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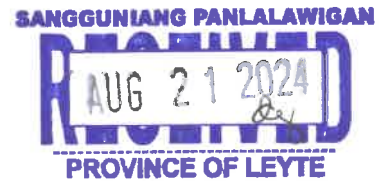
ATTY. FERDINAND ARTHUR BALAGA DIAZ
Counsellor-at-Law & Notary Public
Rm. 101, Gr. Flr., M.B. Yu Bldg., Real St., Tacloban City, Philippines 6300
E-mail address: atty_uriyah1993@yahoo.com

Item No.: 14
Date: 27 2024 AUG

ENTRY OF APPEARANCE AS COUNSEL FOR THE COMPLAINANT

19 August 2024

OFFICE OF THE PROVINCIAL SECRETARY
Sangguniang Panlalawigan of Leyte
Provincial Capitol, Palo, Leyte



Warm Greetings!

Dear Sir/Ma'am,

Respectfully forwarding to your good office for proper disposition in accordance with the provisions of the Local Government Code is the copy of the complaint affidavit of my client **MARVIN T. MARTICIO** and that of his witnesses for **GRAVE MISCONDUCT** and **NEGLECT OF DUTY** against **HON. MAYOR ANGEL A. SIA, JR.** who can be served with summons and other legal processes in his office address which is at the Municipal Hall, La Paz, Leyte, Philippines.

In view of this, it is respectfully prayed that all notices bound to herein complainant be coursed thru the office of the undersigned in his address herein forth indicated.

Lastly, in compliance to Sections 8 and 10 of the Procedure in Administrative Disciplinary Proceeding of the Sangguniang Panlalawigan, we have also furnished a copy of the complaint to the Provincial Governor's Office and the Department of Interior and Local Government Provincial Office.

Thank you and more power. May the G-d of Israel pound you more with countless blessings.

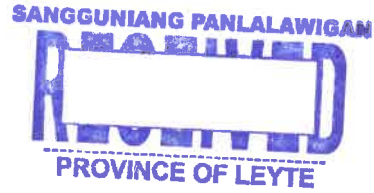
I remain sincere and respectful,



ATTY. FERDINAND ARTHUR B. DIAZ
Atty's. Roll No. 57398

MARVIN T. MARTICIO vs. HON. ANGEL ARAS SIA, JR.
Admin. Case No. _____
For: Grave Misconduct and Neglect of Duty

Republic of the Philippines
Department of Interior and Local Government
SANGGUNIANG PANLALAWIGAN OF LEYTE
Office of the Provincial Secretary
Provincial Capitol, Palo, Leyte
-oOo-



MARVIN T. MARTICIO,
Complainant,

Admins Case No. _____

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 19th day of August 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;

MARVIN T. MARTICIO vs. HON. ANGEL ARAS SIA, JR.

Admin. Case No. _____

For: Grave Misconduct and Neglect of Duty

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 19th day of August 2024 at Tacloban City, Republic of the Philippines.

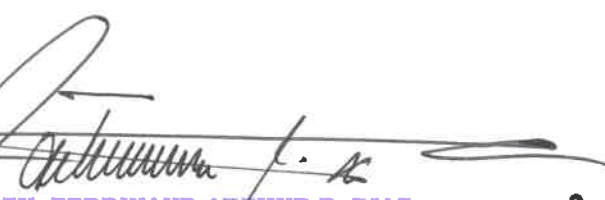

MARVIN T. MARTICIO

Affiant

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

SUBSCRIBED AND SWORN to before me this 19th day of August 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. 504
Page No. 101
Book No. XXII
Series of 2024


ATTY. FERDINAND ARTHUR B. DIAZ
Notary Public for and within RTC, Tacloban City
Att'y's. Roll No. 57396/Apr. 29, 2010
NC No. 2014-01-65 valid until Dec. 31, 2025
IBP Lifetime Registration No. 012595/Jan. 10, 2014
PTR OR No. 4-93842; Iss. 02, 2024/Leyte
TDCT & Partners Law Firm, Notarial Office
Rm. 101 G. Flr. M.B. Yu Bldg.,
Real St., Tacloban City, Philippines 6500

Copy furnished: (by personal service)

To: Provincial Governor's Office
Provincial Capitol, Palo, Leyte

Received by: _____

Date: August 19, 2024



MARVIN T. MARTICIO vs. HON. ANGEL ARAS SIA, JR.

Admin. Case No. _____

For: Grave Misconduct and Neglect of Duty

To: Department of Interior and Local Government
Kanhuraw Hill, Tacloban City

Received by: _____

Date: ~~August 19, 2024~~

DILG Regional Office VIII
Records Section

AUG 21 2024

RECEIVED by: [Signature]
Time: 2:02

EXTRA JUDICIAL SETTLEMENT OF THE ESTATE WITH SALE

KNOW ALL MEN BY THESE PRESENTS:

That EXTRAJUDICIAL SETTLEMENT OF ESTATE, with sale made an executor by an among;

DOMINICO T. MAGAYONES, Filipino, of legal age, married and a resident of Brgy. San Esteban, 3rd Avenue, Leyte;

RODOLFO T. MAGAYONES, Filipino, of legal age, married and a resident of Brgy. Poblacion District 11, 10002 Manila;

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

EMERIA M. LEGATO, Filipino, of legal age, married and a resident of Brgy. San Isidro, Lepo, Leyte;

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

MARINYL M. LABANTA, Filipino, of legal age, married and a resident of Brgy. Poblacion District 11, 10002 Manila;

VERONICA MAGAYONES, Filipino, of legal age, married and a resident of Brgy. Pansud, Lepo, Leyte;

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

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

NICANOR M. MAGAYONES, Filipino, of legal age, married and a resident of Brgy. Sul-on, Lepo, Leyte;

Hereinafter referred to as the VENDORS;

and

ENRIQUE DE PAZ MARTICIO, Filipino, of legal age, single, and a resident of Brgy. Poblacion District 11, Manila, hereinafter referred to as the VENDEE;

WITNESSETH;

That the residents MAXIMO MAGAYONES AND ACQUILINA GARA, died testate heirs of their late husband and wife, real property particularly described, to wit:

1. A certain lot (land) designated as Lot No. 1049, located at Brgy. Pansud, Lepo, Leyte, with Tax Declaration No. 08-22-0174-00112 bounded as follows, line 1-2 by lot 1413 line 2-3 by lot 1013, line 3-4 by lot 1422, line 4-5 by lot 1472, and described as follows: line 1-2 15.00m with distance 57.63m; line 2-3 141-231y distance 197.74m, line 3-4 150-480 meters 122.95m, line 4-5 221-266 distance 164.71m, containing an area of SIXTYEVEN THOUSAND FIVE HUNDRED EIGHTYTHREE (16,583) SQUARE METERS "

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

Handwritten notes in the left margin:
- Top: *Properly*
- Middle: *Highly proper*
- Bottom: *Properly*

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 0000133

Heir/Vendor


RODOLFO T. MAGAYONES

CSCA ID NO 3128-0009A

Heir/Vendor


EDITHA M. HECTO

CSCA ID NO 2020-0064

Heir/Vendor


GLORIA M. LEGATO

CSCA ID NO 20-00136

Heir/Vendor


EMALINDA M. TAGABI

CSCA ID NO 5761-5428-7192-3941

Heir/Vendor


MARINYLL M. LABANTA

CSCA ID NO 0000050

Heir/Vendor


VENIA M. MAGAYONES

CSCA ID NO 5062-8756-1248-2189

Heir/Vendor


ELEANOR D. MARTICIO

VIX ID NO 3128-0039A

Heir/Vendor


ARNEL MAGAYONES

VIX ID NO 4118-9769-0124-0179


NICANOR V. MAGAYONES

CSCA ID NO 5110-5101-1143-0045

SIGNED IN THE PRESENCE OF:

ALINA MAE A. VERO

Salvador M Guillotes

ACKNOWLEDGEMENT

BEFORE ME, this ____ 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. 26
Page No. 22
Book No. 18
Series of 2023

[Faint, illegible text, possibly a signature or stamp]

[Handwritten notes in the bottom left corner, including names like 'Luis An...']

TAX DECLARATION OF REAL PROPERTY

08-22-0026-00112

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

MAGAYONES, MAXIMO & GARA, AQUILINA

PANSUD LA PAZ LEYTE
 No Beneficiario
 PANSUD LA PAZ LEYTE
 PANSUD
 Municipal District
 Subdiv No
 Lot No
 Parcel No 3046

North 455 LOT # 112
 East 455 LOT # 113
 South 455 LOT # 114
 West 455 LOT # 115

PROPERTY ACQUIRED
 LAND
 BUILDING
 MACHINERY
 OTHERS

TRACT	SUBDIVISION	LOT NO	SECTION	TAXABLE VALUE	ASSESSMENT	PROPERTY TAX	PROPERTY TAX
1	LA PAZ	3046	1				

RIGHTS: TWO THOUSAND FOUR HUNDRED TWENTY SEVEN PESOS ONLY

ENDING APPROVAL APPROVED BY:

(SGD.) TECHER, GO ATTY. RAFAEL M. IRIARTE

DECLARATION OF THE TAXPAYER

DECLARATOR: MAGAYONES, MAXIMO & GARA, AQUILINA

DECLARATOR: MAGAYONES, MAXIMO & GARA, AQUILINA





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

January 08, 2023

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

RECEIVED
OFFICE OF THE MAYOR
LA PAZ, LEYTE
BY: *JULY C. ARSENTO*
DATE: *01-08-24 @ 11:16 AM*

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 poice 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

MARVIN T. MARTICIO vs. HON. ANGEL ARAS SIA, JR.
Admin. Case No. _____
For: Grave Misconduct and Neglect of Duty

Republic of the Philippines
Department of Interior and Local Government
SANGGUNIANG PANLALAWIGAN OF LEYTE
Office of the Provincial Secretary
Provincial Capitol, Palo, Leyte
-oOo-

MARVIN T. MARTICIO,
Complainant,

Admins Case No. _____

For: Grave Misconduct
and Neglect of Duty.

-vs.-

HON. ANGEL ARAS SIA, JR.,
Respondent.

X-----X

JUDICIAL AFFIDAVIT OF
RAYMART P. MARTICIO

This Judicial Affidavit of **RAYMART P. MARTICIO** was taken and recorded based on the examination made by Atty. Ferdinand Arthur B. Diaz with official address at Rm. 101, Ground Floor, M.B. Yu Bldg., Real St., Tacloban City, Philippines 6500 on August 19, 2024 at the office of the herein examiner.

Purpose of the Witness' Testimony:

The testimony of the herein complainant is being offered to prove the following material points, to wit:

- (1) That her sister Emy De Paz Marticio is the lawful owner of a parcel of land designated as Lot No. 3046 which she acquired by way of sale and purchase from the heirs of Maximo Magayones and Aquilina Gara;

- (2) That on January 06, 2024 at around 10:55 in the morning of the same date, he together with his father Marvin T. Marticio and brother Raffy De Paz Marticio went to check the said lot of Emy De Paz Marticio at Brgy. Pansud, La Paz, Leyte on which their residential house stands;
- (3) That when they arrived there, they were surprised to see and discover that their residential house which is erected on Lot No. 3046 is being fenced by Punong Barangay Eleuterio L. Magayones and several other barangay officials namely Barangay Kagawad Charlito A. Badion, Barangay Kagawad Emilinda Sevillano Versoza, Brgy. Kagawad Arsenio Sinining Alcuetas Jr., Brgy. Kagawad Melmer Acebo Quillotes, Brgy. Tanod Erwin Tila-on Antido, Brgy. Tanod Darmie Sevillano Alvero, Brgy. Tanod Leonido Tila-on Nebaliza, Brgy. Tanod Ariel Suyom Solibar, Brgy. Tanod Virgelio Solibar Quillotes, Brgy. Tanod Dominador Ganalon Solibar, Brgy. Tanod Arturo Lino Sevillano, Brgy. Tanod Gina Dazo Quillotes, Brgy. Tanod Edgardo Magayones Quillotes, Brgy. Tanod Romulo Onate Espejo, Lupon Member Virginia Ramos Sevillano and several other private individuals identified as Alejandro Laluna Espejo, Luis Sevillano Alvero Jr., Joel Aralar Naboya, Felisa Cinco Naboya, Julius Sevillano Monterola, Julie Alvero Nebaliza, Vilma Sevillano Mostacisa and Glecelyn Alvero Nebaliza;
- (4) That he, his father Marvin T. Marticio and brother Raffy De Paz Marticio were prevented from entering the premises of their residential house at Brgy. Pansud, La Paz, Leyte which house is erected on said lot;
- (5) That when he, his father Marvin T. Marticio and brother Raffy De Paz Marticio tried to prevent herein persons from doing so, a commotion ensued as the latter did not heed them;
- (6) That instead, Punong Barangay Eleuterio L. Magayones and Charlito A. Badion acted violently and even challenged herein witness, his father Marvin T. Marticio brother Raffy De Paz Marticio to a fight which then prompted this witness to video record the entire incident with the use of his cell phone;

-
- (7) That Charlito A. Badión even unsheathed a long bladed weapon locally known as “sundang”;
- (8) That these persons only retreated and calmed down a bit when they saw herein witness was filming them; and
- (9) That on January 08, 2023, his father Marvin T. Marticio wrote a letter to Mayor Angel A. Sia, Jr. through Atty. Jerome A. Tenebro purposely to request for an audience with Punong Barangay Eleuterio L. Magayones copy of which was received on the same date but said letter was not responded to by Mayor Sia despite several follow-up.

In the course of his testimony, he will identify his judicial affidavit and certain documentary exhibits attached thereto pursuant to Sec. 2, par. (2) of A.M. No. 12-8-8-SC otherwise known as the Judicial Affidavit Rule. He will likewise testify on substantial points and other relevant matters in support of complainant’s criminal cause of action against herein respondents.

PRELIMINARY QUESTIONS:

1. **Q: IN WHAT LANGUAGE DO YOU WANT ME TO CONDUCT THIS QUESTIONING?**

A: IN THE WARAY-WARAY DIALECT.

Translation:

Q: Ha anu nga yinaknan mo karuyag nga pagbuhaton ko ini nga mga pamakiana ha imu?

A: Waray-waray.

2. **Q: PLEASE STATE YOUR NAME AND OTHER PERSONAL CIRCUMSTANCES.**

A: I AM RAYMART P. MARTICIO, SINGLE, FILIPINO CITIZEN, OF LEGAL AGE AND A RESIDENT OF 1145 GUINDAPUNAN ST., DIST. II, LA PAZ, LEYTE, PHILIPPINES.

Translation:

Q: Alayon pagsumat hit imu ngaran ngan iba pa nga mga pangilal-an.

A: Ako hi Raymart P. Marticio, waray asawa, Pilipino, ada sa esakto nga panuigon ngan nag-uukoy ha 1145 Guindapunan St., Dist. II, La Paz, Leyte, nasud han Pilipinas.

3. **Q: DO YOU SWEAR TO TELL THE TRUTH AND NOTHING BUT THE WHOLE TRUTH ONLY IN THIS INVESTIGATION?**

A: YES.

Translation:

Q: Magsusumpa ka ba nga magsusumat ka hit kamatuoran ngan bug-os nga kamatuoran gud la hini nga mga pamakiana nga akon pagbubuhaton ha imu?

A: Oo.

4. **Q: MAY I REMIND YOU THAT ALL AND WHATEVER ANSWER TO THE QUESTIONS THAT I AM GOING TO PROPOUND YOU ARE UNDER OATH IN ACCORDANCE WITH LAW AND THAT YOU RUN THE RISK OF FACING A CRIMINAL ACTION FOR PERJURY SHOULD YOUR TESTIMONY TURNS OUT TO BE FALSE. ARE YOU AWARE OF THAT?**

A: YES.

Translation:

Q: Ginpapahinumduman ko ikaw nga ngatanan ngan bisan anu nga baton han mga pamakiana nga akon igpapakiana ha imu in nailarum ito hin panumpa nga subay ha balaod ngan puydi ka umatubang hin kaso criminal nga perjury kun mapamatud-an nga buwa an imu mga asoy. Maaram ka ba hito?

A: Oo.

5. **Q: DESPITE OF THIS KNOWLEDGE AND INFORMATION, ARE YOU STILL WILLING TO EXECUTE THIS JUDICIAL AFFIDAVIT?**

A: YES.

Translation:

Q: Ngan bisan kun maaram ka hit puydi mahitabo ha imu, mapadayon ka la gihap pag himu hini nga imu asoy?

A: Oo.

MAIN QUESTIONS IN SUPPORT OF
COMPLAINANT'S ADMINISTRATIVE CAUSE OF ACTION:

6. **Q: WHAT BROUGHT YOU HERE TO MY LAW OFFICE TODAY SIR?**

A: I WANT TO GIVE TESTIMONY IN SUPPORT OF THE ADMINISTRATIVE CASE WHICH MY FATHER MARVIN T. MARTICIO WILL FILE FOR GRAVE MISCONDUCT AND NEGLECT OF DUTY AGAINST MAYOR ANGEL A. SIA, JR.

Translation:

Q: Anu an nagdara ha imu nganhi hit akon opisina yana sir?

A: Karuyag ko maghatag han akon asoy para pag suporta han kaso administrative nga gin file han akon papa nga hi Marvin T. Marticio para hin Grave Misconduct ngan Neglect of Duty kontra kan Mayor Angel A. Sia, Jr.

7. **Q: WHAT DO YOU KNOW ABOUT THIS CASE THAT YOUR FATHER WANTS TO FILE AGAINST MAYOR SIA?**

A: LAST JANUARY 06, 2024, I, MY FATHER MARVIN T. MARTICIO AND MY OTHER BROTHER RAFFY DE PAZ MARTICIO WENT TO BRGY. PANSUD TO CHECK AND VISIT OUR RESIDENTIAL HOUSE IN SAID PLACE. WHEN WE ARRIVED THERE, WE WERE PREVENTED BY THESE RESPONDENTS FROM ENTERING THE PREMISES OF OUR LOT INCLUDING OUR HOUSE AS IT WAS BEING FENCED BY THEM.

Translation:

Q: Anu it imu nababaruan parte hit kaso nga karuyag ipasaka hit imu papa kontra kan Mayor Sia?

A: Dida han Enero 06, 2024, ako, an akon tatay nga hi Marvin T. Marticio ngan han akon usa pa nga bugto nga hi Raffy De Paz Marticio in pumakadto kami ha Brgy. Pansud para kitaon ngan bisitahon an amon balay didto hito nga lugar. Pag-abot namon ngadto waray kami pasakba ngadto han amon tuna ngan han amon balay hini nga mga respondente kay ira man ito gin-aatabay.

8. **Q: WHO IS THE OWNER OF THAT LOT IN WHICH YOUR HOUSE IS ERECTED AT BRGY. PANSUD, LA PAZ, LEYTE?**

A: IT IS OWNED BY MY SISTER EMY DE PAZ MARTICIO AS SHE PURCHASED IT FROM THE HEIRS OF MAXIMO MAGAYONES AND AQUILINA GARA.

Translation:

Q: Hin-o man it tag-iyá hito nga tuna nga gintitindugan hit iyo balay didto ha Brgy. Pansud, La Paz, Leyte?

A: Gintatag-iyahan iton hit akon bugto nga babaye nga hi Emy De Paz Marticio kay napalit iton niya tikang han mga sumurunod nira Maximo Magayones ngan Aquilina Gara.

9. **Q:** YOU MEAN TO INFORM ME THAT THE PRIMITIVE OWNER OF THAT LOT IS MAXIMO MAGAYONES AND AQUILINA GARA?

A: YES.

Translation:

Q: Buot mo ba ipasabot ha akon nga it pinaka syahan nga tag-iyá hito nga tuna amu hira Maximo Magayones ngan Aquilina Gara?

A: Oo.

10. **Q:** WHAT PROOF CAN YOU SHOW TO ME THAT THE PRIMITIVE OWNER OF THAT LOT IS MAXIMO MAGAYONES AND AQUILINA GARA?

A: THE COPY OF THE TAX DECLARATION.

Translation:

Q: Anu man nga proyba it imu maipapakita ha akon nga it pinaka syahan tag-iyá hito nga tuna amu hira Maximo Magayones ngan Aquilina Gara?

A: An kopya han tax declaration.

11. **Q:** IF SHOWN A COPY THEREOF, WILL YOU BE ABLE TO IDENTIFY THAT?

A: YES.

Translation:

Q: Kun pakitaon ka hit kopya hito, makikilala mo ba ito?

A: Oo.

12. **Q:** I AM SHOWING TO YOU A COPY OF THE TAX DECLARATION OVER A PARCEL OF LAND DESIGNATED AS LOT NO. 3046 DECLARED IN THE NAME OF MAXIMO MAGAYONES AND AQUILINA GARA. PLEASE GO OVER THE SAME AND TELL ME IF THAT IS THE SAME DOCUMENT YOU ARE REFERRING TO?

A: YES THIS IS THE SAME.

Translation:

Q: Adi hin akon ginpapakita ha imu nga kopya han tax declaration bahin hin usa nga tuna nga naka ngaran kanda Maximo Magayones ngan Aquilina Gara. Alayon daw pagkita hito ngan sumati ako kun amu ba ito nga dokumento an imu ginsisiring?

A: Oo amu ini.

13. **Q:** I AM GOING TO ATTACH THIS COPY OF THE TAX DECLARATION TO YOUR JUDICIAL AFFIDAVIT AND I WILL MARK IT AS EXHIBIT "B". DO YOU AGREE?

A: YES.

Translation:

Q: Akon ini iglalakip nga kopya han tax declaration nganhi hini dinhi nga imu judicial affidavit ngan akon ini mamarkahan hin Exhibit "B". Masugot ka?

A: Oo.

14. **Q:** EARLIER YOU ALSO SAID THAT SAID PARCEL OF LAND WAS ALREADY PURCHASED BY YOUR SISTER EMY DE PAZ MARTICIO. NOW, WHAT PROOF CAN YOU SHOW TO ME THAT SHE HAS INDEED PURCHASED THAT LOT?

A: THE COPY OF THE EXTRAJUDICIAL SETTLEMENT WITH SALE WHICH WAS EXECUTED BY THE HEIRS OF MAXIMO MAGAYONES AND AQUILINA GARA IN FAVOR OF EMY DE PAZ MARTICIO.

Translation:

Q: Kanina nasiring ka ito nga tuna in napalit na han imu bugto nga hi Emy De Paz Marticio. Yana, anu man it imu maipapakita nga proyba ha akon nga napalit na gud man ito niya nga tuna?

A: An kopya han extrajudicial settlement with sale nga pinnirmahan han mga sumurunod nira Maximo Magayones ngan Aquilina Gara pabor ngadto kan Emy De Paz Marticio.

15. **Q:** IF SHOWN A COPY THEREOF, WILL YOU BE ABLE TO IDENTIFY IT?

A: YES.

Translation:

Q: Kun pakitaon ka hit kopya hito, makikilala mo ba ito?

A: Oo.

16. **Q: I AM SHOWING TO YOU A COPY OF THE EXTRAJUDICIAL SETTLEMENT WITH SALE DATED DECEMBER 30, 2023. PLEASE GO OVER THE SAME AND TELL ME IF THAT IS THE SAME DOCUMENT YOU ARE REFERRING TO?**

A: YES THIS IS THE SAME.

Translation:

Q: Adi hin akon ginpapakita ha imu nga kopya han extrajudicial settlement with sale nga mayda petsa nga Disyembre 30, 2023. Alayon daw pagkita hito ngan sumati ako kun amu ba ito nga dokumento an imu ginsisiring?

A: Oo amu na ini.

17. **Q: I AM GOING TO ATTACH THIS COPY OF THE EXTRAJUDICIAL SETTLEMENT WITH SALE TO YOUR JUDICIAL AFFIDAVIT AND I WILL MARK IT AS EXHIBIT "A". DO YOU AGREE?**

A: YES.

Translation:

Q: Akon ini iglalakip nga kopya hit extrajudicial settlement with sale nganhi hini dinhi nga imu judicial affidavit ngan akon ini mamarkahan hin Exhibit "A". Masugot ka?

A: Oo.

18. **Q: YOU SAID EARLIER THAT WHEN YOU WENT TO BRGY. PANSUD TO CHECK AND VISIT YOUR HOUSE, YOU WERE PREVENTED FROM ENTERING THE PREMISES OF YOUR LOT AND YOUR HOUSE BECAUSE AS YOU SAID, SEVERAL PERSONS LED BY PUNONG BARANGAY ELEUTERIO L. MAGAYONES WERE ERECTING A FENCE AROUND YOUR HOUSE. WHAT DID YOU DO THEN, IF ANY?**

A: WE CONFRONTED THEM WHY ARE THEY FENCING OUR LOT SINCE THE SAME BELONGS TO US.

Translation:

Q: Nasiring ka kanina nga dida han pagkadto niyo ha Brgy. Pansud para pagkita ngan pagbisita han iyo balay in waray kamu pasakba han iyo tuna ngan han iyo balay tungod kay siring mo pa ini nga mga tawo in naghihimu hin atabay palibot han iyo balay. Anu man an iyo ginbuhat, kun mayda man?

A: Gin kumpronta namon hira kun kay anu nga nag aatabay man hira nga amon man iton.

19. **Q: WHAT DID THEY DO?**

A: THEY PROCEEDED TO FENCE AS THEY INSISTED THAT THE LOT BELONGS TO THEM.

Translation:

Q: Anu man an ira ginbuhat?

A: Nagpadayon hira pag kudal kay na inister gud hira nga ira kuno ito nga tuna.

20. **Q: SO WHAT DID YOU DO?**

A: WE TRIED TO PREVENT THEM BUT WE WERE OVERPOWERED BECAUSE THEY WERE TOO MANY OF THEM AND WE WERE ONLY THREE.

Translation:

Q: So anu man an ginbuhat mo?

A: Gin tinguha namon nga diri hira makagpadayon pagkudal pero kay napirdi kami kay damu hira tulo la kami.

21. **Q: WHEN YOU TRIED TO PREVENT THEM FROM PURSUING THE FENCE, WHAT WAS THEIR REACTION, IF ANY?**

A: THEY ACTED VIOLENTLY. IN FACT, PUNONG BARANGAY ELEUTERIO MAGAYONES AND BRGY. KAGAWAD CHARLITO A. BADION EVEN CHALLENGED US TO A FIGHT WHILE BADION WAS HOLDING AN UNSHEATHED A LONG BLADED WEAPON IN HIS HANDS.

Translation:

Q: Dida han nanalinguha kamu nga diri hira makagpadayon pag kudal, anu man an ira nagin reaction, kun mayda man?

A: Naging bayolente hira. Gin-ayat pa ngani kami ni Kapitan Eleuterio Magayones ngan ni Brgy. Kagawad Charlito A. Badion hin away samtang kapot kapot ni Badion an waray na taklos nga halaba nga sundang.

22. **Q: WHAT EXACTLY DID THEY TELL YOU WHEN THEY CHALLENGED YOU TO A FIGHT?**

A: YOU HAVE THE NERVE TO FIGHT BACK, LET'S FIGHT INSTEAD.

Translation:

Q: Anu gud an esakto nga mga pulong nga ira gin-yakan ha imu dida han gin-ayat ka nira hin away?

A: Anu mangatu na gud kamu, mag away lugod kita.

23. **Q: AT THAT MOMENT, WHAT IF ANY DID YOU AND YOUR FATHER AND OTHER BROTHER RAFFY DO?**

A: I TOOK MY CELL PHONE AND STARTED RECORDING THE INCIDENT.

Translation:

Q: Hadto nga mga takna, anu man an imu ginbuhat ngan han imu tatay ngan usa pa nga bugto?

A: Ginkuha ko an akon cell phone ngan gin video ko an panhitabo.

24. **Q: YOU SAID THAT CHARLITO A. BADION WAS HOLDING AN UNSHEATHED LONG BLADED WEAPON. WHAT IS YOUR PROOF TO THAT?**

A: THE PICTURE AND CELLPHONE VIDEO OF HIM HOLDING A LONG BLADED WEAPON.

Translation:

Q: Nasiring ka nga hi Charlito A. Badion in may kapot kapot nga halaba nga sundang. Anu man it imu proyba hito?

A: An picture ngan video nga mayda niya kapot kapot nga halaba nga sundang.

25. **Q: WHO TOOK THAT PICTURE AND VIDEO?**

A: ME.

Translation:

Q: Hin-o man an kumuha hito nga picture ngan video?

A: Ako.

26. **Q: IF SHOWN A COPY THEREOF, WILL YOU BE ABLE TO IDENTIFY IT?**

A: YES.

Translation:

Q: Kun pakitaon ka hito nga kopya, makikilala mo ba ito?

A: Oo.

27. **Q: I AM SHOWING TO YOU A PHOTO OF A MALE PERSON HOLDING A LONG BLADED WEAPON. PLEASE GO OVER THE SAME AND TELL ME IF THAT IS THE SAME PHOTO YOU ARE REFERRING TO?**

A: YES THIS IS THE SAME PHOTO OF CHARLITO A. BADION HOLDING A LONG BLADED WEAPON.

Translation:

Q: Adi hin akon ginpapakita ha imu nga picture hin usa nga lalaki nga tawo nga mayda niya kapot nga halaba nga sundang. Alayon daw pagkita hito ngan sumati ako kun amu ba ito nga picture an imu ginsisiring?

A: Oo amu ini an picture ni Charlito A. Badion nga mayda kapot kapot nga halaba nga sundang.

28. **Q: I AM GOING TO ATTACH THIS COPY OF THE PHOTOGRAPH TO YOUR JUDICIAL AFFIDAVIT AND I WILL MARK IT AS EXHIBIT "D". DO YOU AGREE?**

A: YES.

Translation:

Q: Akon ini ilalakip nga kopya han picture nganhi hini nga imo judicial affidavit ngan akon ini mamarkahan hin Exhibit "D". Masugot ka?

A: Oo.

29. **Q: YOU ALSO SAID THAT YOU TOOK A CELL PHONE VIDEO OF THE INCIDENT. WHERE IS IT NOW?**

A: HERE I TRANSFERRED THE FILES TO A USB PORT.

Translation:

Q: Nasiring ka gihapon kanina nga nag video ka han insidente. Hain man ito yana?

A: Adi man ginbalhin ko an mga files ngadi ha USB.

30. **Q: I AM GOING TO ATTACH THIS USB CONTAINING THE VIDEO OF THE INCIDENT TO YOUR JUDICIAL AFFIDAVIT AND I WILL MARK IT AS EXHIBIT "E". DO YOU AGREE?**

A: YES.

Translation:

Q: Akon ini ilalaki ng USB nganhi hini nga imo judicial affidavit ngan akon ini mamarkahan hin Exhibit "E". Masugot ka?

A: Oo.

31. **Q: WHAT IF ANY DID YOUR FATHER DO AFTER THAT INCIDENT?**

A: HE REQUESTED A LAWYER TO WRITE ON HIS BEHALF TO MAYOR SIA.

Translation:

Q: Anu man an ginbuhat han imu papa kahuman hadto nga insident kun mayd man?

A: Nag request hiya hin abugado nga mag surat para ha iya ngadto kan Mayor Sia.

32. **Q: WHAT WAS THE PURPOSE OF THE SAID LETTER, IF YOU KNOW?**

A: TO REQUEST MAYOR SIA TO HAVE AN AUDIENCE WITH PUNONG BARANGAY ELEUTERIO MAGAYONES BEFORE HIS OFFICE. ALSO TO CLARIFY FROM MAYOR SIA BECAUSE HE IS THE ONE BEING POINTED TO BY ELEUTERIO MAGAYONES AS TO HAVE AN AGREEMENT WITH PERTAINING TO THE FENCE THEY ERECTED ON OUR LOT.

Translation:

Q: Anu man unta an tuyo hadto nga surat, kun maaram ka?

A: Pag request kan Mayor Sia nga mag urustorya unta hira ni Punong Barangay Eleuterio Magayones didto han iya opisina. Ngan pag klaro gihapon unta kan Mayor Sia ay hiya man it gintutudlok nira Eleuterio Magayones nga mayda na kuno kasabutan bahin hito nga pag alad han amon tuna.

33. **Q: WHEN DID YOUR FATHER WRITE THAT LETTER?**

A: IMMEDIATELY AFTER THE INCIDENT. ON JANUARY 08, 2023.

Translation:

Q: Kakan-o man an imu tatay naghimu hito nga surat?

A: Kahuman dayon hadto nga insidente. Dida han January 08, 2023.

34. **Q: AND WHEN WAS IT RECEIVED BY THE OFFICE OF MAYOR SIA?**

A: ON THE SAME DATE.

Translation:

Q: Kakan-o man liwat ito makarawat han opisina ni Mayor Sia?

A: Hadto gihapon nga petsa.

35. **Q: WHAT IS YOUR PROOF TO THAT?**

A: THE COPY OF THE LETTER WHICH WAS SENT TO MAYOR SIA.

Translation:

Q: Anu man it imu proyba hito?

A: An kopya han surat nga ginpadara ngadto kan Mayor Sia.

36. **Q: IF SHOWN A COPY THEREOF, WILL YOU BE ABLE TO IDENTIFY IT?**

A: YES.

Translation:

Q: Kun pakitaon ka hito nga kopya, makakakilala ka ba hito?

A: Oo.

37. **Q: I AM SHOWING TO YOU A COPY OF THE LETTER SENT BY ATTY. JEROME A. TENEBRO DATED JANUARY 08, 2023. PLEASE GO OVER THE SAME AND TELL ME IF THAT IS THE SAME DOCUMENT YOU ARE REFERRING TO?**

A: YES THIS IS THE SAME.

Translation:

Q: Adi hin akon ginpapakita ha imu nga kopya han surat nga ginpadara ni Atty. Jerome A. Tenebro nga mayda petsa nga January 08, 2023. Alayon daw pagkita hito ngan sumati ako kun amu ba ito nga dokumento an imu ginsisiring?

A: Oo amu ini.

38. **Q: I AM GOING TO ATTACH THIS COPY OF THE LETTER TO YOUR JUDICIAL AFFIDAVIT AND I WILL MARK IT AS EXHIBIT "F". DO YOU AGREE?**

A: YES.

Translation:

Q: Akon ini ilalakip nga kopya han surat nganhi hini nga imo judicial affidavit ngan akon ini mamarkahan hin Exhibit "F". Masugot ka?

A: Oo.

39. **Q: AT THIS POINT IN TIME, I AM ALREADY FINISHED WITH MY INVESTIGATION TO YOU. DO YOU WISH TO SAY ANYTHING MORE?**

A: NONE.

Translation:

Q: Ha pagka yana, human na ako han akon mga pamakiana ha imu. Mayda ka pa ba karuyag idugang?

A: Waray na.

40. **Q: DID YOU UNDERSTAND THE IMPORT AND SUBSTANCE OF YOUR TESTIMONY?**

A: YES.

Translation:

Q: Nakaintindi ka ba han karuyag signgon han imu mga asoy?

A: Oo.

41. **Q: ARE YOU WILLING TO AFFIX YOUR SIGNATURE IN THIS JUDICIAL COMPLAINT AFFIDAVIT TO PROVE THAT YOU MADE YOUR STATEMENTS VOLUNTARILY AND THAT YOU UNDERSTOOD THE CONTENTS THEREOF?**

A: YES.

Translation:

Q: Mapirma ka ba hini nga imu judicial complaint affidavit pagpamatuod nga boluntaryo mo nga gin istorya an imu mga asoy ngan imu naintindihan ang mga sulod hini?

A: Oo.

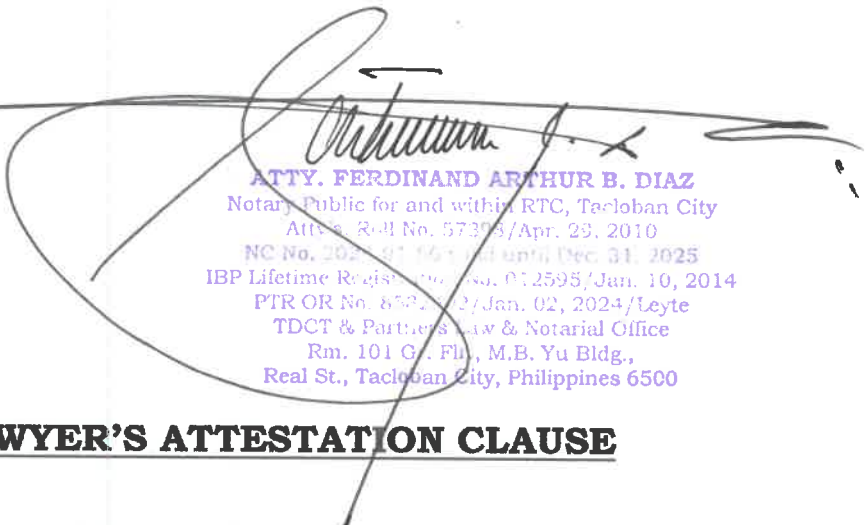
IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of August 2024 at Tacloban City, Republic of the Philippines.


RAYMART P. MARTICIO
Affiant

Professional Driver's License ID No. H02-10-001428

SUBSCRIBED AND SWORN to before me this 19th day of August 2024 at Tacloban City, Republic of the Philippines, the affiant has exhibited to me his identification card as his competent proof of identity as herein above indicated.

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Book No. Xxii
Series of 2024


ATTY. FERDINAND ARTHUR B. DIAZ
Notary Public for and within RTC, Tacloban City
Atty's Roll No. 57393/Apr. 29, 2010
NC No. 2024-01-167 (valid until Dec. 31, 2025)
IBP Lifetime Registration No. 012595/Jan. 10, 2014
PTR OR No. 8521-02/Jan. 02, 2024/Leyte
TDCT & Partners Law & Notarial Office
Rm. 101 G. Flr., M.B. Yu Bldg.,
Real St., Tacloban City, Philippines 6500

LAWYER'S ATTESTATION CLAUSE

I, **ATTY. FERDINAND ARTHUR B. DIAZ**, married, Filipino Citizen, of legal age and a member of the Integrated Bar of the Philippines, Leyte Chapter in good standing and a resident of Baal Shem Tov Alley, Metatron's Gate, Iysechiyah Farm, Brgy. Lukay, Babatngon, Leyte, Philippines 6520, under oath according to law hereby depose and state that:

1. I have faithfully recorded or caused to be recorded the questions I asked and the corresponding answers that the witness gave;
2. Neither I nor any other person then present coached or assisted the witness regarding the latter's answers; and
3. If it be found that this attestation is false or fraudulent, I am fully aware of the consequences that I may face and I take full responsibility for any disciplinary action that the Supreme Court may impose upon me.

MARVIN T. MARTICIO vs. HON. ANGEL ARAS SIA, JR.

Admin. Case No. _____

For: Grave Misconduct and Neglect of Duty

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of August 2024 at Tacloban City, Republic of the Philippines.



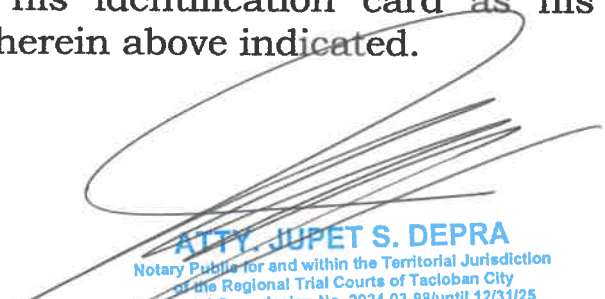
ATTY. FERDINAND ARTHUR B. DIAZ

Affiant

IBP ID No. 57398

Admitted to the Philippine Bar on April 29, 2010

SUBSCRIBED AND SWORN to before me this 19th day of August 2024 at Tacloban City, Republic of the Philippines, the affiant has exhibited to me his identification card as his competent proof of identity as herein above indicated.



ATTY. JUPET S. DEPRA

Notary Public for and within the Territorial Jurisdiction
of the Regional Trial Courts of Tacloban City
Notarial Commission No. 2024-03-98/until 12/31/25
Room 103, Ground Floor, TDCT & Partners Law Offices
MB Yu Bldg., Real St., Tacloban City
Roll of Attorneys No. 74671, July 15, 2020
IBP OR No. 400412; 01/04/2024; IBP National Office
PTR No. 8480906; 01/05/2024; Tacloban City
MCLE Compliance No. VII-0004924/until 04/14/25

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