 16,520.00
 Previous A.V. Php: 6,610.00

This declaration covers TD no. 08-00261-R13 Owner: SAME OWNER

Memoranda: Correctional Revision of ARP # 08-31018-00261-R13 of the SAME OWNER is hereby made per request of herein owner to indicate the correct and actual area based on APPROVED SUBDIVISION PLAN OF LAND Psd-08-032951-D. Taxes paid per OR # 1408953 dated 2/18/16.


ENGR. SAGANI JAENA
 OIC-Municipal Assessor

Notes: * This declaration is for real property taxation purposes only and the valuation indicated herein based on the schedule of unit market values prepared for the purpose and duly enacted into an Ordinance by the Sangguniang _____ under Ordinance No. _____ dated _____ It does not and cannot in itself alone confer any ownership or legal title to the property.



Republic of the Philippines
 PROVINCE OF LEYTE
 Municipality of Palompon
 -000-



OFFICE OF THE MUNICIPAL BUILDING OFFICIAL.

OBO CLEARANCE

TO: MICHAEL S. PASANA
 BPLS In-Charge

Clearance is hereby granted to Micas P Arwalo
 proceed for her/his **NEW BUSINESS/RENEWAL BUSINESS** permit application for
Cozy Gas Station located at **BRGY.** Campagna
PALOMPON, LEYTE.

This clearance is issued and revocable, subject for the compliance of the National Building Code of the Philippines and any other applicable laws and ordinances of the National Government, Municipality and Barangay where the subject business is located.

Issued this 18 day of January, 2022, at the Office of the Building Official Palompon, Leyte.

ENGR. OLIVE GRACE O. RUBILLOS
 OIC - Municipal Building Official

OR No.
 Date
 Amount
 Place

6182022
01/17/2022
340
Palompon, Leyte



Republic of the Philippines
 Department of the Interior and Local Government
BUREAU OF FIRE PROTECTION
 Regional Office VIII
 North Leyte Provincial Office
Palompon Fire Station
 Washington St., Brgy. Iporita, Palompon Leyte



PSIC NO. ROR- 194716

May 19, 2022
 Date

FIRE SAFETY INSPECTION CERTIFICATE
 FOR CERTIFICATE OF OCCUPANCY
 FOR BUSINESS PERMIT (RENEWAL)
 OTHERS _____

TO WHOM IT MAY CONCERN:

By virtue of the provisions of RA 9514 otherwise known as the Fire Code of the Philippines of 2008 the application for **FIRE SAFETY INSPECTION CERTIFICATE** of

COZY GAS STATION

(Name of Establishment)

MESIAS P AREVALO

with postal address at

owned and managed by

(Name of Owner/Representative)

BRGY. CANIPAAN, PALOMPON LEYTE

(Address)

is hereby **GRANTED** after said building, structure or facility has been duly inspected for the safety with the finding that it has been fully complied with the fire safety and protection requirements of Fire Code of the Philippines of 2008 and its Revised Implementing Rules and Regulations

This certification is valid for COZY GAS STATION valid until May 19, 2023

(Description)

Violation of Fire Code provisions shall cause this certificate null and void after appropriate proceeding and shall hold the owner liable to the penalties provided for by the said Fire code

Fire Code Fees:

Amount Paid: 500.00

O.R. Number: 5059009

Date: January 17, 2022

RECOMMEND APPROVAL

EO1 Gilbert P. Requena, BFP
 CHIEF FSES

APPROVED:

SPO1 GH M Demillones Jr, BFP
 OIC MUNICIPAL FIRE MARSHAL

NOTE: This Certificate does not take the place of any license required by law and is not transferable. Any change in the use of occupancy of the premises shall require a new certificate.

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY

"FIRE SAFETY IS OUR MAIN CONCERN"

Applicant/Owner's COPY

EO1 Rep. Printed

OSF-FSED-005 Rev.03 (03.03.20)



ANNEX "15"

Office of the Municipal Mayor

January 19, 2021

MR. ARVALO ARVALO, JR.
1777
C. MARIKINA, C. MARIKINA, C. MARIKINA

RE: GS7 579 856 ZZ



Post Office _____
 Letter Package No. _____
 Posted on JAN 19 2021 20
 Preserve this receipt for reference in case of inquiry
 Postmaster/Teller _____

Hon. Mr. Arvalo,

Enclosed for you are the documents regarding the transfer of the land parcels owned by the Municipality of Marikina City.

The documents are the result of the process of the Office of the Municipal Mayor and the Office of the Municipal Engineer in the Municipality of Marikina City. The documents are the result of the process of the Office of the Municipal Mayor and the Office of the Municipal Engineer in the Municipality of Marikina City.

The documents are the result of the process of the Office of the Municipal Mayor and the Office of the Municipal Engineer in the Municipality of Marikina City.

- a. Certificate of Ownership (CO) Receipt
- b. Declaration and Deed of Conveyance
- c. Deed of Conveyance
- d. Deed of Conveyance
- e. Declaration of Intention to Convey
- f. Deed of Conveyance - Transfer to Valued State
- g. Deed of Conveyance
- h. Deed of Conveyance - Transfer to Valued State
- i. Declaration of Intention to Convey

The documents are the result of the process of the Office of the Municipal Mayor and the Office of the Municipal Engineer in the Municipality of Marikina City. The documents are the result of the process of the Office of the Municipal Mayor and the Office of the Municipal Engineer in the Municipality of Marikina City.

The documents are the result of the process of the Office of the Municipal Mayor and the Office of the Municipal Engineer in the Municipality of Marikina City.

- a. CO Receipt
- b. Declaration of Intention to Convey
- c. Deed of Conveyance

The documents are the result of the process of the Office of the Municipal Mayor and the Office of the Municipal Engineer in the Municipality of Marikina City.

The documents are the result of the process of the Office of the Municipal Mayor and the Office of the Municipal Engineer in the Municipality of Marikina City. The documents are the result of the process of the Office of the Municipal Mayor and the Office of the Municipal Engineer in the Municipality of Marikina City.

RAMON C. ONATE

MAIL ROOM



ARTA
ANTI-RED TAPE AUTHORITY
OFFICE OF THE PRESIDENT



ANNEX " 16 "

March 16, 2023

HON. RAMON C. ONATE
Mayor
Municipality of Palompon
Palompon, Leyte

SHOW CAUSE ORDER

On January 31, 2023, the Anti-Red Tape Authority (ARTA) received a letter dated January 27, 2023, signed by twenty-one (21) small and micro businesses regarding the imposition of additional requirements on the renewal of their business permits, which is in violation of Section 21 (b) of RA 11042.

According to their letter, the twenty-one (21) small and microbusiness owners of the Municipality of Palompon allege the arbitrary and unreasonable actions of Mayor Ramon Onate, which allegedly require them to personally appear in his office and submit additional requirements that are unnecessary and were nonexistent in the previous years. In addition, it was also alleged that the Mayor requires the posting of a public apology to social media before processing the renewal of a business permit. In addition, it was claimed that the Mayor requires a public apology to be posted on social media before completing the renewal of a business permit. A copy of the letter and Facebook screenshots are provided as ANNEX "A" and "B," respectively.

A violation is committed in accordance with Section 21 (b) of RA 11032, to wit:

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.

Therefore, in accordance with Section 4, Rule XIV of the Implementing Rules and Regulations of RA 11032, you are hereby directed to EXPLAIN under oath why no administrative or criminal charge(s) should be filed against you for violation of Section 21(a) and (b) of RA 11032.

In this regard, you are directed to submit your explanation within seven (7) working days from receipt of this Order through electronic mail at legal@arta.gov.ph. In case of failure to comply with the said period, the Authority shall act in accordance with Sections 17 and 21 of RA 11032 and its Implementing Rules and Regulations.

So Ordered.


USEC GENESES R. ABOT
Deputy Director General for Legal

ANNEX "A"

27 January 2023

SEC. ERNESTO V. PEREZ
Director General
Anti-Red Tape Authority
Quezon City
Metro Manila

Subject: Municipality of Palompon's Additional Business Renewal Requirements

Dear Secretary Perez,

We, the undersigned small and micro-business owners of the Municipality of Palompon, would like to bring to your attention the arbitrary and unreasonable actions of Mayor Ramon C. Oñate of Palompon, Leyte that have made it difficult for us to renew our business permits.

Since assuming office last year, Mayor Oñate has been issuing show cause orders and closure orders on several businessmen whom he suspected to have supported his rival in the last elections.

This year when we submitted our applications for the renewal of our business permits, Mayor Oñate required us to personally appear in his office. He also requires us to submit additional requirements that we found unnecessary as they were inexistent in the previous years. His letter even carried a veiled warning that the business permit is a matter of privilege, which all the more showed his intent of forcing us to close. We have attached copies of these letters for your perusal.

Left with no other options that could save our business and the livelihood of our employees and those who depend on our enterprise, we have decided to elevate this matter to your office hoping that the Authority can prevent this crisis that we are facing brought about by Mayor Oñate's political vendetta.

Expecting your utmost attention and action on this matter, we remain.

Very respectfully yours,


Ian Jay L. Arevalo - TIGI Agrifarm


Ian Jay Arevalo (President) - Bluesky Arrastre and Stevedoring Services


Ivan Jason Arevalo - DX Enterprises

for: 
Irving Joseph Arevalo - Twin Eagle Merchandising

for: 
Irving Joseph Arevalo - Tactical Solutions


Irwin Juerg Roble - Fueltec Gas Station -


Irwin Juerg Roble - Libertad Merchandise Leyeco E-Services

for: 
Tristan Ulrich Arevalo - Twin Eagle Preventive Maintenance Services


Alfredo Moldez - Molafcor Enterprises


Alfredo Moldez - Molafcor Services (UV Express / Operator of Public Utility Vehicle)

by: 
Francisco Dysam Jr. - Franz Cafe

by: 
Marilyn Dysam - Square View Hotel


Warblitz Matinez - Blitz Beer and Grill



Warblitz Matinez - Go Light Travel and Tours

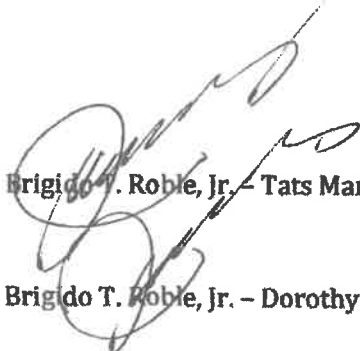

Warblitz Matinez - Go Light Transport


Adela S. Pastor - Ezra Jude Sari-sari Store


Astrid L. Arevalo - Astrid L. Arevalo Enterprises


Melesita Obrenzana - EJ Lines


Rolando Mahusay - Libertad Princess



Brigido T. Roble, Jr. - Tats Marketing

Brigido T. Roble, Jr. - Dorothy L. Roble Enterprises

ANNEX "B"

7:38
Zelda Codilla
Active now
dapat e. Comply?

THU 4 46 PM

moanha ko after diri

Ali na dai

Wa pa d aynka mahuman?

THU 4 35 PM

Eneri Cabana



To Office Of the Mayor, I sincerely apologize for whatever nuisance I h...

Facebook

9:29
Facebook
Eneri Cabana
Active now

moanha ko after diri

Ali na dai
Wa pa d aynka mahuman?



To Office Of the Mayor, I sincerely apologize for whatever nuisance I h...



Unsa man ni dai?

No comment mam blitz 😊😊



Ikaw ang nag public apology??

Eneri Cabana

Ikaw ang nag public apology??

Maoy gusto ni mayor mam nga mag public apology kos fb or social media good for 5days mam

Kaw mam nka renew nkas emu business permit?

Aa

Aa



3:47



facebook



Like Comment Send



Idyll Gay Bacacao Cabague is
with Rodel Cabague and 2 others.

1h

Maayong hapon sa tanan mangayo mig Pasaylo sa tanan Palomponganan ug Dunay Koy nasulti sa panahon natong eleksyon.wala mi intension manakit sa isig katawo.labi na sa leader sa atong lungsod.wala may perpekto nga tao.hinaot unta mgpabilin Ang Gugma sa atong lungsod.Daghang salamat.

Good afternoon everyone we would like to apologize to all the Palomponganan and I have said anything during our election. We have no intention to hurt other people. especially the leader of our town. There is no perfect person. hope the Love stays in our town. Thank you so much.

Rate this translation

1

Like Comment Share



PALOMPON ISLAND MALL

Susan Esmero Gecain · 1h



Susan Esmero Gecain

1h





March 16, 2023

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

SHOW CAUSE ORDER

On February 6, 2023, the Anti-Red Tape Authority (ARTA) received a Joint Affidavit (Administrative Complaint) dated February 3, 2023, signed by Mesias P. Arevalo, Mesias D. Arevalo Jr., and Irene D. Arevalo against Christopher T. Montebon, Municipal Planning and Development Officer (MPDO) of the Municipality of Palompon Leyte, regarding the inaction on their application for renewal of their business permit, which is in violation of Section 21 (a), (b), and (d) of RA 11042, otherwise known as the "Ease of Doing Business and Efficient Government Service Delivery Act of 2018."

In their Joint Affidavit, Mesias P. Arevalo, Mesias D. Arevalo Jr., and Irene D. Arevalo, proprietors of Cozy Gas, MESMAR General Merchandise, and MATEO Enterprises, respectively, all businesses located in Palompon, Leyte, narrated on January 6, 2023, that they applied for business permit renewal through their attorney-in-fact, Ms. Teresa P. Olorvida, with a duly executed Special Power of Attorney (SPA). The aforementioned applications were assessed by the Business Permits and Licensing Office and the Office of the Building Official before being forwarded to the Municipal Treasurer's Office for payment of the applicable fees. Instead of acting on this, Mr. Montebon took Ms. Olorvida to the Mayor's Office, where Mayor Ramon Onete demanded that the complainants be present before he would renew their business permit. On January 12, 2023, the attorney-in-fact came to Mr. Montebon's office to submit a letter reaffirming the request for processing of a business permit renewal, but Mr. Montebon returned the letter and did not act on the application. The complainants also claimed to have submitted applications via email. Despite several follow-ups, the MPDO took no action for approval or disapproval after 17 days. Pursuant to Section 21 (a), (b) and (d) of Republic Act 11032 have been violated, to wit,

Sec. 21. 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 course;*
- (b) Imposition of additional requirements other than those listed 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 without due course.*

Therefore, in accordance with Section 4, Rule XIV of the Implementing Rules and Regulations of RA 11032, you are hereby directed to EXPLAIN under oath why no administrative or criminal charge(s) should be filed against you for violation of Section 21(a) and (b) of RA 11032.

In this regard, you are directed to submit your explanation within seven (7) working days from receipt of this Order through electronic mail at legal@arta.gov.ph. In case of failure to comply with the said period, the Authority shall act in accordance with Sections 17 and 21 of RA 11032 and its Implementing Rules and Regulations.

So Ordered.



USEC GENESES R. ABOT
Deputy Director General for Legal



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Province of Leyte
MUNICIPALITY OF PALOMPON

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ANNEX "18"

Office of the Municipal Mayor

March 23, 2023

USEC GENESES R. ABOT
Deputy General for Legal
Anti-Red Tape Authority

Dear Usec Abot,

This is in reference to the Show Cause Order issued by your Office on March 16, 2023 and received by this Office on March 23, 2023.

A perusal of the said show cause order for an alleged violation of Section 21 (b) of RA 11032 would show that the same was premised on the following allegations:

1. That I require the twenty-one small and microbusiness owners of the Municipality of Palompon to personally appear before my office and submit additional requirements that are unnecessary and were nonexistent in the previous years; and
2. That I require the posting of a public apology to social media before processing the renewal of a business permit.

Both of these allegations fall short of the required proof to show that there was indeed a violation committed by the undersigned. It should be emphasized that while there is an allegation of imposition of additional requirements, there was however failure to state the specific additional requirements that were imposed of them.

The requirements for the renewal of business permits is properly reflected in the citizen's charter posted outside the Business Permit Licensing Section (BPLS) of the Municipal Hall of Palompon, Leyte. As culled from the citizen's charter, the following are the requirements for the renewal of business permits, to wit:

BUSINESS RENEWAL

1. Affidavit of Consent for Access on CCTV Records
2. Locational and Zoning Clearance Issued by the MPDO
3. Building Clearance
4. Sanitary Permit (RHU)
5. Fire Safety Inspection Certificate (BFP)
6. BIR Registration
7. SSS Clearance and Philhealth/Certification of Good Payment Standing

Other Business Pre-Requisite Requirements to all National Laws and Regulatory Requirements

SEA TRANSPORT OPERATOR

Marina Documents and PMET Clearance



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Office of the Municipal Mayor

UV EXPRESS OPERATOR	LTO and LTFRB Documents
LIVESTOCK FARMING	DENR (ECC/CNC)
CHAINSAW OPERATOR	MENRO Clearance
MICRO-FINANCE / LENDING	SEC (Letter of Authority)
PAWNSHOP, REMITTANCE TRANSFER COMPANY (with virtual currency exchanger and foreign exchange dealer)	
• MAIN HEAD OFFICE	BSP (Certificate of Registration and Certification of Authority)
• BRANCH OFFICE	BSP Letter on the Issuance of Code/Branch Code/Valid Provisional COA
LIQUID FUELS RETAIL OUTLET	Fire Training Certificate of Personnel (BSP) Environmental Compliance Certificate (DENR)
LPG RETAIL OUTLET	Fire Training Certificate of Personnel (BSP) Environmental Compliance Certificate (DENR)
FLOATING COTTAGE	SB Franchise

For the ease and convenience of the transacting public and in compliance with the Ease of Doing Business Act, a One-Stop Shop for Business Permit application and renewal has been established at the first floor of the Municipal Hall of the Local Government of Palompon, Leyte. With the establishment of the one-stop shop, all transactions involving the application and renewal of business permits are to be conducted therein. Considering this fact, personal appearance before the Office of the Mayor is neither necessary nor required. Hence, the allegation that business owners are required to personally appear and submit additional requirements to the undersigned is a mere baseless accusation orchestrated to harass the current administration.

In order that a business permit may be issued, the applicant must simply furnish the BPLS with all the pre-requisite documents which are all available to be processed at the One-Stop Shop.

In the case of the twenty-one small and microbusiness owners however, these pre-requisite documents have not been sufficiently complied with. In fact, in their letter applications for renewal of business permits sent through registered mail where they attached several documents, it is unfortunate to note that the required documents had not been included therein. Naturally, without complying with the requirements set forth in the citizen's charter, business permits will not be issued in their favor.

Anent the allegation that I require the posting of a public apology to social media before processing the renewal of business permit, the same is hereby denied. As discussed



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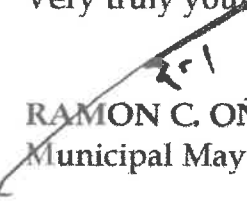
Office of the Municipal Mayor

above, all transactions involving the application and renewal of business permits are entertained and processed in the one-stop shop of this Municipality.

I hope that this explanation merits your understanding.

Thank you very much.

Very truly yours,


RAMON C. OÑATE
Municipal Mayor

SUBSCRIBED AND SWORN TO BEFORE ME this 27th day of March, 2023 at Palompon, Leyte, Philippines. Affiant exhibited to me his Driver's License with License No. H01-88-005678 to expire on August 7, 2032 issued by LTO.

Doc. No. 349;
Page No. 70 ;
Book No. 1;
Series of 2023


ATTY. PRUDENCIO CHARIS A. ALBANO
Notary Public
Rizal St., Brgy. Guiwan I, Palompon, Leyte
Special Commission No. R-PAL-22-12-006
Valid Until December 31, 2024
Roll of Attorney's No. 75675
PTR No. 7543721 - January 27, 2023
IBP No. 239807 - November 17, 2022 - IBP CEBU
TIN: 439-353-460-000
MCLE No. VII-0017924
(Valid until April 14, 2025)



Republic of the Philippines
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MUNICIPALITY OF PALOMPON
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Office of the MPDC

ANNEX "19"

March 28, 2023

USEC GENESES R. ABOT
Deputy General for Legal
Anti-Red Tape Authority

Dear Usec Abot,

This finds reference with the Show Cause Order dated March 16, 2023 and received by this Office last March 22, 2023 for an alleged violation of Section 21 (a), (b), and (d) of RA 11042, otherwise known as the "Ease of Doing Business and Efficient Government Service Delivery Act of 2018".

Alleged in the Show Cause Order is the Joint Affidavit of Mesias P. Arevalo, Mesias D. Arevalo Jr. and Irene Arevalo, without attaching a copy thereof, containing the statements of the acts complained of. Nevertheless, the undersigned shall address the allegations as mentioned in the subject show cause order.

Complainants alleged that on January 6, 2023, herein undersigned took Ms. Olorvida, complainant's Attorney-in-Fact to the Mayor's Office. That further, on January 12, 2023, the undersigned allegedly did not act on the application for business permit renewal. This is simply not true. The fact of the matter being that when Ms. Olorvida went to the Office of the MPDC to file an application for issuance of **Locational Clearance for Business**, which is only one of the requirements for the issuance of a Business Permit, she was not able to provide all the requirements. The LGU of Palompon issues two types of Locational Clearances. One of which is the Locational Clearance required for the Building Permit, and the other is the Locational Clearance required for the Business Permit. Application requirements for Locational Clearance for the Business are enumerated in the Citizen's Charter of the Office of the MPDC and reproduced herein, as follows:

1. Duly accomplished and notarized Application Form
2. Certified True Copy of Certificate of Title from the Register of Deeds
3. Certified True Copy of Tax Declaration from Assessor's Office
4. Pro-Forma Affidavit
5. Notarized Deed of Sale, Deed of Donation or Contract of Lease or Authorization to use the Land, in case the property is not registered in the name of the Applicant
6. Vicinity Map
7. Project Cost
8. Site Development Plan
9. Filing and Legal Research Fees
10. Tax Receipts or Tax Clearance

Note: For requirements 6 through 8, these are imbedded in the Building Permit, hence, for simplification and for the ease of the applicants, we simply ask for copy of their building permit in lieu of the Vicinity Map, Project Cost and Site Development Plan.



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Office of the MPDC

Admittedly, MATEO Enterprises, MESMAR General Merchandise and Cozy Gas Station were all denied issuance of the Locational Clearances for their Business. The non-issuance of the Locational Clearances stemmed from the simple fact of noncompliance with all the requirements for its release.

MATEO ENTERPRISES

In a letter dated January 10, 2023 sent through registered mail, complainant Irene D. Arevalo, proprietor of MATEO Enterprises alleged that when her Attorney-in-Fact, Ms. Olorvida, brought all the required documents for the renewal of the Business Permit, I allegedly did not act on it.

For the record, it is the Business Permit and Licensing Section of this Municipality who is responsible for the processing of all applications for renewals of business permits. The Office of the MPDC's participation is merely the issuance of the Locational Clearance for business which is only one of the requirements for the issuance of the Business Permit. Regardless, what Ms. Olorvida brought are only the following documents:

1. Affidavit of Consent for Access on the Records
2. Business Permit for year 2022
3. Sanitary Permit issued on December 31, 2022
4. Locational Clearance dated January 18, 2022
5. OBO Clearance dated January 18, 2022
6. DTI Certificate of Business Name Registration
7. Photos of **COZY Gas Station**
8. Tax Declaration
9. BIR Certificate of Registration
10. BFP-FSIC

Attached is a copy of the letter dated January 10, 2023.

From the foregoing, it is clear that the requirements for the issuance of Locational Clearance were not complied with. Hence, its non-issuance.

Further, it must be emphasized that on January 4, 2023, when Ms. Olorvida transacted the application for renewal of business permit for MESMAR General Enterprises, she had no authority to do so. The Special Power of Attorney granting her the authority to represent the owner was executed only on January 10, 2023.

It should be noted that the subject letter dated January 10, 2023 were all sent to the three offices, namely, the Office of the Mayor, Office of the BPLS and the Office of the MPDC. Accordingly, a single letter-response dated January 19, 2023 was issued to complainant explaining the reason why their application for renewal cannot be processed. *Attached is a copy of the letter-response dated January 19, 2023.*

MESMAR General Merchandise

In a letter dated January 10, 2023 sent through registered mail, complainant Mesias D. Arevalo Jr., proprietor of MESMAR General Merchandise alleged that when his Attorney-in-



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-oOo-

Office of the MPDC

Fact, Ms. Olorvida, brought all the required documents for the renewal of the Business Permit, I allegedly did not act on it.

For the record, it is the Business Permit and Licensing Section of this Municipality who is responsible for the processing of all applications for renewals of business permits. The Office of the MPDC's participation is merely the issuance of the Locational Clearance for business which is only one of the requirements for the issuance of a Business Permit. Regardless, what Ms. Olorvida brought are only the following documents:

1. Affidavit of Consent for Access on the Records
2. Business Permit for year 2022
3. Sanitary Permit issued on **December 31, 2022**
4. Locational Clearance dated **June 8, 2022**
5. DTI Certificate of Business Name Registration
6. Photos of MESMAR General Merchandise
7. Tax Declaration
8. OBO Clearance dated January 1, 2022
9. BFP FSIC
10. BIR Certificate of Registration

Attached is a copy of the letter dated January 10, 2023.

From the foregoing, it is clear that the requirements for the issuance of Locational Clearance were not complied with. Hence, its non-issuance.

Further, it must be emphasized that on January 4, 2023, when Ms. Olorvida transacted the application for renewal of business permit for MESMAR General Enterprises, she had no authority to do so. The Special Power of Attorney granting her the authority to represent the owner was executed only on January 10, 2023.

It should be noted that the subject letter dated January 10, 2023 were all sent to the three offices, namely, the Office of the Mayor, Office of the BPLS and the Office of the MPDC. Accordingly, a single letter-response dated January 19, 2023 was issued to complainant explaining the reason why their application for renewal cannot be processed. *Attached is a copy of the letter-response dated January 19, 2023*

COZY GAS STATION

Last June 30, 2022, a new set of elected public officials have assumed office. Owing to the lack of proper turnover of documents and official records, the Local Government Unit of Palompon, headed by the new administration, was constrained to review all remaining available records. It was during this review that it was discovered that Cozy Gas Station lacked the required Department of Energy Certificate of Compliance despite the fact that Cozy Gas Station has been in operation for a few years.

In view thereof, a letter dated August 17, 2022 was addressed to Mesias Arevalo Sr., directing him to furnish the LGU with a copy of the DOE Certificate of Compliance. However, no Certificate of Compliance was ever presented to the LGU. Notwithstanding the fact, Cozy Gas Station continued its operation all throughout the prior year 2022.



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Office of the MPDC

In a letter dated January 10, 2023 sent through registered mail, complainant Mesias D. Arevalo Sr., proprietor of Cozy Gas Station alleged that when his Attorney-in-Fact, Ms. Olorvida, brought all the required documents for the renewal of the Business Permit, I allegedly did not act on it. For the record, it is the Business Permit and Licensing Section of this Municipality who is responsible for the processing of all applications for renewals of business permits. The Office of the MPDC's participation is merely the issuance of the Locational Clearance for business which is only one of the requirements for the issuance of a Business Permit. Regardless, what Ms. Olorvida brought are only the following documents:

1. Affidavit of Consent for Access on CCTV Records
2. Business Permit for year 2022
3. Sanitary Permit issued on January 17, 2022
4. Photos of Cozy Gas Station
5. BIR Certificate of Registration
6. Tax Declaration
7. OBO Clearance dated January 18, 2022
8. DTI Certificate of Business Name Registration
9. BFP FSIC

Attached is a copy of the letter dated January 10, 2023.

From the foregoing, it is clear that the requirements for the issuance of Locational Clearance were not complied with. Hence, its non-issuance.

It should be noted that the subject letter dated January 10, 2023 were all sent to the three offices, namely, the Office of the Mayor, Office of the BPLS and the Office of the MPDC. Accordingly, a single letter-response dated January 19, 2023 was issued to complainant explaining the reason why their application for renewal cannot be processed. *Attached is a copy of the letter-response dated January 19, 2023*


In view of the foregoing discussions, it is my humble belief that I cannot be charged with violation of Section 21 (a), (b), and (c) of RA 11032.

Very truly yours,


CHRISTOPHER MONTEBON
Head-MPDC

SUBSCRIBED AND SWORN TO BEFORE ME this 28th day of March 2023 at Palompon, Leyte, Philippines. Affiant exhibiting to me his Driver's License with License No. H10-17-000155 to expire on April 24, 2031.

Doc. No. 355;
Page No. 71;
Book No. 1;
Series of 2023.


ATTY. PHOEBI CHARIS A. ALBAÑO
Notary Public
2802 St., Brgy. Sulvan I, Palompon, Leyte
Notarial Commission No. R-PAL-22-12-006
Valid Until December 31, 2024
Roll of Attorney's No. 75675
PTR No. 7543723 - January 27, 2023
IBP No. 299807 - November 17, 2022 - IBP CEBU
TIN: 439-853-460-000
MCLE No. VII-0017024
Valid Until April 14, 2025

January 10, 2023

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

Dear Mr. Montebon,

Greetings of Peace and Solidarity.

I am the proprietor of MATEO Enterprises 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 MATEO Enterprises 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 MATEO Enterprises.

This is to inform this Office that all the required documents for the renewal of the business permit of MATEO Enterprises 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 MATEO Enterprises 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 MATEO Enterprises 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. *lâwphi*

- (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.”

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 MATEO Enterprises 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 Mateo Enterprises, 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. TP2-01-20-2020 dated January 10, 2022
- 5) OBO Clearance issued to MATEO Enterprises dated January 18, 2022
- 6) DTI Certificate of Business Name Registration
- 7) Photos of Mateo Enterprises/Hardware
- 8) Tax Declaration No. 08-31-0018-00266 R13 of Lot No. 7126-B where the Mateo Enterprises is located
- 9) BIR Certificate of Registration
- 10) Fire Safety Inspection Certificate issued by the Bureau of Fire Protection (BFP)

Respectfully yours,


IRENE D. AREVALO
MATEO Enterprises



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF PALOMPON

-o0o-

Office of the Municipal Mayor

January 19, 2023

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

RE 657 679 842 ZZ

Post Office: PALOMPON, LEYTE

Letter/Package No. _____

Posted on: JAN 19 2023 20

Preserve this receipt for reference in case of inquiry

Postmaster/Teller: _____

Dear Mrs. 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

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, Mateo Enterprises lacks the following documents:

- a. Building Permit
- b. Occupancy Permit

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

January 10, 2023

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

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. /awphil

- (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.”

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



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF PALOMPON

-000-

Office of the Municipal Mayor

January 19, 2023

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

RE	RE 667 679 785 ZZ
Post Office	
Letter/Package No.	
Posted on	JAN 19 2023
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

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, ~~Mesmar~~ Enterprises lacks the following documents:

- Building Permit
- Occupancy Permit

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

January 10, 2023

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

Dear Mr. Montebon,

Greetings of Peace and Solidarity.

I am the proprietor of Cozy Gas Station located in Brgy. Canipaan, Palompon, Leyte, which has been operational since 2017 up to the present. 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 Cozy Gas Station 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 Cozy Gas Station.

This is to inform this Office that 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.

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 your Office, the Municipal Planning and Development Office (MPDO), which is also the custodian of all the duplicates of the documents your office issued.

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

In view of the foregoing, I am reiterating my application for your endorsement of my application for the renewal of the business permit of Cozy Gas Station 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 Cozy Gas Station 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.

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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. /awphi /

- (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.

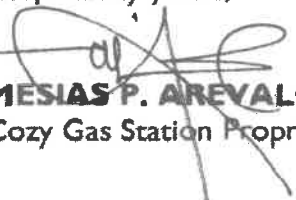
"if a government office or agency fails to act on an application or request for renewal of a license, clearance, permit, certification or authorization subject for renewal within the prescribed processing time, said license, clearance, permit, certification or authorization shall automatically be extended: 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 Cozy Gas Station 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 Cozy Gas Station, 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) Photos of Cozy Gas Station
- 5) BIR Certification of Registration of Cozy Gas Station
- 6) Tax Declaration No. 0831-0018-00266 R13 of Lot No. 7126-B where the Zozy Gas Station is located
- 7) OBO Clearance issued to Cozy Gas Station
- 8) DTI Certificate of Business Name Registration
- 9) Fire Safety Inspection Certificate issued by the Bureau of Fire Protection (BFP).

Respectfully yours,


MESIAS P. AREVALO SR.
Cozy Gas Station Proprietor



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF PALOMPON

-000-

Office of the Municipal Mayor

January 19, 2023

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

RE 657 679 856 ZZ

Post Office _____

Letter/Package No. _____

Posted on JAN 19 2023

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. ONATE

Municipal Mayor