



Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Area Office for the Visayas
M. Velez Street, Guadalupe, Cebu City 6000

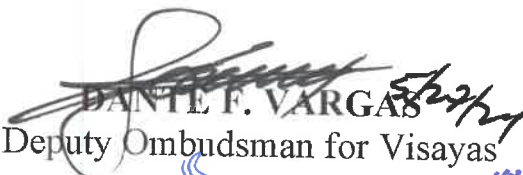
Item No.: 11
Date: 30 2024 JUL

SANGGUNIANG PANLALAWIGAN
RECEIVED
JUL 15 2024
PROVINCE OF LEYTE

INDORSEMENT
IC-OVT-FEB-24-0016
Cebu City

JUN 05 2024

Respectfully forwarded to **HONORABLE LEONARDO M. JAVIER JR.**, Provincial Vice Governor/Presiding Officer, Office of the Sangguniang Panlalawigan, Province of Leyte, Tacloban City, **for appropriate action**, the attached complaint of **MARVIN T. MARTICIO**, 1145 Guindapunan St., Dist. II, La Paz, Leyte, against **ANGEL ARAS SIA JR.**, Mayor, Municipality of La Paz, Leyte, with the request that the Honorable Provincial Vice Governor/Presiding Officer or an authorized representative please acknowledge receipt hereof and promptly notify this Office and the concerned parties of the action taken on the matter.


DANTE F. VARGAS
Deputy Ombudsman for Visayas

Cc:
MR. MARVIN T. MARTICIO
1145 Guindapunan St.
Dist. II, La Paz
6508 Leyte

MARVIN T. MARTICIO vs. HON. ANGEL ARAS SIA, JR.
OMB Cases No. V-A-24-
For: Grave Misconduct and Neglect of Duty

Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Office of the Ombudsman (Visayas)
3rd Flr., LY Bldg., Fatima Village,
Brgy. 77, Marasbaras, Tacloban City
-o0o-



MARVIN T. MARTICIO,
Complainant,

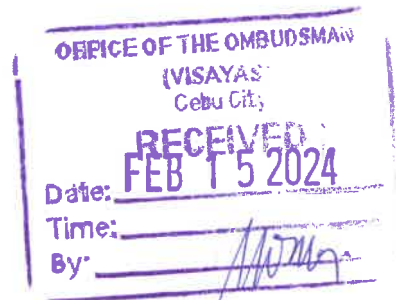
OMB Case No. V-A-

For: Grave Misconduct
and Neglect of Duty.

-vs.-

HON. ANGEL ARAS SIA, JR.,
Respondent.

X-----X



COMPLAINT-AFFIDAVIT

Republic of the Philippines)
Tacloban City) S.C.

I, **MARVIN T. MARTICIO**, married, Filipino Citizen, of legal age and a resident of 1145 Guindapunan St., Dist. II, La Paz, Leyte, Philippines where she can be served with copies of the return of the summons and other legal processes emanating from this Honorable Office under oath in accordance with law hereby depose and state that:

I.

On January 06, 2024, at around 10:55 o'clock in the morning of the same date, I together with my two other sons namely Raymart P. Marticio and Raffy P. Marticio went to our residential lot which my daughter was able to purchase from the heirs of Maximo Magayones and Aquilina Gara designated as Lot No. 3046 situated in Brgy. Pansud, La Paz, Leyte, Philippines. Attached herewith is the copy of the Extrajudicial Settlement of Estate with Sale dated December 30, 2023 marked as **Annex "A"** and made as an integral part hereof.

II.

Erstwhile to the sale, said parcel of lot is originally owned and declared in the name of my Maximo Magayones and Aquilina Gara. Attached herewith is the copy of the Tax Declaration of Real Property marked as **Annex "B"** and made as an integral part hereof.

III.

I and my other two sons were surprised to discover that our residential house in Brgy. Pansud, La Paz, Leyte is being fenced by several individuals led by herein respondents Punong Barangay Eleuterio L. Magayones, Brgy. Kagawad Arsenio S. Alcuetas, Jr., Brgy. Kagawad Emelinda S. Versoza, Brgy. Kagawad Jesus M. Solibar, Brgy. Kagawad Melmer A. Quillotes, Brgy. Kagawad Charlito A. Badion, Brgy. Secretary Gina A. Cayobit, Brgy. Treasurer Myra P. Alvero and SK Chairman Dexter A. Quillotes. Attached herewith is the copy of the pictures showing the fence made out of bamboo which was erected by herein respondents marked as **Annex "C"** and made as an integral part hereof.

IV.

When asked why they were fencing our residential house, they reasoned that our property is already owned by the Barangay. Things get even ugly when herein respondents instead of enforcing peace and order in the barangay instigated violence. They even challenged me and my other two sons to a fight. As a matter of fact, one of the respondents herein named Charlito A. Badion unsheathed a long bladed weapon in the course of the verbal altercation with my me and my other two sons.

V.

Sensing that we were greatly outnumbered, my son Raymart P. Marticio took his cellular phone and started filming the entire incident. As can be seen in the cell phone footage and pictures, Brgy. Kagawad Charlito A. Badion is holding an unsheathed long bladed weapon locally known as "sundang". Attached herewith is the copy of the pictures along with the USB containing the cell phone video marked as **Annex "D" and series** and **"E"** and made as an integral part hereof.

VI.

On January 08, 2023, I instructed my daughter Emy P. Marticio to secure the services of a counsel purposely to write a formal letter to Hon. Angel Aras Sia, Jr. in order to call out the attention of Punong Barangay Eleuterio L. Magayones for the incident which transpired on January 06, 2024. Attached herewith is the copy of the said letter herein marked as **Annex "F"** and made as an integral part hereof.

VII.

Unfortunately however, respondent failed to come up with a responsive letter within the period allowed under R.A. No. 6713 particularly Sec. 5, par. (a) which provides that:

*"In the performance of their duties, all public officials and employees are under obligation to: (a) Act promptly on letters and requests. – **All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.**" [Bold letters and underscoring supplied for emphasis.]*

VIII.

On the last week of January 2024, I even went to respondent's office to reiterate my desire to have a meeting with Eleuterio L. Magayones before his office. I also reminded respondent that I haven't yet received a copy of his answer to my January 08, 2023 and if I will not be able to receive any, I might be compelled to seek recourse before higher authorities. So unfortunately that respondent even told me that I can go ahead and file whatever I wish to file since that is my right to do so.

IX.

It is my humble submission that respondent committed a breach of his duties as a public officer and being the Municipal Mayor of La Paz, Leyte which has immediate jurisdiction over the person of Punong Barangay Eleuterio L. Magayones. For me, the conduct of respondent equates to Grave Misconduct and Neglect of Duty.

X.

Thus, I respectfully pray that herein respondent be administratively found guilty after due notice and hearing for the offense of Grave Misconduct Neglect of Duty and be meted out the penalty of suspension from office or if the law suits him well, removal from public office and be absolutely and perpetually disqualified to hold any office in the government be it in his capacity as appointive or elective official.

IN WITNESS WHEREOF, I have hereunto set my hand this
07 FEB 2024 at Tacloban City, Republic of the Philippines.

**VERIFICATION AND CERTIFICATE AGAINST
NON-FORUM SHOPPING PURSUANT TO
A.M. No. 19-10-20-SC**

Republic of the Philippines)
Tacloban City) S.C.

I, **MARVIN T. MARTICIO**, married, Filipino Citizen, of legal age and a resident of 1145 Guindapunan St., Dist. II, La Paz, Leyte, Philippines under oath in accordance with law hereby depose and state that:

1. I am the complainant in the above-entitled case;
2. I have caused the necessary preparation and filing of the foregoing complaint;
3. I have read the same and that the contents and allegations therein are true and correct based on my own personal knowledge and/or authentic records, papers and documents in my possession;
4. The above initiatory pleading is not filed purposely to harass, cause unnecessary delay or needlessly increase the cost of litigation against the respondent or any answering party to that effect and that the factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
5. I have not heretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of my knowledge, no such other action or claim is pending therein;

6. I undertake upon myself being the authorized representative of petitioners that if there is such other pending action or claim, I shall undertake to give a complete statement of the present status thereof; and
7. If I should thereafter learn that the same or similar action or claim has been filed or is pending in any court, tribunal or quasi-judicial agency, I shall report that fact within five (5) calendar days therefrom to this honorable court where plaintiff's aforesaid complaint or initiatory pleading has been filed or is pending.

IN WITNESS WHEREOF, I have hereunto set my hand this
07 FEB 2024 at Tacloban City, Republic of the Philippines.



MARVIN T. MARTICIO

Affiant

Professional Driver's License ID No. N01-98-224323

SUBSCRIBED AND SWORN to before me this
07 FEB 2024 at Tacloban City, Philippines, the affiant has exhibited to me his identification card as his competent proof of identity as herein above indicated.

Doc. No. 55
Page No. 11
Book No. XXII
Series of 2024


ATTY. FERDINAND ARTHUR B. DIAZ
Notary Public for and within RTC, Tacloban City
Atty's. Roll No. 57398/Apr. 29, 2010
NC No. 2024-01-66 valid until Dec. 31, 2025
IBP Lifetime Registration No. 012595/Jan. 10, 2014
PTR OR No. 852402/Jan. 02, 2024/Leyte
TDCT & Partners Law & Notarial Office
Rm. 101 Gr. Flr., M.B. Yu Bldg.,
Real St., Tacloban City, Philippines 6500

EXTRA JUDICIAL SETTLEMENT OF THE ESTATE WITH SALE

KNOW ALL MEN BY THESE PRESENTS:

This EXTRAJUDICIAL SETTLEMENT OF ESTATE, with sale made and executed by an among:

DOMINGO T. MAGAYONES, Filipino, of legal age, married and a resident of Brgy. San Esteban, Burauen, Leyte;

RODOLFO T. MAGAYONES, Filipino, of legal age, married and a resident of Brgy. Poblacion District IV, Lapaz, Leyte;

EDITHA M. HECTO, Filipino, of legal age, married and a resident of Brgy. Calubian, Dulag, Leyte;

GLORIA M. LEGATO, Filipino, of legal age, married and a resident of Brgy. Sta. Elena, Lapaz, Leyte;

EMALINDA M. TAGABI, Filipino, of legal age, married and a resident of Brgy. Calubian, Dulag, Leyte;

MARINYL M. LABANTA, Filipino, of legal age, married and a resident of Brgy. Poblacion District II, Lapaz, Leyte;

VENIA MAGAYONES, Filipino, of legal age, married and a resident of Brgy. Pansud, Lapaz, Leyte;

ELEANOR D. MARTICIO, Filipino, of legal age, married and a resident of Brgy. Pansud, Lapaz, Leyte;

ARNEL MAGAYONES, Filipino, of legal age, married and a resident of Brgy. Pansud, Lapaz, Leyte;

NICANOR V. MAGAYONES, Filipino, of legal age, married and a resident of Brgy. Quilong, Lapaz, Leyte;

Hereinafter referred to as the VENDORS:

and

EMY DE PAZ MARTICIO, Filipino, of legal age, single, and a resident of Brgy. Poblacion District II, Lapaz, Leyte, hereinafter referred to as the VENDEE;

WITNESSETH;

That the decedents MAXIMO MAGAYONES AND AQUILINA GARA, died instate years ago in Lapaz, Leyte, leaving a real property particularly described, to wit:

"A parcel of land designated as Lot No. 3046, located at Brgy. Pansud, Lapaz, Leyte, with Tax Declaration No. 08-22-0026-00112, bounded as follows, line 1-2 by lot 2469; line 2-3 by lot 3018, line 3-4 by lot 1429; line 4-1 by lot 1471; and described as follows: Line 1-2 E54-44W with distance 67.63m.; line 2-3, N41-23W distance 192.74m.; line 3-4 N56-48E distance 122.85m.; line 4-1 S24-26E distance 164.71m.; containing an area of SIXTEEN THOUSAND FIVE HUNDRED EIGHTYTHREE (16,583) SQUARE METERS."

That the herein Heirs-Vendors are the only heirs of the deceased entitled so succeed to

Vertical handwritten notes on the left margin, including names like "Domingo Magayones" and "Aquilina Gara".

That there are no known debts or obligations due against the estate; and that the decedents left no will;

That it is to the best interest of the herein Heirs-Vendors to settle, partition, and adjudicate the entire estate amongst themselves, particularly the real property above- described in the manner and form hereinafter set forth;

NOW THEREFORE, for and in consideration of the foregoing premises, and invoking the provisions of Section 1 of Rule 74 of the Rules of Court, the herein heirs, all of legal age, hereby agree to adjudicate the above-described estate among themselves in equal pro-indiviso shares in accordance with law, subject, however, to contingent liabilities provided in Section 4 of Rules 74 of the Rules of Court.

For and in consideration of the sum of TWO HUNDRED THOUSAND (200,000) PESOS, receipt of which is acknowledge by the Heirs- Vendors to their complete satisfaction from EMY DE PAZ MARTICIO, the above-named Heirs- Vendors, do by these presents, hereby sell, convey, and transfer, in a manner absolute and irrevocable the entire estate/property above described unto said Vendees, their heirs or assigns, free from all liens and encumbrances.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands in this _____ of _____ 2023, at Tacloban, City, Philippines.


DOMINGO T. MAGAYONES

CSCA ID NO 0006133

Heir/Vendor


EDITHA M. HECTO

CSCA ID NO 2020-0066

Heir/Vendor


EMALINDA M. TAGABI

CSCA ID NO 5761-5428-7192-3941

Heir/Vendor


VENIA M. MAGAYONES

PH PASSPORT ID NO 5062-8756-1248-2189

Heir/Vendor


ARNEL MAGAYONES

VIN ID NO 4112-9769-1124-0779


RODOLFO T. MAGAYONES

CSCA ID NO 3728-0009A

Heir/Vendor


GLORIA M. LEGATO

CSCA ID NO 20-00136

Heir/Vendor


MARINYLL M. LABANTA

CSCA ID NO 0006666

Heir/Vendor


ELEANOR D. MARTICIO

VIN ID NO 3728-0039A

Heir/Vendor


NICANOR V. MAGAYONES

VIN ID NO 3728-0039A-0000-0000

SIGNED IN THE PRESENCE OF:

ALINA MAE A. VERD

Salvador
Salvador M Quillotes

ACKNOWLEDGEMENT

BEFORE ME, this 3 of 2023, at Tacloban, City personally appeared known to me the same persons through their identification document and acknowledged to me that the foregoing deed consisting of 3 pages including this page in his voluntary act and deed as Attorney-in-Fact of the abovementioned principals;

WITNESS MY HAND AND NOTARIAL SEAL on the date and place above written.

Doc. No. 126

Page No. 22

Book No. 18

Series of 2023

[Faint notarial seal and signature area]

[Handwritten signatures and names:]
Luis...
Dante...
Dante...
Sagayans
Emilio
C...
Sagayans
P.I.I.

TAX DECLARATION OF REAL PROPERTY

08-22-0026-00112

Canceled

Property Identification No. 044-22-026-02-015

MAGAYONES, MAXIMO & GARA, AQUILINA

PANSUD LA PAZ LEYTE Telephone No. _____

Beneficial User: PANSUD LA PAZ LEYTE Telephone No. _____

Location of Property: **PANSUD LA PAZ LEYTE**

Number and Street: _____ (Barangay/District) _____ (Municipality/Province/City) _____

DLDA No. _____ Survey No. _____ Lot No. _____ Blk. No. _____

Cadastral Lot No. **3046**

North: ASS LOT # 013

South: ASS LOT # 001 OF SEC 02

East: ASS LOT # 014

West: PUBLIC LAND

PROPERTY ASSESSED:

LAND:

BUILDING:

No. of Stories: _____

Brief Description: _____

MACHINERY:

OTHERS:

Specify: _____

Location	Subclassification	Actual Use	Class/Level	Area (sq.m.)	Unit Value (₱/sq.m.)	Market Value	Assessment Level	Assessed Value
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RURAL	COCONUT LAND	AGRICULTURAL	1ST CLASS	17.712	3.13	₱5,061.06	40%	
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Total Area: 17.712 sq.m. Price: ₱5,061.06 Pps. _____

Assessed Value: **EIGHTEEN THOUSAND FOUR HUNDRED TWENTY PESOS ONLY**
(Amount in Words)

Exempt Effectivity of Assessment/Reassessment: 1 Qtr.

PENDING APPROVAL:

APPROVED BY:

(SGD.) **TECHIE T. GO**

18/13/2023

ATTY. RAFAEL M. IRIARTE

11/17

Municipal Assessor

Date

Regulating Assessor

By

Registration ID No. 08-22-0026-00112

Previous Ass. Pps.

Owner: **MAGAYONES, MAXIMO & GARA, AQUILINA**

Issued by: **SGD. ENGR. TERESITA P. SALAS LAGO III**, Technical Supervisor

Notes:

CERTIFIED TRUE COPY

Do. B. ...
...

This declaration is for real property taxation purposes only and the valuation indicated herein are based on 100% market value.





AJAT LAW OFFICE
Brgy. Poblacion Zone I, Mayorga, Leyte
Contact No.: 09772635585

January 08, 2023

HON. ANGEL ARAS SIA, JR.
Mayor
La Paz, Leyte

Dear *Mayor Sia*:

I am writing you in relation to a certain parcel of land designated as Lot 3046 situated at Brgy. Pansud, La Paz, Leyte covered under Tax Declaration No. 08-22-0026-00112 owned and possessed by my client, **EMY DE PAZ MARTICIO**, which the latter has acquired from the *Heirs of Spouses Maximo Magayones and Aquilina Gara* by virtue of a Deed of Sale executed on December 06, 2023, attached in this letter as "**Annex A**".

As disclosed, my client has been prevented by one **Eleuterio Magayones**, the Brgy. Captain of Brgy. Pansud, La Paz, Leyte from exercising her right of dominion over the said property which my law entitled her being the true and legal owner of the same. Further, ipon confrontation with Mr. Magayones before PNP La Paz, he uttered your name and I respectfully quote, "*Hino it nagsugo ha iyo pagpaguba? Kay ano niyo pag-gubaa? Mayda na namon ton agreement ni Mayor (Hon Sia) ngan nakablotter na ito kan Mayor. Diri na dinhi pinapagbalay hi Marvin.*", a police certification is attached in this letter as "**Annex B**".

As such, may we respectfully know the agreement that involved you and Mr. Magayones that concerned the property I duly bought from the legal owners?

Please consider this letter as an opportunity to discuss this matter with me and/or my client as soon as possible.

Thank you.

Very truly yours,

ATTY. JEROME A. TENEBRO

