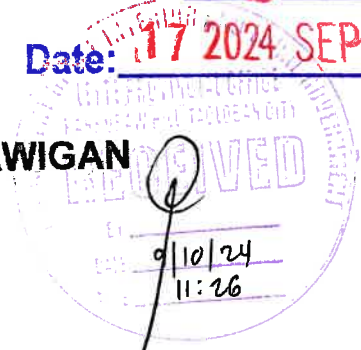


Copy for the  
SP

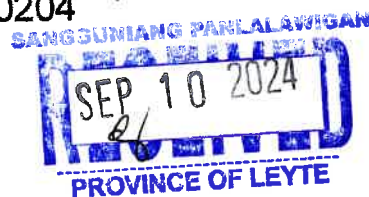
Item No.: 19  
Date: 17 2024 SEP

REPUBLIC OF THE PHILIPPINES  
OFFICE OF THE SANGGUNIANG PANALALAWIGAN  
PROVINCE OF LEYTE  
Palo, Leyte



LEAH O. EMPLEO,  
EMERITA P. LACNO and  
JERRY P. EMPLEO,  
*Complainants,*

IC-OV-APR-24-0204



-versus-

For: Abuse of Authority under  
Sec. 60, par. 1 (e) of RA No.  
7160

MIGUEL JORGE P. TAN, in  
his capacity as Vice-Mayor;  
FERNANDO M. ASEO,  
ALMA N. ORFANO, RICHIE  
C. CRUZ, BRENZON C.  
CABINTOY, RUDY B.  
COGAY, ALLAN C.  
ESPINOSA, MARY  
DANIELA L. CUBERO,  
RESURRECCION C.  
CAPANAS, MINERVA M.  
BULAWIT and VICTORIANO  
L. GLOBALA, in their capacity  
as SB Members;  
*Respondents.*

X-----X

**COMPLIANCE WITH ENTRY OF APPEARANCE AS COUNSEL  
OF THE COMPLAINANTS**

(In re: LETTER dated July 8, 2024)

COMES NOW, COMPLAINANTS LEAH O. EMPLEO,  
EMERITA P. LACNO AND JERRY P. EMPLEO, through undersigned  
counsels, unto this Honorable Office of the Sangguniang  
Panlalawigan most respectfully state, THAT:

1. In compliance with the Letter dated July 8, 2024 of this Honorable Office, attached herein are the additional fifteen (15) copies of the Verified Complaint for the SP members along with the Judicial Affidavits of the complainants;
2. Further, a copy of the complaint with its attachments are likewise furnished to the Office of the Governor and DILG Provincial Office;
3. Copies of the Judicial Affidavits of the complainants are likewise filed in order to be attached to the previous copies

of the verified complaint filed before the Office of the Ombudsman. Undersigned will also be including sixteen (16) copies of the said judicial affidavits.

### **FORMAL ENTRY OF APPEARANCE**

1. That the complainants engaged the services of the BANZON LAW OFFICE.
2. That in view of this engagement, the Banzon Law Office hereby enters its appearance as counsel until such time as he pleases;
3. That it is respectfully requested that henceforth, all subsequent notices, orders and processes of this Honorable Office and copies of all pleadings of the opposing party/counsel intended for the abovementioned complainants should also be directed to Banzon Law Office with office address at **2/F, JE Tan Building, Rizal corner Aviles Streets, Ormoc City, Leyte;**

### **PRAYER**

**WHEREFORE**, premises considered, complainants most respectfully pray unto this Honorable Office of the Sangguniang Panlalawigan that this Compliance be NOTED.

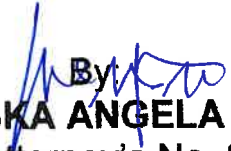
In addition, it is most respectfully prayed that the entry of appearance of the Banzon Law Office through the undersigned counsels for the complainants be NOTED and entered into the record of this case.

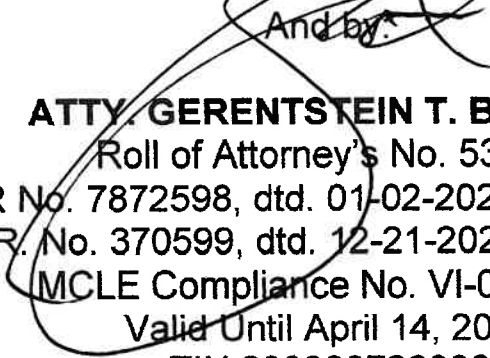
Other reliefs just and equitable under the premises are likewise prayed for.

Done this 2<sup>nd</sup> day of Septemebr 2024 in Ormoc City, Philippines.

**MOST RESPECTFULLY SUBMITTED:**

**BANZON LAW OFFICE**  
**(Counsel for the Complainants)**  
Unit 4, 2/F JE Tan Bldg.  
Cor. Rizal and Aviles Sts. Ormoc City

By   
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Roll of Attorney's No. 82440  
IBP O.R. No. 329704, dated 12/17/2023  
PTR No. 7872599, dated 01/02/2024, Ormoc City  
MCLE Compliance No. VIII- 0009154  
Valid until April 14, 2028  
Office Tel. No: (053) 561-0529  
E-mail address: kriskatumamak@yahoo.com

And by   
**ATTY. GERENTSTEIN T. BANZON**  
Roll of Attorney's No. 53280  
PTR No. 7872598, dtd. 01-02-2024, Ormoc City  
IBP O.R. No. 370599, dtd. 12-21-2023, Leyte Chapter  
MCLE Compliance No. VI-0016334  
Valid Until April 14, 2025  
TIN:233393726000  
Email: gerentstein@gmail.com

**NOTICE**

**SP Secretary**  
Province of Leyte  
Palo, Leyte

**Greetings:**

Kindly submit the foregoing Compliance with entry of appearance as counsel for the complainants for the consideration and approval of the Honorable Office immediately upon receipt hereof. Thank you.

  
**MA. KRISKA ANGELA H. TUMAMAK**

Copy Furnished:

**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**  
Province of Leyte  
Palo, Leyte

**OFFICE OF THE GOVERNOR**  
Province of Leyte  
Palo, Leyte

**DILG PROVINCIAL OFFICE**  
Palo, Leyte

REPUBLIC OF THE PHILIPPINES  
**OFFICE OF THE OMBUDSMAN**  
**VISAYAS**

M. Velez St., Guadalupe  
Cebu City

**LEAH O. EMPLEO,**  
**EMERITA P. LACNO and**  
**JERRY P. EMPLEO,**  
*Complainants,*

OMB: \_\_\_\_\_

-versus-

For: Abuse of Authority  
under Sec. 60, par. 1 (e)  
of RA No. 7160

**MIGUEL JORGE P. TAN,**  
in his capacity as Vice-  
Mayor;  
**FERNANDO M. ASEO,**  
**ALMA N. ORFANO,**  
**RICHIE C. CRUZ,**  
**BRENZON C.**  
**CABINTOY, RUDY B.**  
**COGAY, ALLAN C.**  
**ESPINOSA, MARY**  
**DANIELA L. CUBERO,**  
**RESURRECCION C.**  
**CAPANAS, MINERVA M.**  
**BULAWIT and**  
**VICTORIANO L. GLOBALA,**  
in their capacity as SB  
Members;

*Respondents.*

X-----X

**VERIFIED COMPLAINT**

That complainant Leah O. Empleo is the incumbent Punong Barangay of Brgy. Tugbong, Kananga, Leyte; Emerita P. Lacno and Jerry P. Empleo are incumbent Sangguniang Barangay Members of Brgy. Tugbong, Kananga, Leyte. All of them are now under preventive suspension. Complainants may be served with summons and processes of this Honorable Office on the address abovementioned.

Respondent Miguel Jorge P. Tan is the incumbent Municipal Vice Mayor and Presiding Officer of the



Sangguniang Bayan of the Municipality of Kananga, Leyte and in which he may be served with summons and processes of this Honorable Office on the Office of the Municipal Vice Mayor, Kananga, Leyte.

Respondents Fernando M. Aseo, Alma N. Orfano, Richie C. Cruz, Brenzon C. Cabintoy, Rudy B. Cogay, Allan C. Espinosa, Resurreccion C. Capanas, Minerva M. Bulawit are incumbent Sangguniang Bayan Members of the Municipality of Kananga, Leyte; and Victoriano L. Globa (Liga ng mga Barangay President) and Mary Daniela L. Cubero (Pambayang Pederasyon Ng Sangguniang Kabataan President) are Ex-officio member of the Sangguniang Bayan of Kananga, Leyte. All the Sangguniang Members as well as the ex-officio members may be served with summons and processes of this Honorable Office on the Office of the Sangguniang bayan of Kananga, Leyte.

That both parties have the capacity to sue and be sued;

### **STATEMENT OF FACTS**

That on December 7, 2023, a complaint was filed by Sabeniano Bignay (Mr. Bignay) before the Office of the Sangguniang Bayan of the Municipality of Kananga, Leyte against herein complainants Leah O. Empleo, Emerita P. Lacno and Jerry P. Empleo for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Sec. 1, Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte<sup>1</sup>, Philippines; Violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), and R.A. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees). The said administrative case is still pending before the Office of the Sangguniang Bayang of Kananga and docketed as case no. K-AMD-2023-002. Copy of the complaint is attached herein and marked as EXHIBIT "B".

On January 2, 2024, a formal entry of appearance as counsel for the respondents with attached verified answer was filed. Attached herein is a copy of the answer and marked as EXHIBIT "C".

---

<sup>1</sup> EXHIBIT "A"

Complainant in the case filed before the Sangguniang Bayan of Kananga, through his counsel orally filed a motion to place respondents under preventive suspension. Respondents then filed a Comment on the said oral motion. Copy of the said comment is herein attached as EXHIBIT "D".

Subsequently, Resolution No. 02 dated February 12, 2024, granting the oral motion filed by complainant to place respondents under preventive suspension was issued by the Sangguniang Bayan of Kananga. Moreover, members of the Sangguniang Bayan of Kananga adopted and approved Resolution no. 23R.24-552, series of 2024 thereby adopting Resolution No. 02 thereby recommending to the Honorable Mayor Maniel Vicente M. Torres to place respondents Leah O. Empleo, Emerita P. Lacno and Jerry P. Empleo under preventive suspension for a period of sixty (60) days, which shall take effect prior to the hearing on the reception of evidence on March 1, 2024. A copy of Resolution No. 02 and Resolution no. 23R.24-552, series of 2024 are herein attached and marked as EXHIBITS "E" and "F", respectively.

A Preventive Suspension Order was the issued on February 26, 2024 by Municipal Mayor Manuel Vicente M. Torres. Attached herein is a copy of the preventive suspension and marked as EXHIBIT "G".

Complainants in this case Leah O. Empleo, Emerita P. Lacno and Jerry P. Empleo filed an Appeal Memorandum before the Office of the Provincial Governor, Province of Leyte on March 8, 2024. Attached herein as EXHIBIT "H".

### **LIST OF DOCUMENTARY EXHIBITS**

- A. Resolution no. 22R.21-576, series of 2021 or 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte
- B. Complaint filed by Sabeniano Bignay dated December 7, 2023
- C. Formal Entry of Appearance as counsel for the respondents with attached verified answer dated January 2, 2024
- D. Comment (to the oral motion of complainant to subject respondents to preventive suspension) dated January 30, 2024
- E. Resolution No. 02 dated February 12, 2024

- F. Resolution No. 23R.24-552 dated February 26, 2024
- G. Preventive Suspension Order dated February 26, 2024
- H. Appeal Memorandum before the Office of the Provincial Governor, Province of Leyte on March 8, 2024
- I. Review Resolution on the Motion for Reconsideration dated February 28, 2024

### **CAUSE OF ACTION**

- **Abuse of Authority under Sec. 60, par. 1 (e) of RA no. 7160**

Sec. 60 of RA no. 7160 provides, to wit:

*Section 60. Grounds for Disciplinary Actions. - An elective local official may be disciplined, suspended, or removed from office on any of the following grounds:*

xxx

*(e) Abuse of authority;*

xxx

*An elective local official may be removed from office on the grounds enumerated above by order of the proper court.*

Moreover, Section 63 (a) (3) of RA 7160 also provides:

*Section 63. Preventive Suspension.-*

*(a) Preventive suspension may be imposed:*

xxx

*(3) By the mayor, if the respondent is an elective official of the barangay.*

Further, same section also provides, to wit:

xxx

(b) *Preventive suspension may be imposed at any time after the issues are joined, when the evidence of guilt is strong, and given the gravity of the offense, there is great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence: Provided, That, any single preventive suspension of local elective officials shall not extend beyond sixty (60) days: Provided, further, That in the event that several administrative cases are filed against an elective official, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension.*

(c) xxx

(d) **Any abuse of the exercise of the power of preventive suspension shall be penalized as abuse of authority.** (Emphasis ours)

In the case of *Espiritu vs. Melgar*<sup>2</sup>, the Supreme Court held that:

“Clearly, the provincial governor of Oriental Mindoro is authorized by law to preventively suspend the municipal mayor of Naujan at anytime after the issues had been joined and any of the following grounds were shown to exist:

1. When there is reasonable ground to believe that the respondent has committed the act or acts complained of;

2. When the evidence of culpability is strong;

3. When the gravity of the offense so warrants; or

4. When the continuance in office of the

<sup>2</sup> G.R. no. 100874, February 13, 1992

respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence."

In Resolution No. 23R.24-552, series of 2024 adopting Resolution no. 02 of the Ad Hoc Committee which is created for the sole purpose of hearing case no. K-ADM-2023-002, all members of the Ad Hoc Committee found out the existence of three (3) grounds, namely: 1. There is reasonable ground to believe that the respondent has committed the act or acts complained of, 2. The evidence of culpability is strong, and, 3. The continuance in office of the respondent could influence the witness or pose a threat to the safety and integrity of the records and other evidence.

In the instant case, the Office of the Sangguniang Barangay of barangay Tugbong clearly made a request for a Barangay Relocation Site and that the same was acted upon by the Sangguniang Bayan of Kananga under a valid ordinance, among others and such other documents relative to the valid purchase of the subject property up to the implementation of the same. Documents relative thereto are attached to the complaint and answer which are attached in this complaint.

Complainants in this case cannot be faulted upon and commit the acts complained of on the ground that their request to acquire the land subject of the deed of donation was for the intended purpose of barangay relocation site. Moreover, complainants relied in good faith that the acquisition up to the execution of the Deed of donation was regularly prepared, considering that it was prepared and notarized by a lawyer. Hence, there is no reasonable ground to believe that herein complainants had committed the acts complained of.

In addition, the evidences presented by the prosecution are not strong as to implicate herein complainants of the subject deed of donation entered into by then Mayor Rowena Codilla and Leah Empleo in behalf of BLGU-Tugbong, Kananga, Leyte, the latter merely relied on the regularity of the transaction as it was authorized by the LGU of Kananga and BLGU-Tugbong. Clearly, the deed of donation executed by LGU-Kananga through then Mayor Rowena Codilla clearly

provides that the said subject property is for Barangay relocation site. Considering that the language of the deed of donation was clear and made and prepared by the LGU-Kananga, the same was valid and bank upon by Leah O. Empleo. Moreover, complainants Emerita P. Lacno and Jerry P. Empleo were not parties to the deed of donation. Undoubtedly, evidence of culpability on the part of complainants is not strong. In fact, complainants did not commit any offense to begin with.

Lastly, complaints in this case' continuance in their office could not influence the witnesses or pose a threat to the safety and integrity of the records and other evidence. The witnesses of complainant are employees of the LGU-Kananga who are occupying high positions in the government and cannot be subject to any influence, either directly or indirectly by herein complainants who are mere officials of barangay Tugbong. Also, the records and other evidences of the instant case are actually in the possession of the Sangguniang Bayan and offices under the LGU-Kananga since the transactions were entered into by the LGU-Kananga themselves.

Although Section 2, Rule V of the Rules of Procedure in Administrative Cases of the Sangguniang Bayan of Kananga provides, to wit:

"It shall then be ministerial on the part of the mayor to issue an order to impose a preventive suspension of the respondent once recommended by the Sanggunian."

However, the same is not absolute especially in cases where it becomes imperative in the higher interest of justice especially when the facts of the case are clear. Like in the instant case, all the grounds for the imposition of preventive suspension are absent.

Given the foregoing, all the elements that would justify the preventive suspension of complainants are absent.

Also, complainants in this instant case are charged with illegal use of Public funds of Property (Violation of Article 220 of the Revised Penal Code filed by the Municipality of Kananga, Leyte represented by Mayor Vicente M. Torres.



The said case was dismissed for lack of probable cause before the Office of the Provincial Prosecutor, Province of Leyte. The Review Resolution on the Motion for Reconsideration<sup>3</sup> provides, among others, to quote:

“xxx The undersigned thinks otherwise and is not convinced that herein respondents committed the crime they are accused of.

First and foremost, the Deed of Donation executed by respondent former Mayor Rowena Codilla states that the property is to be used exclusively for barangay relocation site/expansion of built-up area for its residents. Said statement is in accordance with the request of the Barangay LGU of Brgy. Tugbong as they clearly indicated in their resolution that they wanted the property as a Barangay relocation site. Likewise, Resolution No. 21R.18-523, series of 2018 passed by Sangguniang Bayan of Kananga, Leyte, granted authority to respondent former Mayor Rowena Codilla to purchase property intended for the Barangay Site of Barangay Tugbong, Kananga, Leyte. They likewise included in one of their “whereas” clauses that the reason for the purchase of the property is because of the increasing population of the locality of Brgy. Tugbong giving rise to an increase in the demand for delivery of basic services as well as bigger area for government facilities. Clearly, a Barangay Relocation Site is included in the basic necessities of the barangay and is also considered a government facility.

Respondents therefore simply used the property in accordance with the purpose for which the appropriation was made and requested and therefore cannot be faulted and made criminally liable as they never used or misused the property.

WHEREFORE, foregoing premised condiered, the instant Motion for

---

<sup>3</sup> EXHIBIT “T”

Reconsideration is granted and the cases against herein respondents are DISMISSED for lack of probable cause."

Clearly, the administrative case filed against herein complainants was motivated by partisan political considerations not favourable to them. The power to suspend preventively a local elective official could be prone to abuse, hence, frustrating the will of the electorate. The preventive suspension imposed by the Sangguniang Bayan and which is adopted and executed by the Municipal Mayor of Kananga, Leyte, despite the absence of any of the elements therein is clearly an abuse of authority under Sec. 60, par. 1 (e) of RA No. 7160.

**PRAYER**

WHEREFORE, premises considered, it is most respectfully prayed unto this Honorable Office that after due notice and hearing, respondents be adjudged administratively liable for Abuse of Authority under Sec. 60, par. 1 (e) of RA No. 7160.

Other reliefs and remedies consistent with law, justice and equity are likewise prayed for.

Ormoc, Leyte for Cebu City, Philippines, September 2, 2024.

Respectfully submitted.

  
**LEAH O. EMPLEO**  
Complainant

  
**EMERITA P. LACNO**  
Complainant

  
**JERRY P. EMPLEO**  
Complainant

Republic of the Philippines)  
City of Ormoc )S.S.  
X -----//

**VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING**

WE, **LEAH O. EMPLEO, EMERITA P. LACNO and JERRY P. EMPLEO**, all of legal age, Filipino citizens and residents of Brgy. Tugbong, Municipality of Kananga, Leyte, Philippines, after being sworn in accordance with law, hereby depose and say:

1. That we are the Complainants in the instant case;
2. That we have caused the preparation of the Verified Complaint and we have read the same and know the contents thereof;
3. That the allegations contained therein are true and correct of our own personal knowledge and based on authentic records and documents.
4. That this Complaint is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
5. That the factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
6. That we further certify that: (a) we have not theretofore commenced any other action or proceeding or filed any claim involving the same issues or matter in any court, tribunal, or quasi-judicial agency and, to the best of my knowledge, no such action or proceeding is pending therein; (b) if I should thereafter learn that the same or similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or any other tribunal or quasi-judicial agency, I undertake to report such fact within five (5) days therefrom to the court or agency wherein the original pleading and sworn certification contemplated herein have been filed;

**IN WITNESS WHEREOF**, WE have hereunto set our hands this 2<sup>nd</sup> day of September 2024 in Ormoc City, Leyte, Philippines.

**LEAH O. EMPLEO**

Driver's License  
H012-09-000103  
K1066EPL20000

**EMERITA P. LACNO**

COMELEC I.D  
3726-0136A-

**JERRY P. EMPLEO**

Driver's License  
H03-91-014177

**SUBSCRIBED AND SWORN TO** before me this 2<sup>nd</sup> day of September 2024 in Ormoc City, Philippines, affiants personally appeared before me and exhibited to me their competent evidence of identities as indicated above.

Doc. No. 14 ;  
Page No. 5 ;  
Book No. 01 ;  
Series of 2024.

**ATTY. JOMARIE C. TIU**  
Notary Public for the City of Ormoc  
Municipalities of Marikina, Matag-ob, Meida and Isabel, Leyte  
Commission No. ORM-24-04-003-1C Until December 31, 2025  
Roll of Attorney's No. 82704  
PTR No. 7994768; 09/20/2024, Ormoc City  
IBP O.R. No. 370599; 01/30/2024, Leyte Chapter  
MCLE Compliance EXEMPTED (Admitted on 5/30/2022)  
Unit 4, 2nd floor JETSON Bldg. Cor. Aviles and Rizal Sts., Ormoc City  
TIN: 456-934-863  
Email: tiujomarie@gmail.com  
Contact No. 09178245844



**Sangguniang Bayan of Kananga**

**22<sup>nd</sup> SANGGUNIANG BAYAN**

**RESOLUTION NO. 22R.21-576**  
Series of 2021

EXHIBIT " A "

**A RESOLUTION ADOPTING THE SUBSTANTIVE AND PROCEDURAL RULES TO BE OBSERVED IN ADMINISTRATIVE CASES FILED AGAINST ELECTIVE BARANGAY OFFICIALS BEFORE THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF KANANGA, PROVINCE OF LEYTE IN ITS CAPACITY AS A QUASI-JUDICIAL BODY PURSUANT TO SECTIONS 60-68 OF THE LOCAL GOVERNMENT CODE OF 1991 AND THE ESTABLISHED ISSUANCES AND JURISPRUDENCE ON THE MATTER.**

**WHEREAS**, jurisdiction to hear and decide administrative cases against elective barangay officials has been vested by Section 61 of the Local Government Code of 1991 in the sanggunian of cities and municipalities;

**WHEREAS**, Section 50 (6) of RA 7160 authorizes the Sangguniang the performance of its functions;

**WHEREAS**, there is a need to adopt a set of rules, both substantive and procedural, with the inclusion, among others, of the provisions of R.A. 7160, it's implementing Rules and Regulations as well as judicial decisions (jurisprudence) and legal opinions of the Department of Interior and Local Government an administrative cases as a matter of due process, in order to inform and guide the parties as to the manner and conduct of proceedings in their respective cases;

**WHEREFORE**, on motion of SB Member Alma N. Orfano, duly seconded *en masse*,

**BE IT RESOLVED, AS IT IS HEREBY RESOLVED**, by the Sangguniang Bayan to ADOPT, as it is hereby ADOPTS, the following substantive and procedural rules to be observed in administrative cases file against elective barangay officials before the Sangguniang Bayan in its capacity as a quasi-judicial body pursuant to Sections 60-68 of the Local Government Code of 1991; and the established issuances and jurisprudence on the matter.

**RULE I  
TITLE AND CONSTRUCTION**

**SECTION 1. Title-** These rules shall be known as the 2021 Rules of Procedures of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte in the conduct of administrative proceedings in the exercise of its quasi-judicial functions.

**SECTION 2. Construction-** These rules shall be liberally constructed in order to promote public interest and to assist parties in obtaining just speedy and inexpensive determination of their pending administrative case(s) filed before the Sangguniang Bayan of Kananga, Leyte.

**SECTION 3. Nature of Proceedings-** Proceedings before the Sangguniang Bayan of Kananga, Leyte in the exercise of its quasi-judicial function shall be summary in nature without adhering to legal technicalities obtaining in the courts of law.

**SECTION 4. Engagement of Counsels-** Appearance by counsel is at the discretion of the parties who may or may not hire a lawyer for the prosecution or defense of their respective cases. Considering the time frame by which the Sanggunian is mandated to dispose of the cases before it, the appearance or non-appearance of a lawyer during the hearing shall not in any manner interrupt the flow or schedule of a pending case which shall not in any manner interrupt the flow or schedule of a pending case which fact shall be stated in open session in each initial hearing and contained in every notice or invitation to the parties for the next hearing of the case. Strict observance shall be required of this rule.

CELESTINE AN  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

**RULE II  
JURISDICTION**

Notary Public in and for the Province of Leyte  
Municipalities of Kananga, Ormoc, and Isabel, Leyte  
Commission No. 1381-23-1013-5 (Until December 31, 2024)  
Notary Roll No. 2110  
No. 3297047-12/31/2023/ Leyte Chapter  
Commission No. 17892590/ 03/02/2024/ Ormoc City  
Notary Public Admitted to the Bar May 1994  
Unit 4-278 PPT Tañ Bldg. corner Rizal and Aviles Street  
P.O. Box 892, Gubat, Kananga, Philippines  
Mobile No. 0967-324-6663  
Unit 4, 2/F, 1, Don B. Lim Street, Gubat, Leyte  
Contact No. 0967-324-6663



Section 1. Jurisdiction over administrative cases against elective barangay officials is vested with the Sangguniang Bayan without prejudice however to the concurrent jurisdiction of the Office of the Ombudsman. Any complaint therefore, against an appointive barangay official shall not be entertained by the Sanggunian. (Section 61 RA7160) (DILG Opinion No. 19, June 24, 2002).

**RULE III  
 THE PARTIES**

Section 1. Parties of the Case- In any complaint filed with the Sanggunian, the person filling the same shall be called Respondent. In cases of married persons, a complaint or answer by a spouse need not be signed or counter- signed by the other spouse.

**RULE IV  
 COMMENCEMENT OF ACTION**

Section 1. When Action Deemed Commenced- An action deemed commenced upon filing of a verified complainant with the Sangguniang Bayan against any elected barangay official in the Municipality of Kananga, Leyte consisting of two (2) copies accompanied by sworn statements of witnesses and supporting documents, if any. The complainant shall specify any of the following grounds which may be relied upon, wit:

- a) Disloyalty to the Republic of the Philippines;
- b) Culpable violation of the Constitution;
- c) Dishonesty, oppression, misconduct in office, gross negligence, or dereliction of duty;
- d) Commission of any offense involving moral turpitude or an offense punishable by at least prison mayor. The offense involving moral turpitude must be linked to the performance of official duties of respondent and conviction by final judgment shall be a condition precedent for the filing of any administrative case involving this ground. (Palma vs. Fortich, 147 SCRA 397, Mondavo vs. Silvosa, 97 Phil. 144-145, DILG Opinion No. 11, s. 2006, Feb. 20, 2006);
- e) Abuse of Authority;
- f) Unauthorized absence for fifteen (15) consecutive working days, except in the case of members of the Sangguniang Barangay;
- g) Application for, or acquisition of, foreign citizenship or residence or the status of an immigrant of another country; and
- h) Such other grounds as may be provided in the Local Government Code of 1991;

Pendency of a case in any court of law involving any of the foregoing grounds shall not constitute as a bar to the action or proceedings before the Sanggunian.

**Section 1 (a) Definition of Terms/ Offenses:**

- a) Disloyalty to the Republic of the Philippines- Any act of omission which may be considered as a crime against Public Order defined under Chapter I, Title III of the Revised Penal Code or other acts affecting qualifications to hold public office related to renunciation of Philippine citizenship. Under the Local Government Code conviction by final judgment for violating the oath of allegiance to the Republic (Sec. 40 (c) and permanent residency in a foreign country or acquiring the right to reside abroad and continue to avail of the same (Sec. 40 (f) disqualifies one from running for elective positions in local government units.
- b) Culpable violation of the Constitution - If implies or covers acts with deliberate intent and to a certain degree of perversity so as to defy knowingly what the Constitution provides. It includes a violation serious enough to warrant betrayal of public trust such as a violation of a constitutional oath of office.
- c) Dishonesty - The concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duty. (Alfonso vs. Office of the President, 520 SCRA 64, 87) It implies a disposition to lie, cheat, deceive, or defraud; untrustworthiness, lack of integrity, lack of honesty, probity, or integrity in principle; lack of fairness and straight forwardness. (Concerned Citizen vs. Gabral, Jr. 54 Phil. 209)

CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL WHEN PRESENTED

CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL WHEN PRESENTED

ATTY. MA. KRISKA TUMAMOK  
 ATTY. MA. KRISKA TUMAMOK  
 Municipality of Kananga, Ataragon, Merida and Isabel, Leyte  
 Commission No. CRM-22-09-018-NC Unit December 31, 2024  
 Bar of Kananga, Leyte  
 Hall of Attorney's No. 82140  
 100 P.O. Box 329301, 12/17/2023/ Leyte Chapter  
 MCLE No. 7872599/ 01/02/2024/ Ormoc City  
 Unit 4, 2/F J.L. Jan Bldg. corner Rizal and Aviles Streets  
 Contact No. 0967-324-6663  
 Email: k.tumamok@kcmo.gov.ph



- d) Oppression - An act of cruelty, severity, unlawful exaction, domination or excessive use of authority. (Ochate vs. Deling, 105 Phil 390)
- e) Misconduct in Office - One that affects the performance of duties as a public officer, and not such as affects character as a private individual. (Lacson vs. Roque, 92 Phil 465)
- f) Gross Negligence - The want of even slight care and diligence. Such entire want of care as to raise a presumption that the person at fault is conscious of the probable consequence of his carelessness, and is indifferent, or worse, to the danger of injury to persons or property of others. Such negligence as amounts to a reckless disregard of the safety of persons or properties. (Amedo vs. Rio y Oلابarrieta Inc., 95 Phil 37)
- g) Dereliction of Duty - It generally refers to a failure to conform to rules of one's job, which will vary by tasks involved, it is a failure or refusal to perform an assigned duty.
- h) Abuse of Authority - it is a denial of justice when discretion, by virtue of one's position has not been justly exercised. It signifies the use of that discretion in such a way as to deprive a person of his right or of the remedy to protect or enforce such right. (DILG Opinion No. 1, s. 2206, Feb. 20, 2006)
- i) Unauthorized absence for fifteen (15) consecutive working days, except in the case of members of the Sangguniang Panlalawigan, Sangguniang Panlungsod, Sangguniang Bayan, and Sangguniang Barangay. This ground can only be availed against a punong barangay, a mayor or governor. However, any prolonged absence of an elective local official not justified by law or regulations such as travel abroad without due notice to the council may constitute unauthorized absence. (DILG Opinion No. 24-1993)
- j) Application for, or acquisition of foreign citizenship or residence or the status of an immigration of another country. This ground for disqualification from running for any elective local position under Sec. 40 of LGC.

SECTION 2. Within seven (7) days after the administrative complainant is filed, the

Sangguniang Bayan shall require the respondent to submit his verified answer within fifteen (15) days from receipt thereof. (Section 62 of RA 7160)

SECTION 2 (a) Verification - Verification as required in the complaint and answer shall not be considered as a jurisdictional requirement. It may be waived by the Sanggunian if it acts on the complaint or answer. (Josen vs. Torres, G.R. No. 131255, May 20, 1998)

SECTION 3. Venue - Venue of the investigation or hearing, unless otherwise specified by resolution, shall be at the Session Hall of the Sangguniang Bayan. (Section 62 of RA 7160)

SECTION 4. Motion to Dismiss. A motion to dismiss an administrative complaint in lieu of an answer is an improper pleading considering that the Sanggunian is entrusted the duty of determining whether the offense is proper for investigation. All possible grounds for dismissal of the complaint shall be considered a matter of defense which will be subject to consideration by the Sanggunian in rendering a decision. (Section 62 (d) of RA 7160, DILG Opinion No. 11, s. 2006, Feb. 20, 2006)

#### RULE V PREVENTIVE SUSPENSION

SECTION 1. Preventive suspension may be imposed at any time after the issues are joined, when the evidence of guilt is strong, and given the gravity of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence. Provided, that any single preventive suspension of local elective officials shall not extend beyond sixty (60) days. Provided, further, that in the event that several administrative cases are filed against an elective official, he cannot be preventively suspended for more than ninety (90) days within a single year on the same

ground or grounds existing and known at the time of the first suspension. (Section 63(a) (3) of RA 7160)

SECTION 1 (a) Suspension Without Hearing- A respondent may be suspended once issues are joined and before charges against him are heard as the circumstances may warrant even before giving him an opportunity to prove his innocence (Espiritu vs. Melgar, 206 SCRA 256)

SECTION 2. After determining by way of resolution that all the elements for a preventive suspension are present, the Sangguniang Bayan shall then recommended to the Mayor that the respondent elective barangay officials be placed under preventive suspension. It shall then be ministerial on the part of the mayor to issue an order to impose the preventive suspension of the respondent once recommended by the Sanggunian. The resolution for preventive suspension need only state that the Sanggunian has determined that all the elements under Section 63 of RA 7160 are presented for the Mayor to implement the preventive suspension (Section 63 of RA 7160) (DILG Opinion No. 61, series of 2002), citing the case of Matugas vs. Navarro, CA- G.R. SP No. 62038, November 19, 2001)

SECTION 3. Expiration of the Preventive Suspension- Upon the expiration of the preventive suspension, the suspended elective barangay official shall be reinstated in office without prejudice to the continuation of the proceedings against him which shall be terminated within One Hundred Twenty (120) days from the time he was formally notified of the case against him. However, neglect or request, other than the appeal duly filed, the duration of such delay shall not be counted in computing the time of termination of the case. (Section 63 of RA 7160)

SECTION 4. Salary During Suspension- The respondent official preventively suspended from office shall receive no salary or compensation during such suspension; but, upon subsequent exoneration and reinstatement, he shall be paid full salary or compensation including such emoluments accruing during such suspension. (Section 64 of RA 7160)

SECTION 5. No Sanggunian or mayor's action shall be necessary for the reinstatement of the suspended barangay official following the expiration of the preventive suspension in order for the preventively suspended official to resume his duties without prejudice to the continuation of the proceedings against him (DILG Opinion No. 217, series of 1993, DILG Opinion.

SECTION 6. The Sanggunian shall exercise its best collective judgment in the matter of preventive suspension considering that abuse of the same is a ground for abuse of authority. (Section 63 (d) of RA 7160).

**RULE VI  
INVESTIGATION/HEARING**

SECTION 1. Investigation of the case shall commence within ten (10) days after an answer is filed. However, no investigation or hearing shall be held within ninety (90) days immediately prior to any local election and no preventive suspension shall be imposed prior to the 90 days period immediately preceding a local election, it shall be deemed automatically lifted upon the start of aforesaid period. (Section 62 (c) of RA 7160)

SECTION 2. Failure to file an Answer- Default may be declared against respondent who fails to file an answer which failure shall at most be considered a waiver thereof. The investigation shall proceed with the respondent entitled to his rights under the next Section.

SECTION 3. Rights of the Respondent- the respondent shall be accorded full opportunity to appear and defend himself in person or by counsel, to confront and cross-examine the witnesses and the production of documentary evidence in his favor through the compulsory process of subpoena or subpoena duces tecum (Section 65 of RA 7160)

SECTION 4. Adoption and Affirmation of Statement- Upon the first hearing of the case, the Complaint and respondent, including their witness, if any, shall be summarily asked to identify their

ATTY. MA. KRISKA ANGEL TUMAMAK  
Notary Public for the Province of Cavite  
Municipality of Kawit, Cavite  
PTR No. 99-01127174-10-11-11-11-11  
MOR No. 320799-1127174-10-11-11-11-11  
Municipality of Kawit, Cavite  
MCI-E (Name) Admitted to the Bar May 27/22  
Contact No. 0967-324-6663

CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL WHEN PRESENTED

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Handwritten notes and signatures on the right margin]*



sworn statements, affirm the same as the truth of their own personal knowledge, and to adopt their sworn statements as their direct testimonies.

**SECTION 5. The Hearing of Any Administrative Case-** The hearing or investigation of any administrative case shall be in a plenary session presided over by the chairman of the duly created ad hoc committee for the purpose, or special investigating committee as may be designated by the body. All members of the Sanggunian, acting as jurors, may propound questions relative to the case against any of the parties during the hearing or the investigation addressing said questions to the parties through the chair.

The Sanggunian may likewise delegate the preliminary hearing of the case to the Committee on Laws or Special Investigating Committee for purposes similar to a pre-trial. Upon termination of the preliminary conference, the Committee shall render a report and recommendation to the Sanggunian in plenary.

In such case the Sanggunian may adopt the recommendation of the Committee or call the parties and their witnesses for clarificatory questions. In case of the latter only the Sanggunian members shall propound questions to the parties and/or their witnesses' subject of the clarification. Questions by the Sanggunian members shall afford the parties opportunity to explain or amplify their respective positions for clarification.

**SECTION 6. Memorandum/ Position paper-** The filing of a Memorandum or Position Paper following the conclusion of the investigation shall be optional. A period not exceeding ten (10) day may be granted to the parties for the filing of simultaneous memorandum which time shall be deducted from the thirty (30) day period for the Sanggunian to render a decision with the express consent of both parties.

**SECTION 7. Documentary Evidence-** In case any of the parties attach a document as evidence in support of their case, the Sanggunian or its committee investigating/hearing the case may, as warranted, have the document being presented, verified, or authenticated through the author of the same or the person in custodial authority of the document.

**SECTION 8. Postponement-** No motion for postponement unless for justification reasons in the collective judgment of the Sanggunian, shall be entertained. Whenever granted the same shall be deducted from the period of the investigation and always with the express consent of the both parties.

**RULE VII  
DECISION**

**SECTION 1. Form and Notice of Decision-** the investigation of the case shall be terminated within ninety (90) days from the start thereof. Within thirty (30) days after the end of the investigation, the Sanggunian shall render a decision in writing stating clearly and distinctly the facts and the reason for such decision. Copies of the said decision shall immediately be furnished the respondent and all interested parties. (Section 66 of RA 7160)

**SECTION 2. Decision By Way of Resolution-** Decision by way of resolution by the Sanggunian shall be arrived at in executive session. Voting following deliberation shall be nominal vote or by secret ballot as the body desires upon motion duly approved. The body may assign the writing of the decision/resolution of the case after determining the verdict in consultation, to a ponente member of the Sanggunian. The ponente may seek the assistance of any lawyer-member of the Sanggunian.

**SECTION 3. Decisions of the Sanggunian in administrative cases shall not require the approval of the Mayor (Sec.66 RA 7160 and DILG Opinion No. 19, series of 2002 January 24, 2002)**

**SECTION 4.** In case the Sanggunian has referred the case to a Committee to conduct the investigation and said investigation has been terminated, the committee shall recommend the appropriate penalty based on its finding for Sanggunian deliberation prior to the rendition of judgment. In case of failure of the Sanggunian to render a decision within thirty (30) days after the

Handwritten signature and scribbles on the left margin.

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL AS  
PRESENTED

ATTY. MA. KRISKA M. ... TUMAMAK

Notary Public for the Province of...  
Municipality of Kananga, Province of Bukidnon  
Contact No. 0967-32 6663

Handwritten signatures and scribbles at the bottom of the page.

end of the investigation, the Committee recommended penalty by way of resolution shall be considered as the decision of the Sangguniang Bayan. (Art 130(60 IRR RA 7160)(DILG Opinion No. 61 series of 2002 April 29, 2002)

**SECTION 5. Determination as To Implemented of Decision.** The determination as what manner should its decision is implemented lies within the sound judgment and discretion of the Sanggunian as an incident to its quasi-judicial function expressly conferred by Section 61 (b) of the Local Government Code of 1991 (DILG Opinion No. 55, series of 2000)

**SECTION 6. Executive Approval Not Required-** As regards the implementation of the Sanggunian decision on the administrative case, there is no need for the approval of the Local Chief Executive for its execution (DILG Opinion No. 55 series of 1997), Subject to appeal within thirty (30) days, the decision of the Sanggunian, is executory (Section 61 © of RA 7160)

**SECTION 7. Personal Service of the Decision-** It shall be the duty of the Sanggunian to immediately personally served upon the respondent and/or interested parties a copy of the decision/resolution without delay, in order for the parties to protect their interest and for the respondent to file an appeal or apply for any appropriate relief before the decision becomes final (Section 66 RA 7160, DILG Opinion No. 19 series of 2002, Jan. 24, 2002 citing Reyes vs. COMELEC and de Castro (253 SCRA 514)

**SECTION 8. Decision Served Not Subject to Reopening-** Except as may be provided by the Internal Rules of Procedure, a decision of the Sanggunian duly promulgated by way of resolution and served upon the parties may not reopened as the same has become final and executor (Section 61 of RA 7160, DILG Opinion No. 19 series of 2002, Jan. 24, 2002)

**SECTION 9. Motion For Reconsideration-** Considering that decision of the Sanggunian in administrative cases takes the form of a resolution in plenary session, only members of the Sanggunian who voted in the affirmative may move for a reconsideration of any vote or decision. No Motion for reconsideration shall be allowed from the parties.

**SECTION 10. Pending Cases Overtaken By Local Election-** Considering that decision of the Sanggunian in administrative cases is a collective undertaking which must be addressed by the members as a collegial body, the following shall be observed in case of unfinished cases overtaken by a local election, to wit:

1. If a formal investigation has not been terminated at the expiration of the term the Sanggunian originally hearing the case in the sense that presentation of evidences has not yet been concluded, the hearing shall be continued by the new set of Sanggunian officers;
2. In case hearing or investigation has been concluded and the case is submitted for decision and no decision has been rendered by the outgoing members of the Sanggunian, the new set of Sangguniang, the new set of Sanggunian members shall decide the case on the basis of existing records. (DILG Opinion No. 44 series of 2002, citing People vs. Gerano, G.R. No. 115035-36 Feb. 1996 (suppletary application);

In case a decision has already been reached by the Sanggunian but the outgoing members of the Sanggunian but no promulgation has been made by way of resolution, the new set of Sanggunian members shall promulgate the decision; (DILG Opinion No. 44 series of 2002, Jan. 22, 2002 citing Malinao vs. Reyes 255 SCRA)

**Section 11. Finality of Decision; Appeals-** Decisions of the Sanggunian shall be final and executory (Sec. 61 © despite the right of appeal within thirty (30) days to Sangguniang Panlalawigan or Office of the President as the case maybe (Don et.al vs. Lacsa(G.R. No. 1708010, August 7, 2007)

In the exercise of their appealed to said offices, has the power to reverse, set, modify or amend a decision by the Sanggunian or a component city or municipality as the case may be. (Sec. 67 (a and b) RA 6170) It can even order the stay of execution pending appeal. (DILG Opinion No 44, s. 2000, May 23, 2000)

CERTIFIED TRUE AND  
FAITHFULLY  
ORIGINAL  
PRESENTED

Notary Public in the Philippines  
Atty. MA. ANTONIO B. BARRERA  
Commission No. 000122-07-01-0001  
Roll of Attorneys No. 82488110  
Bar No. 297047 (L/V) - 2021 Leyte Chapter  
Bar No. 2872599 (I/V) - 2021 Cebu City  
Bar No. 2872599 (I/V) - 2021 (M.A.M. 2022) 2  
Unit 4, 2/F J.F. Lopez Col. [www.barrera.com.ph](http://www.barrera.com.ph)  
Email: [abarrera@barrera.com.ph](mailto:abarrera@barrera.com.ph)  
Contact No. 090723766363

*[Handwritten signatures and stamps]*



**RULES VIII  
PENALTIES**

SECTION 1. the penalty of suspension shall not exceed the unexpired term of the respondent or a period of six (6) months for every administrative offense, nor shall said penalty be a bar to the candidacy of the respondent suspended as long as he meets the qualifications required for the office. (Section 66 (b) RA 7160)

SECTION 2. In case of the imposition of suspension as a penalty, either by an adopted committee resolution or a decision of the Sanggunian following deliberation in plenary, the same shall be immediately executed in accordance with its sound judgment and discretion as an incident to its quasi-judicial function (DILG opinion No. 14, s. 2002, Jan. 17, 2002) The Sanggunian may order implementation either thru its own serving process or thru DILG Regional or Local (DILG Opinion No. 1, s. 2013, Jan. 8, 2013). No approval however of the Local Chief Executive shall be necessary or required for the implementation of the Sanggunian decision (Reyes vs. COMELEC and de Castro (254 SCRA 514)

SECTION 3. The penalty of removal from office as a result of an administrative shall by considered a bar to the candidacy of the respondent for any elective position (Section 66 (c) RA 7160)

**RULE IX  
APPEAL**

SECTION 1. Administrative Appeals- An appeal may be filed by the respondent within thirty (30) days from the receipt of the decision to the Sanggunian Panlalawigan or Office of the President as case maybe (for Provinces, Independent components City or Highly-Urbanized City) whose decision shall be final and executor and may not be a subject of Temporary Restraining Order (TRO) or Writ of Preliminary Injunction (WPI) (Section 67; Section 68 (b) RA 7160)(Lapid vs. Court of Appeals (G.R. No. 142261, June 29, 2000 and Calingin vs. Court of Appeals; (G.R. No. 154616 July 12, 2004.) (Don vs. Lasca, G.R. No. 170810, Aug. 7, 2007)

SECTION 2. Execution Pending Appeal- An appeal not prevent a decision from becoming final and executory. The respondent shall be considered as having been placed under preventive suspension during the pendency of an appeal in the event he wins such appeal. In the event the appeal results in exoneration, he shall be paid his salary and such other emolument's during the pendency of the appeal (Section 68 RA 7160)

**RULE X  
MAINTENANCE OF DOCKET BOOKS**

SECTION 1. The Sanggunian shall keep a docket for administrative cases where all complaints shall be properly entered and given their corresponding number in the order of receipt. The docket shall likewise contain in chronological order every pleading, notice, order, resolution and other incidents of the case in summary form from receipt of the complaint to the service of decision.

RESOLVED FINALLY to furnish copies of this resolution to all parties in administrative cases filed before the Sanggunian.

UNANIMOUSLY CARRIED.

Voting Results: *In favor: 10 Against: None*

Adopted and Approved on February 10, 2021 during SB Regular Session at the SB Session Hall.

I HEREBY CERTIFY to the correctness of the above-quoted resolution.

Notary Public  
ATY MA YOKA MAMAK  
Commission No. 0014 for the City of Zamboanga  
Municipalities of Zamboanga, Zamboanga City, Zamboanga and Isabel, Leyte  
Commission No. 0014 for the City of Zamboanga  
PTR No. 074007007  
1104 (S) 308044  
Unit 4, 2nd Floor, City Government Office and Aydes Streets  
Bamban, Zamboanga City  
Contact No. 067-324-6663

**ATY ALLAN R. CASTRO**  
(Board Secretary V)  
Secretary to the Sanggunian

AT THE OFFICE OF THE  
ORIGINAL WHEN  
PRESENTED

*[Signatures]*

*[Signatures]*

APPROVED BY:

**MIGUEL JORGE P. TAN**  
Vice Mayor & Presiding Officer

ATTESTED BY:

**HON. BRENZON C. CABINTOY**  
SB Member/Floor Leader

**HON. RESURRECCION C. CAPANAS**  
SB Member/Asst. Floor Leader

**HON. RUDY B. COGAY**  
SB Member

**HON. RICHIE C. CRUZ**  
SB Member

**HON. FERNANDO M. ASEO**  
SB Member

**HON. ALMA N. ORFANO**  
SB Member

**HON. MINERVA M. BULAWIT**  
SB Member

**HON. ALLAN C. ESPINOSA**  
SB Member

**HON. NILO GONZAGA**  
Liga Ng Mga Barangay President/  
Ex-officio Member

**HON. JEFFBOR G. CUIZON**  
Pambayang Federasyon Ng Sangguniang  
Kabataan President/Ex-officio Member

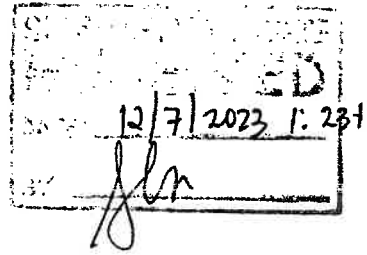
CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

**ATTY. MA. KRISKA ANTONIO M. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Marikina, Marikina and Isabel, Leyte  
Commission No. CMR-2018-018, Valid until December 31, 2023  
Roll of Attorneys No. 42180  
IBP No. 33704/1347/2023, Leyte Chapter  
IBP No. 782599/0107/2021, Ormoc City  
MCLE: Recently Admitted to the Bar May 30, 2022  
Unit 4, 2/4 J. J. Tan Bldg. corner Rizal and Aviles Streets  
E-mail: [kriskatan@cmo.com](mailto:kriskatan@cmo.com)  
Contact No. 0967-321-6663



Republic of the Philippines  
Sangguniang Bayan (SB)  
Municipality of Kananga,  
Province of Leyte

-oOo-



**SABENIANO BIGNAY,**  
Complainant,

Admin Case No. 14-ADM-2023-002

FOR:

Dishonesty, Oppression,  
Misconduct in Office, Gross  
Negligence, Dereliction of Duty,  
abuse of authority under Section 1  
Rule IV of the 2021 Rules of  
Procedure of the Sangguniang Bayan  
(SB) of the Municipality of Kananga,  
Province of Leyte, Philippines,

- versus -

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

**LEAH O. EMPLEO, EMERITA P.  
LACNO, AND JERRY P.  
EMPLEO,**

Respondents.

X-----X

### COMPLAINT

### PARTIES

1. **Complainant SABENIANO BIGNAY**, of legal age, married, Filipino, and a resident of Brgy. Tugbong, Kananga, Leyte where summons, subpoena and other processes of this Honorable Office may be served.

2. **Respondent Leah O. Empleo** the incumbent Punong Barangay of Brgy. Tugbong, Kananga, Leyte and a resident of the same Barangay and can be served with summons, subpoena and other processes of this Honorable Office at the Office of the Punong Barangay, Tugbong Kananga,

ATTY. MA. KRISTINA A. H. TUMAMAK

Municipalities of Kananga, Masapile, Merida and Isabel, Leyte

Municipality of Kananga, Masapile, Merida and Isabel, Leyte

Municipality of Kananga, Masapile, Merida and Isabel, Leyte

Municipality of Kananga, Masapile, Merida and Isabel, Leyte

Municipality of Kananga, Masapile, Merida and Isabel, Leyte

Municipality of Kananga, Masapile, Merida and Isabel, Leyte

Municipality of Kananga, Masapile, Merida and Isabel, Leyte

Municipality of Kananga, Masapile, Merida and Isabel, Leyte

Municipality of Kananga, Masapile, Merida and Isabel, Leyte

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

APPROVED  
BY THE  
PRESIDENT

Leyte.

3. **Respondent Emerita P. Lacno**, Sangguniang Barangay member of Barangay Tugbong, Leyte, and a resident of the same Barangay, and can be served with summons, subpoena and other processes of this Honorable Office at the Barangay Hall, Tugbong, Kananga, Leyte.

4. **Respondent Jerry P. Empleo**, Sangguniang Barangay member of Barangay Tugbong, Leyte, and a resident of the same Barangay, and can be served with summons, subpoena and other processes of this Honorable Office at the Barangay Hall, Tugbong, Kananga, Leyte.

### FACTUAL ANTECEDENTS

5. On August 6, 2018, the former Mayor Rowena Codilla prepared and approved a Purchase Request (PR) for the purchase of a 10,000 square-meter portion of a parcel of land known as Lot No. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tugbong, Kananga, Leyte for Php 1,400,000.00.

6. The said PR expressly states that purpose of the purchase is for "**Barangay Site of Barangay Tugbong, Kananga, Leyte.**" This bears stressing that on the day the said PR was also prepared and approved by respondent Rowena Codilla, the same was without an approved budget from the previous SB. The copy of said PR No. 2018-12-037 dated August 6, 2018 is hereto attached as **Annex A**.

7. Based on the letter-request dated August 8, 2018 (two days after the PR was issued), the former Municipal Assessor, Engr. Virgilio Tiu requested for the conduct of the appraisal/assessment of said land which was intended for "**Proposed (New) Barangay Site of Tugbong.**" The copy of the said letter-request is hereto attached as **Annex B**.

8. On August 9, 2018, the Provincial Appraisal Committee passed a Resolution No. 026-2018 which shows the recommended appraised market value of the above-mentioned property. The same resolution also states that the appraised property was for the "**Proposed (New) Barangay Site of Tugbong**". The copy of said Resolution is hereto attached as **Annex C**.

9. On September 10, 2018, the same Sangguninang Bayan under the former Vice Mayor, Elmer Codilla passed a Supplemental Ordinance No. 21L18-048, Series of 2018 which budgeted an amount for the purchase of said land.

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

**ATTY. MA. KRISKA A. DELA LLANA, TUMAMAK**  
Notary Public for the City of Ormoc  
Municipality of Ormoc, Leyte, Philippines  
Commission No. 00817, dated December 31, 2024  
Notary Public for the City of Ormoc  
Municipality of Ormoc, Leyte, Philippines  
Commission No. 00817, dated December 31, 2024  
PTR No. 2022593/01/02/2024, Ormoc City  
Holl of Affidavits No. 8911h  
MCLB (Newly Admitted to the Bar) May 30, 2022)  
Unit 4, 2/F, Jan. Bldg. Corner Rizal and Aviles Streets  
Ormoc City  
MCLB (Newly Admitted to the Bar) May 30, 2022  
Unit 4, 2/F, Jan. Bldg. Corner Rizal and Aviles Streets  
Ormoc City  
Contact No. 0967-324-6663

10. On December 10, 2018, the same Sangguniang Bayan passed a Resolution No. 21R.18-523, Series of 2018 authorizing the former mayor Rowena N. Codilla to purchase the above-mentioned land which expressly states that the same was intended for **Barangay Site** of Barangay Tugbong Kananga, Leyte. The copy of the SB Resolution is hereto attached as **Annex D**.

11. On January 18, 2019, LGU Kananga, through the previous mayor, Rowena N. Codilla, executed an Extrajudicial Settlement of Estate with Deed of Absolute Sale purchasing a parcel of land known as Lot 2, situated in Brgy. Tugbong, Kananga, Leyte for PhP 1,400,000.00 from Glicerio Nahine Porcare, Hermogenes Nahine Porcare and Francisco Nahine Porcare. The said sale was entered as doc. No. 66, page no. 14, book no. LXXXIII, and series of 2019 in the notarial register of Atty. Allan R. Castro, Notary Public. The copy of said deed is hereto attached as **Annex E**.

12. On January 24, 2019, Obligation Request No. 100-2019-01-0129 was signed by the former Mayor Rowena N. Codilla for the release of the PhP 1,400,000.00 as payment of the said parcel of land. On the same date, the said amount was released to Glicerio Porcare per Disbursement Voucher No. 2019-01-0200. The copy of said obligation request, Disbursement Voucher and Journal Entry Voucher CDJ No. 2019-01-000200 is hereto attached as **Annexes F, G** and **H**, respectively.

13. On May 15, 2019, the same Sangguniang Bayan passed a Resolution No. 21R.19-629 series of 2019 authorizing former Mayor Rowena N. Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not **Relocation Site**. The copy of said SB Resolution is hereto attached as **Annex I**.

14. On June 25, 2019, five (5) days before the end of the term of Rowena Codilla, she hastily executed a Deed of Donation covering the above-described land in favor of Brgy. Tugbong, Kananga, Leyte. However, in said Deed of Donation, it is expressly stated that **"the herein donated property shall be used exclusively as barangay relocation site/expansion of built-up area for its residents."**

15. This is contrary to, and not in conformity with the authority given to her by SB, per SB resolution no. 21R. 19-629 series of 2019 which authority clearly states that the donated property should be used as **"Barangay Site"** not relocation site. The copy of said deed of donation is hereto attached as **Annex J**.

16. Last August 18, 2023, the **Committee of the Whole** of the present SB conducted an investigation at the SB session hall where the members of the Sangguniang Barangay attended and participated and it was

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

ENTERED IN THE  
OFFICE OF THE  
CLERK  
PRESENTED

ATTY. MA. KRISTINA A. H. TUMAMAK

ATTY. MA. KRISTINA A. H. TUMAMAK  
Municipal Office of Kananga, Marikoh, Mendia and Isabel, Leyte  
Municipal Office of Kananga, Marikoh, Mendia and Isabel, Leyte  
Contact No. 0967-324-6663  
Roll of Attorney's No. 82140  
BBP No. 7802599/01/02/2024/Ormoc City  
P/R No. 7802599/01/02/2024/Ormoc City  
MCLP (Newly Admitted to the Bar May 30, 2022)  
MCU Unit 4, 2/F J.E. Tria Bldg. corner Rizal and Aviles Streets  
Unit 4, 2/F J.E. Tria Bldg. corner Rizal and Aviles Streets  
Email: kristinatumamak@yahoo.com  
Contact No. 0967-324-6663

found out, That:

- a) The Barangay Sangguniang did not authorize the incumbent Punong Barangay Leah Empleo to execute and accept the aforesaid deed of donation contrary to the Section 389 (b) (b), Book III, Chapter 3 & 4 of the Local Government Code of 1991, Articles 745, 749, 1317 of the New Civil Code of the Philippines.
- b) The said deed of donation was executed by Rowena N. Codilla beyond the authority given to her by the previous SB per SB No. 21R.19-629 series of 2019 authorizing former Mayor Rowena N. Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**.
- c) The Punong Barangay Leah Empleo illegally partitioned the said land and distributed the same to several persons including some members of the Sangguniang Barangay who accepted and actually introduced improvements thereon without legal basis or Ordinance.

17. The copy of the Committee Report is hereto attached as **Annex K**.

18. Thus, on August 18, 2023, the Committee of the Whole of the present SB authorized the Municipal Mayor, Hon, Manuel M. Torres to revoke or cancel the said Deed of Donation and further authorize him to file the appropriate cases for the recovery of the possession and/or ownership of the subject property. The copy of the Sangguniang Bayan (SB) Resolution No. 23R.23-422, Series of 2023 is hereto attached as **Annex L**.

19. Because of said authority vested on the Municipal Mayor, Hon, Manuel M. Torres, he sent a formal notice formal notice of revocation/cancellation of deed of donation and demand to vacate addressed to defendant Leah Empleo through the Municipal Legal Officer-designate on August 24, 2023. The copy of the said Formal Notice Revocation/Cancellation of Deed of Donation and Demand to vacate is hereto attached as **Annex M**.

20. On September 4 and 5, 2023, the Municipal Legal Office also sent a demand letters to the identified occupants in the subject properties. The copy of the said Demand Letters are hereto attached as **Annex N, O, P, Q, R, S, T, U and V**.

21. To reiterate, instead of using the said property as the New Barangay Site of LGU Tugbong, Kananga, Leyte, the respondents passed a

ATTY. MA. KRISTINA SOLA H. TUMAMAKK

Notary Public for the City of Zamboanga

Municipal Office, City of Zamboanga  
Commission No. ORM-22-09-018-NC, Until December 31, 2024

IBP No. 529704/ 32/17/2023/ Leyte Chapter

PTB No. 9872599/01/02/2024/ Office City

MCLE (Newly Admitted to the Bar May 30, 2022)

Unit 4, 2/F J.L. Tanco Bldg. corner Rizal and Aviles Streets

Enclave: 1515mammak66@outlook.com

Contact No. 09873242663

CERTIFIED TRUE AND  
CORRECT COPY OF THE  
ORIGINAL AS  
PRESENTED  
DATE



resolution authorizing respondent Leah O. Empleo to give and distribute said parcel of land to its predetermined beneficiaries, including some of the respondents and the Barangay Treasurer and Secretary. In fact, during the aforesaid committee hearing before the Committee of the Whole, respondent Leah O. Empleo admitted that she indeed distributed the said land several individuals including some of the respondents and others. The copy of said Sangguniang Barangay of Tugbong Resolution is hereto attached as **Annex W**.

22. Further, instead of complying with the demand of the LGU Kananga, Leyte to vacate the property and turn over the possession of said property to LGU Kananga, respondent Leah O. Empleo even proudly stated they used the property as Relocation Site. The copy of the reply of respondent Leah O. Empleo is hereto attached as **Annex X**, while the Sangguniang Barangay Resolution No. 035, Series of 2023 of Barangay Tugbong duly signed by all the respondents interposing their opposition to the committee report of the 23<sup>rd</sup> SB of LGU Kananga is hereto attached as **Annex Y**.

23. Furthermore, the Municipal Legal Office of LGU-Kananga, in response to the Office of the Ombudsman-Visayas referral letter with reference no. OFA (CF)-V(T)-23-0109-W, sent a letter to respondent Leah O. Empleo and reiterated the demand of LGU-Kananga to vacate the property, demolish all the improvements found thereon, and turn over the possession of the subject property to LGU Kananga. The copy of the letter of the Municipal Legal Office of LGU Kananga is hereto attached as **Annex Z**.

24. Considering that it was just recently that it was found out by the present administration that LGU Kananga, through the previous mayor Rowena Codilla, illegally donated said property to LGU Tugbong, it was also discovered that the Tax Declaration and Transfer Certificate of Title (TCT) are not yet transferred in the name of LGU Kananga. The copy of the Tax Declaration No. 21023-00536 under the previous owner's name, Julian Nahine with assessed value at Php 19,630.00 and market value at 49,087.27 is hereto attached as **Annex AA**, while the copy of TCT No. T-15094 is attached as **Annex BB**.

25. The photos of the improvements of the illegal occupants of the subject properties are hereto attached as **Annexes CC** and **series**.

26. The copy of the Joint-Affidavit of the Municipal Accounting Officer, Mr. Proceso R. Tomas Pabio to prove that based on its Office's record an amount of Php 1,400,000.00 was paid for the purchase of Lot 2 as Barangay Site of Brgy. Tugbong, Leyte per Journal Entry Voucher CDJ No. 2019-01-000200, Municipal Treasurer Susan S. Del Monte to prove that an amount of Php 1,400,000.00 was released to Glicerio Porcare per

CERTIFIED TRUE AND  
CORRECT COPY OF THE  
ORIGINAL WHEN  
PRESENTED

*Handwritten Signature*  
ATTEY MA KRASIA H. TUMAMAK  
Notary Public for the City of Ormoc  
Municipality of Ormoc, Province of Leyte  
Commission No. ORM-22-09-018-1-C. Until December 31, 2024  
Ref. No. 2023-09-018-1-C  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Contact No. 0967-324-6663  
PTR No. 7872599/01/02/2021/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Email: krasiamatamamak@ yahoo.com  
Contact No. 0967-324-6663

Disbursement Voucher No. 2019-01-0200 on January 24, 2019, and Municipal Budget Officer, Mr. Sylvio Y. Quillo Jr. I to prove that Php 1,400,000.00 was appropriated via supplemental budget for the purchase of Lot 2 as Barangay Site of Brgy. Tugbong, Leyte as **Annex DD**, and the copy of the two (2) separate Certifications issued by Mr. Quillo and Mrs. Del Monte is hereto attached as **Annexes EE** and **FF**, respectively.

27. Further, the present SB of LGU Kananga, Leyte passed another Resolution No. 23R.23-458, Series of 2023 authorizing the Mayor to file appropriate cases, civil, criminal or administrative, against all officials and or persons involved in the utilization of the subject property as a RELOCATION SITE, instead of NEW BARANGAY SITE of Brgy. Tugbong, Kananga, Leyte.

### LAWS AND RULES VIOLATED

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

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

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

29. It is without dispute the respondents in this case are all accountable public officers. Respondent Lea O. Empleo is the incumbent Punong Barangay of Tugbong, Kananga, Leyte, while the rest of the respondents are also incumbent members of the Sangguniang Barangay of Tugbong, Kananga, Leyte.

ATTY. MA. KRISTINA H. TUMAMAK  
Notary Public for the City of Ormoc

Municipalities of Kananga, Matag-ob, Ormoc, and Isabel, Leyte

Roll of Attorney's No. 82

PTB No. 787599/01/02/2021/Ormoc City

Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets

Ormoc City, Leyte

Contact No. 0967-324-6663

PTB No. 787599/01/02/2021/Ormoc City

MCLE (Newly Admitted to the Bar May 30, 2022)

Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets

Ormoc City, Leyte

Contact No. 0967-324-6663

30. A public officer is defined in the Revised Penal Code as "any person who, by direct provision of the law, popular election, or appointment by competent authority, shall take part in the performance of public functions in the Government of the

CERTIFIED TRUE AND  
CORRECT COPY OF THE  
ORIGINAL WHEN  
PRESENTED FOR  
PRESENTED

ATTY. MA. KRISTINA H. TUMAMAK  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Ormoc, and Isabel, Leyte  
Roll of Attorney's No. 82  
PTB No. 787599/01/02/2021/Ormoc City  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Ormoc City, Leyte  
Contact No. 0967-324-6663  
PTB No. 787599/01/02/2021/Ormoc City  
MCLE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Ormoc City, Leyte  
Contact No. 0967-324-6663



**Philippine Islands, or shall perform in said Government or in any of its branches public duties as an employee, agent, or subordinate official, of any rank or class.”** (Emphasis supplied)

31. It is not also disputed that the respondents utilized the subject parcel of land as relocation site for their beneficiaries, instead as New Barangay Site. In fact, they did not deny the same. There are already nine (9) occupants who already introduced improvements thereat as their residence upon the instance of the respondents.

32. Relocation site as the present usage of the subject property is a public use, instead of New Barangay Site of said Barangay.

33. Clearly, the respondents have caused injury to the Local Government of Kananga, Leyte considering that the subject purchased lot was not used according to the purpose for which the fund for the purchase of said lot was appropriated.

34. This bears stressing that Lot 2 situated in Brgy. Tugbong, Kananga, Leyte which is the subject of this case was purchased by LGU Kananga on January 18, 2019, through the previous mayor, Rowena N. Codilla, per Extrajudicial Settlement of Estate with Deed of Absolute Sale for PhP 1,400,000.00 from Glicerio Nahine Porcare, Hermogenes Nahine Porcare and Francisco Nahine Porcare. The said sale was entered as doc. No. 66, page no. 14, book no. LXXXIII, and series of 2019 in the notarial register of Atty. Allan R. Castro, Notary Public. (see Annex E)

35. Prior to the sale, it was established that the public purpose of the purchase of said land is for “**Barangay Site of Barangay Tugbong, Kananga, Leyte.**”

36. The public purpose has been repeatedly mentioned in the following documents:

- i. PR No. 2018-12-037 dated August 6, 2018 (see Annex A).
- ii. Letter-request dated August 8, 2018 (two days after the PR was issued), of the former Municipal Assessor, Engr. Virgilio Tiu who requested for the conduct of the appraisal/assessment of said land (see Annex B).
- iii. Leyte Provincial Appraisal Committee Resolution No. 026-2018 dated August 9, 2018 (see Annex C).
- iv. Sangguniang Bayan passed a Resolution No. 21R-18-523, Series of 2018 dated December 10, 2018 authorizing the former mayor Rowena Codilla to purchase the above-

ATTY. MA. KRISTINE MAMAK  
ATTY. MA. KRISTINE MAMAK  
Municipal Assessor  
Municipal Office of Kananga, Republic of the Philippines - Leyte  
Commission No. 11701  
P.O. Box 228749904/1601/2018  
Unit 4, 2/F, J.E. Fab Bldg. corner Rizal and Aviles Streets  
E-mail: krmam@kangon.gov.ph  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
CORRECT COPY  
AUTHENTIC COPY OF THE  
ORIGINAL DOCUMENT  
PRESENTED

mentioned land which expressly states that the same was intended for Barangay Site of Barangay Tugbong Kananga, Leyte (see Annex D).

37. Very clearly that the public use for which the public funds or property were applied is different from the purpose for which they were originally appropriated by law ordinance.

38. The SB of LGU Kananga in 2018 passed a supplemental ordinance appropriating an amount of PhP 1,400,000.00 for the purchase of a parcel of land (Lot 2) in Brgy. Tugbong, Leyte as the New Barangay Site of the said Barangay.

39. However, by machinations on the part of the respondent Leah O. Empleo and the former Mayor Rowena Codilla, they executed a Deed of Donation wherein they maliciously and intentionally changed the public use of the subject land, which is from a Barangay Site to Relocation Site.

40. Despite of the knowledge that the public use of said land is for Barangay Site of Tugbong, the respondents instead applied and utilized the said property as Relocation Site, and illegally subdivided and distributed the same to nine (9) identified individuals as their beneficiaries.

41. The respondents even passed a resolution interposing the SB's resolution authorizing the Mayor of Kananga, Leyte to revoke the subject deed of donation.

42. Based on the foregoing, the respondents are liable under Section 3, (e) of Republic Act No. 3019 also known as Anti-Graft and Corrupt Practices Act.

**The respondents are also patently liable for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Section I Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan (SB) of the Municipality of Kananga, Province of Leyte, Philippines**

43. The respondents are also patently liable for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Section I Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan (SB) of the Municipality of Kananga, Province of Leyte, Philippines which provides that:

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED  
DATE: 5/11/2024

ATTY. MA. KRISTINE O. TUMAMAK  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matagob, Merida and Isabel, Leyte  
Commission No. 008M-22-099181NG, Valid December 31, 2024  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matagob, Merida and Isabel, Leyte  
Commission No. 008M-22-099181NG, Valid December 31, 2024  
MCLF (Vol. of Attorney's No. 82440 May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
PTR No. 2878590/01/03/2024/ Ormoc City  
MCLF (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kock.omo.mak@yahoo.com  
Contact No. 0967-324-6663

"Section 1. When Action Deemed Commenced- An action deemed commenced upon filing of a verified complainant with the Sangguniang Bayan against any elected barangay official in the Municipality of Kananga, Leyte consisting of two (2) copies accompanied by sworn statement of witnesses and supporting documents, if any. The complainant shall specify any of the following grounds:

- 1.) Disloyalty to the Republic of the Philippines;
- 2.) Culpable violation of the Constitution;
- 3.) **Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty;**
- 4.) Commission of an offense involving moral turpitude or an offense punishable by at least prison mayor;
- 5.) **Abuse of authority;**
- 6.) Unauthorized absence for 15 consecutive working days, except in the case of members of the Sangguniang Barangay;
- 7.) Application for, or acquisition of foreign citizenship or residence or status of an immigrant of another country; and
- 8.) Such other grounds as may be provided in Republic Act 7160 otherwise known as the Local Government Code of 1991.

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

45. They were dishonest to the oath of their office when they illegally converted the LGU Kananga-purchased land as Relocation Site instead of Barangay Site. Their dishonesty is very manifest in the execution of the deed of donation despite of knowledge that the public purpose of the purchased land is for the New Barangay Site of Tugbong.

46. They are also liable for dereliction of duty for their failure to protect the LGU Kananga-purchased land.

47. The respondents have abused their authority because despite of the fact that they are knowledgeable of the public purpose of the subject land, they converted the same to Relocation Site and despite being demanded to return the property to LGU Kananga, Leyte they intentionally allowed persons to continue occupying the same.

ATTY. MA. KRISTINA H. TUMAMAK

Municipalities of Kananga, Masabog, Merida and Jabel, Leyte  
Roll of Attorneys No. 82130  
PTR No. 2017-0997-01/02/2024  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Municipalities of Kananga, Masabog, Merida and Jabel, Leyte  
Contact No. 0967-324-6663  
Roll of Attorneys No. 82130

IBP No. 329/01/12/17/2023/ Leyte Chapter  
PTR No. 78/2-997-01/02/2024/ Osmo City  
MCLB (Newly Admitted to the Bar, May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: [krishnatumamak@ibp.com](mailto:krishnatumamak@ibp.com)  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

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

### PRAYER


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

1. Immediately preventively suspending the respondents for sixty (60) days;
2. Be found administratively guilty for violation of:
  - a. Section 3, (e) of Republic Act No. 3019 also known as Anti-Graft and Corrupt Practices Act; and
  - b. Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, abuse of authority under Section I Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan (SB) of the Municipality of Kananga, Province of Leyte, Philippines;
3. Imposing a penalty of six (6) months suspension after being found guilty of the aforesaid violations; and
4. Other just and equitable reliefs are likewise prayed for.

Done in Ormoc City, for the Municipality of Kananga, Leyte, Philippines. December 7, 2023.

**Respectfully submitted,**

  
**SABENIANO BIGNAY**  
Complainant

  
ATTY. MA. KRISTINA H. TUMAMAK  
Notary Public of the City of Ormoc  
Municipalities of Kananga, Matag-ob, Residencia, Ormoc, Leyte  
Commission No. 01811-2009-018-NC-01-01, October 24, 2024  
Roll of Attorney's No. 2140  
IBP No. 129704/12/17/2023, Leyte Chapter  
Municipality of Ormoc, Ormoc, Leyte  
P.T.R. No. 012599/01/02/2024, Ormoc City  
M.C.T.P. (Newly Admitted to the Bar May 30, 2022)  
Commission No. 01811-2009-018-NC-01-01, December 31, 2024  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kristinatumamak@yahoo.com  
IBP No. 129704/12/17/2023, Leyte Chapter  
Contact No. 0967-324-6663  
M.C.T.P. (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kristinatumamak@yahoo.com  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED



**VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING**

I, **SABENIANO BIGNAY**, of legal age, Filipino citizen, married and resident of Brgy. Tugbong, Kananga, Leyte, Philippines, after having been duly sworn in accordance with law, hereby depose and state, THAT:

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

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

DEC 07 2023

  
**SABENIANO BIGNAY**  
Affiant/Complainant

SUBSCRIBED  
DEC 07 2023

ATTY. MA. KRISKA  M. TUMAMAK  
AND SWORN to before me on  
in Ormoc City, Philippines.

ATTY. DENNIS L. HIBAYA  
Notary Public for the City of Ormoc,  
Municipalities of Kananga, Maragoh, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-001  
Roll # Attorneys No. 2099-01/03/2023  
IBP No. 329704-16-12-17-2013-940-12/29/2017  
PTR No. 7872599/01/02/2021  
MCLB (Newly Admitted to the Bar Matter No. 2022)  
Unit 4, 2/F J.E. Tan Bldg. c/o JIN 922-420-348's Streets  
Exemption Bar Matter No. 850, Sec. 3 (a)  
Contact No. 0967-324-6663

Doc. No. 232 ;  
Page No. 48 ;  
Book No. III ;  
Series of 2023.

EXHIBIT  
CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

**ATTY. MA. KRISKA M. TUMAMAK**  
Notary Public for the City of Ormoc,  
Municipalities of Kananga, Maragoh, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-001  
Roll # Attorneys No. 2099-01/03/2023  
IBP No. 329704-16-12-17-2013-940-12/29/2017  
PTR No. 7872599/01/02/2021  
MCLB (Newly Admitted to the Bar Matter No. 2022)  
Unit 4, 2/F J.E. Tan Bldg. c/o JIN 922-420-348's Streets  
Exemption Bar Matter No. 850, Sec. 3 (a)  
Contact No. 0967-324-6663



**PURCHASE REQUEST**

**Annex A**

PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

Department: MAYOR'S OFFICE  
Section: \_\_\_\_\_

PR No.: 208-17-097 Date 08-06-2018  
SAI No.: \_\_\_\_\_ Date \_\_\_\_\_

Stock No	Unit	Item Description	Qty	Unit Cost	Total Cost
1	sqm	Procurement of 10,000 square meters of Lot No. 2- Pcs-19337 located in Barangay Tugbong Kananga, Leyte, covered by TCT No. T-15094	10,000	1,400,000.00	1,400,000.00
		X-X			
					1,400,000.00

VERIFIED  
12/18/18

Purpose: intended for Barangay Site of Barangay Tugbong, Kananga, Leyte

Signature:	<u>[Signature]</u>	Approved by:	<u>[Signature]</u>
Printed Name:	<b>HON. ROWENA N. CODILLA</b>		<b>HON. ROWENA N. CODILLA</b>
Designation:	Municipal Mayor		Municipal Mayor

**CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL WHEN PRESENTED**

**ATTY. MA. KRISKA A. S. H. TUMAMAK**  
 Notary Public for the City of Ormoc  
 Municipalities of Kananga, Maslog, Merida and Isabel, Leyte  
 Commission No. ORM-22-09-018-NC1 until December 31, 2021  
 Roll of Attorney's No. 82110  
 IBP No. 329701/ 12/17/2023/ Leyte Chapter  
 PTR No. 7812399/ 01/02/2024/ Ormoc City  
 MCLB (Newly Admitted to the Bar May 30, 2022)  
 Unit 4, 2/F J.E Tan Bldg, corner Rizal and Aviles Streets  
 Email: kriskatumamak@yahoo.com  
 Contact No. 0967-324-6663



Republic of the Philippines  
Province of Leyte  
**MUNICIPALITY OF KANANGA**

**OFFICE OF THE MUNICIPAL ASSESSOR**

August 8, 2018

**MRS. MILAGROS F. ROSLEDO, REA**  
Provincial Assessor  
Chairman, Provincial Appraisal Committee  
Province of Leyte

Dear Madam:

Greetings!

The Local Government Unit of Kananga, Leyte has planned to purchase Lot 2, (LRC) Pos-1837 being a portion of the consolidation-subdivision of Lots 10184 & 1795 both of the Cadastral Survey of Ormoc, LRC Cad. No. 1795 located in Brgy. Tugbong. The mentioned lot is intended for the Proposed (New) Barangay Site of Tugbong.

Hence, our Local Chief Executive, Hon. Rowena N. Cedilla, instructed the undersigned to request the Provincial Appraisal Committee that you chaired to conduct appraisal/assessment of the above-mentioned lot, as required.


Initial information: Lot 2 containing an area of 1.00 hectare is an agricultural land, covered by Tax Declaration No. 21023-00838 (R13) declared in the name of Juliana Nahina. Attached are the tax declaration and title of the property for your reference.

With sincere thanks,

  
**ENGR. VIRGILIO T. TU**  
Municipal Assessor

Cc: LCE  
FR

**CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED**

*Received by*  
*CB/09/18*  


**ATTY. MA. KRISKA ANGEL H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Mag-oh, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82440  
IRP No. 329701/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@yahoo.com  
Contact No. 0967-324-6663



Republic of the Philippines  
PROVINCE OF LEYTE  
Tacloban City  
-oOo-

ANNEX C

Office of the Provincial Assessor

-oOo-

PROVINCIAL APPRAISAL COMMITTEE

August 9, 2018

EXCERPTS FROM THE MINUTES OF THE MEETING OF THE PROVINCIAL APPRAISAL COMMITTEE HELD AT THE OFFICE OF THE PROVINCIAL ASSESSORS, TACLOBAN CITY.

PRESENT

MILAGROS F. ROBLEDO, OIC-Provincial Assessor -Chairman  
ENGR. ROBERTO LUGNASIN, Provincial Engineer -Member  
MR. GERARDO AVORQUE, ICO-Provincial Treasurer -Member

ABSENT

NONE

RESOLUTION NO. 026-2018

Whereas, the Provincial Appraisal Committee has received the letter request of HON. ROWENA N. CODILLA, Municipal Mayor of Kananga, Leyte to appraise/assess real property intended for the Proposed (New) Barangay Site of Tugbong.

Whereas, the Provincial Appraisal Committee had conducted an actual ocular inspection and has found out the following:

1. That the property is declared in the name of JULIANA NAGINE;
2. That the property is located at Brgy. Tugbong, Kananga, Leyte;
3. That the property contains an area of 1.0000 hectare under Tax Declaration No. 21023-00636 R13, Lot 2, (LRC) Pcs-19337 (Lots 10184 & 1795) with Title No. T-15094;
4. That the area to be acquired is 10,000 square meters;
5. That the Local Government Unit of Kananga Leyte intends to purchase of the property for the Proposed (New) Barangay Site of Tugbong;
6. That the amount of One Hundred Forty pesos per square meter (P140.00/SQM.) is just fair and Reasonable.

Upon the motion of the Provincial Treasurer, Mr. Gerardo A. Avorque, duly seconded by the Provincial Engineer, Engr. Roberto Lugnasin, the appraised market value of the above-mentioned property is just, fair and reasonable.

*Juliana Nagine*

*[Handwritten signature]*

*[Handwritten signature]*

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

ATTY. MA. KRISKA ANGELA H. TUMAMAK

Notary Public for the City of Ormoc  
Municipalities of Kananga, Malag-oh, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82100  
IBP No. 329701/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar: May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: laskomamak@yaho.com  
Contact No. 0967-324-6663

Approved Unanimously:

MILAGROS F. ROBLEDO, REA  
Chairman

ENGR. ROBERTO LUGNASIN  
Member

GERARDO A. AVORQUE  
Member

WE HEREBY CERTIFY to the correctness of the foregoing resolution.

ENGR. VIRGILIO R. NAYRA, REA  
Secretary

ENGR. LYNDON D. GO, REA  
Staff

LOLITA C. CORREGIDOR, REA  
Staff

ATTY. MA. KRISKA ANGELA H. TUMAMAK

Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82140  
IBP No. 329701/ 12/17/2025/ Leyte Chapter  
PTR No. 7812599/ 01/02/2025/ Ormoc City  
MCLE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@yahoo.com  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED



Annex D



Republic of the Philippines  
Province of Leyte  
Municipality of Kananga  
-00-

**Sangguniang Bayan of Kananga**

**21ST SANGGUNIANG BAYAN**

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE SANGGUNIANG BAYAN OF KANANGA ON DECEMBER 10, 2018 AT THE SB SESSION HALL.

Present :	Honorable Elmer C. Codilla	Presiding Officer/Vice-Mayor
	Honorable Macario V. Lumangtad, Jr.	Floor Leader/SB Member
	Honorable Marciano L. Nahine	SB Member
	Honorable Lorenzo M. Aseo	SB Member
	Honorable Resurreccion C. Capanas	SB Member
	Honorable Edita P. Lacno	SB Member
	Honorable Procesa T. Baguio	SB Member
	Honorable Edward C. Campos	SB Member
	Honorable Mariquita C. Sanchez	SB Member
	Honorable Nilo Gonzaga	ABC President, ex Officio Member
	Honorable Jeffsbor G. Cuizon	SK Fed. Pres. /Ex-officio Member

**RESOLUTION NO. 21R.18-S23**  
Series of 2018

A RESOLUTION AUTHORIZING THE MUNICIPAL MAYOR HONORABLE ROWENA N. CODILLA TO NEGOTIATE, ENTER INTO CONTRACT, SIGN DOCUMENTS AND TO PURCHASE LOT NO. 2 - PCS-19337 LOCATED IN BARANGAY TUGBONG, KANANGA, LEYTE COVERED BY TCT NO. T-15094 WITH AN AREA OF TEN THOUSAND (10,000) SQUARE METERS FROM THE HEIRS OF JULIANA NAHINE INTENDED FOR THE BARANGAY SITE OF BARANGAY TUGBONG, KANANGA, LEYTE.

WHEREAS, with the increasing population of the locality, the demand for delivery of basic services has also increased, which also proportionately requires bigger and larger working space in performing the multifarious government functions and services;

WHEREAS, Barangay Tugbong is one of the largest barangays and one of having the largest population in the Municipality of Kananga where the need of bigger area for government facilities is inevitable;

WHEREAS, among the areas recommended that is accessible, conducive and ideal for the construction of the new government facilities is the Lot No. 2 - Pcs-19337 located in Barangay Tugbong, Kananga, Leyte covered by TCT No. T-15094 with an area of Ten Thousand (10,000) square meters owned by the Heirs of Juliana Nahine.

WHEREAS, the Provincial Appraisal Committee, through its Resolution No. 026-2018, has considered the price of the lot in the amount of P140.00 per square meters as fair and reasonable.

NOW THEREFORE, on motion of SB Member Marciano L. Nahine, duly seconded by SB Member Edward C. Campos, **BE IT:**

**RESOLVED**, as it is hereby resolved, to authorize the Municipal Mayor Honorable Rowena N. Codilla to negotiate, enter into contract, sign documents and to purchase Lot No. 2 - Pcs-19337 located in Barangay Tugbong, Kananga, Leyte covered by TCT No. T-15094 with an area of Ten Thousand (10,000) square meters from the Heirs of Juliana Nahine intended for the Barangay Site of Barangay Tugbong, Kananga, Leyte.

**CARRIED UNANIMOUSLY.**

I HEREBY CERTIFY to the correctness of the afore-quoted Resolution.

**ATTY. ALLAN R. CASTRO**  
Board Secretary V  
(Secretary to the Sangguniang Bayan)

ATTESTED:  
**ELMER C. CODILLA,**  
Vice Mayor/Presiding Officer

APPROVED:  
**ROWENA N. CODILLA**  
Municipal Mayor  
12-18-18  
(Date)

**ATTY. MA. KRISKA ANGEA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Mag-og, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorneys No. 82440  
IRP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872399/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg, corner Rizal and Aviles Streets  
Email: kriskatumamak@yahoo.com  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

*[Handwritten signatures and notes on the right margin]*



# EXTRAJUDICIAL SETTLEMENT OF ESTATE WITH DEED OF ABSOLUTE SALE

KNOW ALL MEN BY THESE PRESENTS:

We, GLICERIO NAHINE PORCARE, HERMOGENES NAHINE PORCARE and FRANCISCO NAHINE PORCARE, all of legal ages, and all Filipinos and all residents of Barangay Tugbong, Kananga, Leyte;

WITNESSETH:

That we are the heirs of the deceased Salomon P. Porcare and Juliana t. Nahine, who died on April 9, 2010 and December 1, 1975 at Barangay Tugbong, Kananga, Leyte, respectively;

That said deceased died intestate, without Will or Testament and without any outstanding debts in favor of any person or entity;

That the deceased left the herein described parcel of land located at Barangay Tugbong, Kananga, Leyte, covered by Transfer Certificate of Title No. T-15094, particularly described as follows;

*"A parcel of land (Lot 2, (LRC) Pcs-19337, being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986, both of the Cadastral Survey of Ormoc, L.R.C. Cad. NO. 1795) situated in the Barrio of Tugbong, Municipality of Kananga, Province of Northern Leyte. Bounded on the NE. along line 1-2 by Lot 4 of the consolidation-subdivision plan; along lines 2-3-4-5 by Lot 10185, Ormoc Cadastre; on the SE. along line 5-6 by Lot 5 of the consolidation-subdivision plan; along lines 6-7-8 by Lot 10183; on the SW. along line 8-9 by Lot 11830; on point 9 by Lot 11831, all Ormoc Cadastre; along line 9-10-11 by Lot 1; and along line 11-1 by Lot 3, both of the consolidation-subdivision plan. Containing an area of Ten Thousand (10,000) square meters, covered under Transfer Certificate of Title No. T-15094 issued by the Register of Deeds for the Province of Leyte".*

That pursuant to Sec. 1, Rule 74 of the Revised Rules of Court of the Philippines, and the parties herein being all of age, they have agreed to divide as they do hereby divide and adjudicate unto themselves the herein described property in **EQUAL SHARE**;

That they hereby affirm that they have executed the foregoing instrument out of their own voluntary free will without force, intimidation or violence upon their person, that they have hereby received their just and proper share and have no claim or demand against each other;

That, for and in consideration of **ONE MILLION FOUR HUNDRED THOUSAND PESOS (P1,400,000.00)**, Philippine Currency, to us in hand paid to our great satisfaction by the Vendee, **LOCAL GOVERNMENT UNIT OF KANANGA, LEYTE represented by Municipal Mayor Hon. ROWENA N. CODILLA**, a local government unit and a subdivision of the Philippine Government with principal address at Poblacion, Kananga, Leyte, we do hereby **SELL, CONVEY and TRANSFER** by way of **ABSOLUTE SALE** unto the said **LOCAL GOVERNMENT UNIT OF KANANGA, LEYTE represented by Municipal Mayor Hon. ROWENA N. CODILLA**, its heirs and assigns, all our rights and interests over the parcel of land above described;

**ATTY. MA. KRISKA ANGELO H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Mag-oh, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 51140  
IBP No. 329704/ 12/31/2015/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@yahoo.com  
Contact No. 0967-324-6663


ERTH... AND  
AITH... OF THE  
ORIGINAL...  
PRESENTED

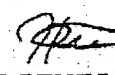
*[Handwritten signatures and initials]*

That we hereby warrant our title unto the said **LOCAL GOVERNMENT UNIT OF KANANGA, LEYTE** and that henceforth, it shall have exclusive right of ownership and possession over said parcel of land, free from all liens and encumbrances;

That the land is not tenanted and does not come within the operation of the Land Reform Code and Allied Presidential Decree and Circulars of the Department of Agrarian Reform.

IN WITNESS WHEREOF, we have hereunto affixed our hands this 18<sup>th</sup> day of January 2019 at Kananga, Leyte, Philippines.

  
**GLICERIO NAHINE PORCARE**  
Heir-Adjudicatee-Vendor

  
**HERMOGENES NAHINE PORCARE**  
Heir-Adjudicatee-Vendor

*F.P.*  
**FRANCISCO NAHINE PORCARE**  
Heir-Adjudicatee-Vendor

**LOCAL GOVERNMENT UNIT OF KANANGA, LEYTE**  
Vendee

*[Signature]*  
Represented by: **Municipal Mayor Hon. ROWENA N. CODILLA**

*[Signature]*  
**EMERITA LACNO**

Signed in the presence of:

*[Signature]*  
**LEAH O. EMPLEO**

*[Signature]*  
**ALIPIO CABALEJO, JR.**

**ACKNOWLEDGMENT**

Republic of the Philippines )  
Province of Leyte )  
Municipality of Kananga )S.S

BEFORE ME, a Notary Public in Kananga, Leyte, this 18<sup>th</sup> day of January 2019, personally appeared:

Name	Competent Evidences of identity	Date/Place Issued
Francisco Porcare	Voter's ID Card NO. 3726-0137A-L0372FNP10000/COMELEC	
Hermogenes Porcare	Barangay Residential ID Card NO. TUG0042 Brgy. Tugbong	
Glicerio Porcare	Voter's ID Card No. 3726-0139A-D0269GNP10000/COMELEC	

known to me and to me known to be the same persons who executed the foregoing instrument and acknowledged to me that the same is their free and voluntary act and deed.

The foregoing instrument relates to a **EXTRAJUDICIAL SETTLEMENT OF ESTATE WITH SALE** of a parcel of land, consisting of two (2) pages, including this page on which this acknowledgment is written, and has been signed on the left hand margin of the first page thereof, by the parties and their instrumental witnesses, and sealed with my notarial seal.

WITNESS MY HAND AND SEAL, on the date and place first above written

*[Signature]*  
**ATTY. ALBERT R. CASTRO**  
NOTARY PUBLIC

**ATTY. M. KRISKAAN**  
REAL ST. FEDERAL BLDG. KANANGA, LEYTE

**ATTORNEY'S REG. NO. 55463**

**NO. ORN. IS-10-010, DEC. 31, 2020**

**PTR NO. 245479, 11/3/2019; LEYTE**

**NOT. NO. 007-153; LEYTE**

**TIN: 156-552523**

**MCLF (Newly Admitted to the Practice of Law)**  
Unit 4, 2/F J.E. Tan Bldg. Corner Rizal and Santa Cecilia  
Email: kriskaanmak@ yahoo.com  
Contact No. 0967-324-6663

DOC. NO. *60*  
PAGE NO. 14  
BOOK NO. LXXXIII  
SERIES OF 20 19

**CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL WHEN PRESENTED**


# ACKNOWLEDGEMENT RECEIPT


To whom this may concern:

THIS IS TO ACKNOWLEDGE the receipt of **ONE MILLION FOUR HUNDRED THOUSAND PESOS (P1,400,000.00)**, paid to us in hand by **LOCAL GOVERNMENT UNIT OF KANANGA, LEYTE** represented by **Municipal Mayor Hon. ROWENA N. CODILLA**, as full payment of the parcel of land, particularly described as follows;

"A parcel of land (Lot 2, (LRC) Pcs-19337, being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986, both of the Cadastral Survey of Ormoc, L.R.C. Cad. NO. 1795) situated in the Barrio of Tugbong, Municipality of Kananga, Province of Northern Leyte. Bounded on the NE. along line 1-2 by Lot 4 of the consolidation-subdivision plan; along lines 2-3-4-5 by Lot 10185, Ormoc Cadastre; on the SE. along line 5-6 by Lot 5 of the consolidation-subdivision plan; along lines 6-7-8 by Lot 10183; on the SW. along line 8-9 by Lot 11830; on point 9 by Lot 11831, all Ormoc Cadastre; along line 9-10-11 by Lot 1; and along line 11-1 by Lot 3, both of the consolidation-subdivision plan. Containing an area of Ten Thousand (10,000) square meters, covered under Transfer Certificate of Title No. T-15094 issued by the Register of Deeds for the Province of Leyte".

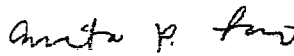
Done this 18<sup>th</sup> day of January 2019 in Kananga, Leyte, Philippines.

  
**GLICERIO NAHINE PORCARE**  
Heir-Adjudicatee-Vendor

  
**HERMOGENES NAHINE PORCARE**  
Heir-Adjudicatee-Vendor

*F. P.*  
**FRANCISCO NAHINE PORCARE**  
Heir-Adjudicatee-Vendor

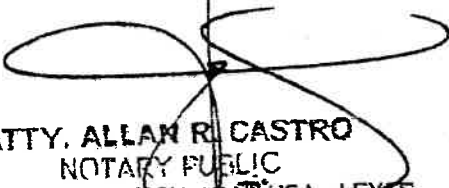
Signed in the presence of:





Republic of the Philippines )  
Province of Leyte )  
Municipality of Kananga ) S.S

SUBSCRIBED AND SWORN to before me this 18<sup>th</sup> day of January 2019 in Kananga, Leyte.

  
**ATTY. ALLAN R. CASTRO**  
NOTARY PUBLIC  
REAL ST., POBLACION KANANGA, LEYTE  
ATTORNEY'S ROLL NO. 56468  
NC. NO. ORM-10-12-012; DEC. 31. 2020  
PTR NO. 2454179; 1/3/2019; LEYTE  
IDP LT NO. 676853; LEYTE  
TIN : 166-552-523

DOC. NO. 07  
PAGE NO. 14  
BOOK NO. LXXXI  
SERIES OF 2019

  
**ATTY. MA. KRISKA ANGEA H. TUMAMAK**

Notary Public for the City of Ormoc  
Municipalities of Kananga, Mag-oh, Merida and Isabel, Leyte  
Commission No. ORM-22-09-18-NC Until December 31, 2024  
Roll of Attorneys No. 82140  
IRP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872899/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.F. Tan Bldg. corner Rizal and Aviles Streets  
Email: taikrumamak@aligo.com  
Contact No. 0967-324-6663

RECEIVED AND  
FAITHFULLY  
ORIGINAL WHEN  
PRESENTED



**ANNEX F**



Republic of the Philippines  
Province of Leyte  
Municipality of Kananga

**OBLIGATION REQUEST**

No. ~~100-2019-01-0189~~  
January 21, 2019

Payee	<b>GLICERIO N. PORCARE</b>
Office	
Address	<b>Kananga, Leyte</b>

Responsibility Center	Particulars	F.P.P.	Account Code	Amount
1011	Procurement of 10,000 square meters of lot No. 2 Pcs-19327 located in Barangay Tugbang, Kananga, Leyte.	1-07-11-010		1,400,000.00
<b>Total</b>				<b>1,400,000.00</b>

<p><b>A. Certified</b></p> <p><input type="checkbox"/> Charges to appropriation/allocation necessary, lawful and under my direct supervision</p> <p><input type="checkbox"/> Supporting Documents valid, proper and legal.</p>	<p><b>B. Certified</b></p> <p>Existing of available appropriation</p>
--	---


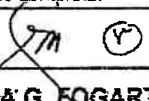


Signature		Signature	
Printed Name	<b>HON. ROWENA N. CODILLA</b>	Printed Name	<b>SYLVIO QUILLO JR. I</b>
Position	<b>Municipal Mayor</b>	Position	<b>Municipal Budget Officer</b>
Date		Date	

**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-00-018-NC Until December 31, 2024  
Roll of Attorney's No. 82140  
IBP No. 329704/ 12/17/2021/ Leyte Chapter  
PTR No. 782599/ 01/02/2021/ Ormoc City  
MCLE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@yahoo.com  
Contact No. 0967-324-6663


**CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL DOCUMENT PRESENTED**



**Annex 24**

Annex 24			
	<b>Republic of the Philippines</b> PROVINCE OF LEYTE <b>MUNICIPALITY OF KANANGA</b>	1/24/2019 <b>GENERAL FUND</b>	
<b>DISBURSEMENT VOUCHER</b>		No. <b>2019-01-0200</b>	
Mode of Payment	<input type="checkbox"/> check <input type="checkbox"/> Cash <input type="checkbox"/> Other		
Payee	<b>GLICERIO NAHINE PORCARE</b>	TIN/Employee No. / Obligation Request No.	
Address:	<b>SITRO PUNAY, BGY. TUGBONG, KANANGA, LEYTE</b>	Responsibility Center	
		Office/Unit/Project / Code	
<b>EXPLANATION</b>		<b>Amount</b>	
To payment for the procurement of real property : parcel of lot No. 2, (LRC) PCS-19337 (Lots 10184 & 1795) with TCT NO. 15094 containing an area of <b>10,000 square meters</b> located at Barangay Tugbong with appraised market value by the Provincial Appraisal Committee at <b>P140.00 per square meter</b> per Resolution No. 026-2018 and per Extrajudicial Settlement of Estate with Deed of Absolute Sale executed between the Municipality of Kananga and the heirs of Salomon Porcare and Juliana Nahine - Glicerio, Hermogenes, and Francisco Porcare.		<b>1,400,000.00</b>	
Amount Due →		P <b>1,400,000.00</b>	
<b>A. Certified:</b> <input type="checkbox"/> Allotment obligated for the purpose as indicated above. <input type="checkbox"/> Supporting documents complete.		<b>B. Certified:</b> Funds Available	
Signature		Signature	
Printed Name	<b>JOSEFINA G. FOGARTY</b>	Printed Name	<b>SUSAN S. DELMONTE</b>
Position	Municipal Accountant	Position	Municipal Treasurer / OIC
<b>C. Approved for Payment</b>		<b>D. Received Payment</b>	
Signature		Check No. / Bank Name	
Printed Name	<b>HON. ROWENA N. CODILLA</b>	Signature	
Position	Municipal Mayor	Printed Name	<del>MUNICIPALITY OF KANANGA</del>
		OR/Other Documents	JEV No. / Date

**CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL WHEN PRESENTED**

  
**ATTY. MA. KRISKA ANGEL H. TUMAMAK**  
 Notary Public for the City of Ormoc  
 Municipalities of Kananga, Masag-ob, Merida and Isabel, Leyte  
 Commission No. ORM-22-09-018-NC Until December 31, 2024  
 Roll of Attorney's No. 81140  
 IBP No. 329704/ 12/17/2023/ Leyte Chapter  
 PTR No. 7812599/ 01/02/2024/ Ormoc City  
 MCLB (Newly Admitted to the Bar May 30, 2022)  
 Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
 Email: kriskatumamak@abpn.com  
 Contact No. 0967-324-6663

# Annex H

<b>Journal Entry Voucher</b> MUNICIPALITY OF KANANGA		Fund : GF - Proper	CDJ No. 2019-01-000200	
		Transaction Type : Disbursement - DISB036	Date January 24, 2019	
Responsibility Center	Account Title	Account Code	Debit	Credit
	Land	1-07-01-010	1,400,000.00	
	General Public Services			1,400,000.00
	Cash in Bank - Local Currency, Current Account	1-01-02-010		1,400,000.00
	LBP - GF Account# 0952-1047-56		1,400,000.00	
<b>TOTAL</b>			<b>1,400,000.00</b>	<b>1,400,000.00</b>

### Supporting Documents

Date	Description	
01/24/2019	Check	0001533886
01/24/2019	Disbursement Voucher	100-2019-01-200
01/24/2019	Obligation Request (OBR)	100-2019-01-0129

Particulars : To payment for the procurement of real property parcel of Lot No. 2 (LRC) PCS - 19337 (Lots 10184 & 1795) with TCT No. 15094 containing an area of 10,000 sq. meters located at Brgy. Tugbong, Kananga, Leyte

Prepared by : Paul Andre G. Quilantang

Approved by : Josefina G. Fogarty

CERTIFIED TRUE AND  
FACTS COPY OF THE  
ORIGINAL COPY  
PRESENTED

**ATTY. MA. KRISKA ANGELA H. TUMAMAK**

Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024

Roll of Attorney's No. 82340  
IBP No. 329701/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@abgn.com  
Contact No. 0967-324-6663

**Annex I**



Republic of the Philippines  
Province of Leyte  
Municipality of Kananga  
-oOo-

**Sangguniang Bayan of Kananga**

**21<sup>ST</sup> SANGGUNIANG BAYAN**

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE SANGGUNIANG BAYAN OF KANANGA ON MAY 15, 2019 AT THE SB SESSION HALL.

Present :	Honorable Elmer C. Codilla	Presiding Officer/Vice-Mayor
	Honorable Macario V. Lumangtad, Jr.	Floor Leader/SB Member
	Honorable Marciano L. Nahine	SB Member
	Honorable Lorenzo M. Aseo	SB Member
	Honorable Resurrección C. Capanas	SB Member
	Honorable Edita P. Lacno	SB Member
	Honorable Procesa T. Bagulo	SB Member
	Honorable Edward C. Campos	SB Member
	Honorable Mariquita C. Sanchez	SB Member
	Honorable Nilo Gonzaga	ABC President, ex-Officio Member
	Honorable Jeffsbor G. Cuizon	SK Fed. Pres. /Ex-officio Member

**RESOLUTION NO. 21R-19-629**  
Series of 2019

**A RESOLUTION AUTHORIZING THE MUNICIPAL MAYOR OF KANANGA, HONORABLE ROWENA N. CODILLA TO DONATE TO BARANGAY TUGBONG, KANANGA, LEYTE THE LGU-ACQUIRED PARCEL OF LAND LOT NO. 2 (LRC) PCS-19337, LOCATED IN BARANGAY TUGBONG, KANANGA, LEYTE.**

**WHEREAS,** the Local Government Unit of Kananga had appropriated funds for the procurement of lot in Barangay Tugbong, Kananga, Leyte which is intended as barangay site of the said barangay;

**WHEREAS,** after the verification of lot and the production of the required documents including the Resolution of the Provincial Appraisal Committee, the Lot No. 2, (LRC) Pcs-19337, situated in Barangay Tugbong, Kananga, Leyte containing an area of Ten Thousand (10,000) square meters covered by Transfer Certificate of Title No. T-15094 was finally acquired by the LGU Kananga as evidenced by the Deed of Extrajudicial Settlement of Estate With Deed of Absolute Sale dated January 18, 2019;

**WHEREAS,** for proper recording and inventory of the said property, it is necessary that the account of the said property shall be transferred to Barangay Tugbong for the reason that the barangay is the beneficial user of the said property.

**NOW THEREFORE,** on motion of SB Member Resurreccion C. Capanas, duly seconded *en masse*, be it:

**RESOLVED,** as it is hereby resolved, to authorize the Municipal Mayor of Kananga, Honorable Rowena N. Codilla, to donate to Barangay Tugbong, Kananga, Leyte the LGU-acquired parcel of land Lot No. 2 (LRC) Pcs-19337, located in Barangay Tugbong, Kananga, Leyte.

**CARRIED UNANIMOUSLY**

I HEREBY CERTIFY to the correctness of the afore-quoted Resolution.

**ATTY. ALLAN R. CASTRO**  
Board Secretary  
(Secretary of the Sangguniang Bayan)

**ATTESTED:**  
**ELMER C. CODILLA**  
Vice Mayor/Presiding Officer

**APPROVED:**  
**ROWENA N. CODILLA**  
Municipal Mayor

**ATTY. MA. KRISKA H. TUMAMAK**

Notary Public for the City of Ormoc  
Municipalities of Kananga, Maabog, Merida and Isabel, Leyte  
Commission No. ORM-22-018-NC Undl December 31, 2024  
Roll of Attorney's No. 8230  
IBP No. 329304/11/17/2021/ Leyte Chapter  
PTR No. 7872599/01/02/2014/ Ormoc City  
MCLB (Newly Admitted to the B.J. May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@cbn.com.ph  
Contact No. 0967-324-6663

**CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL WHEN PRESENTED**

*(Vertical signatures and stamps on the right margin)*  
Hon. Edita P. Lacno, SB Member  
Hon. Procesa T. Bagulo, SB Member  
Hon. Resurreccion C. Capanas, SB Member  
Hon. Edmar C. Gamalio, SB Member  
Hon. Nilo Gonzaga, ABC President, ex-officio member  
Hon. Jeffsbor G. Cuizon, SK Fed. Pres. /Ex-officio member



DEED OF DONATION

ANNEX

KNOW ALL MEN BY THESE PRESENTS:

That the LOCAL GOVERNMENT UNIT OF KANANGA, LEYTE, duly represented by its Mayor, HONORABLE ROWENA N. CODILLA, with the office address at Municipal Hall, Kananga, Leyte, hereinafter referred to as the DONOR,

- in favor of -

The BARANGAY LOCAL GOVERNMENT UNIT OF TUGBONG, KANANGA, LEYTE, represented by Punong Barangay LEAH O. EMPLEO, with the address at Barangay Hall, Tugbong, Kananga, Leyte, hereinafter called the DONEE,

WITNESSETH:

That the DONOR is the owner of a parcel of land located in Tugbong, Kananga, Leyte, more particularly described as follows:

"A parcel of land (Lot 2, (LRC) Pcs-19337, being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 10186, both of the Cadastal Survey of Ormoc, L.R.C. Cad. No. 1795) situated in the Barrio of Tugbong, Municipality of Kananga, Province of Northern Leyte. Bounded on the NE. along line 1-2 by Lot 4 of the consolidation-subdivision plan; along lines 2-3-4-5 by Lot 10185, Ormoc Cadastre; on the SE. along line 5-6 by Lot 5 of the subdivision-consolidation plan; along lines 6-7-8 by Lot 10183; on the SW., along line 8-9 by Lot 11830; on point 9 by Lot 11831, all of Ormoc Cadastre; along line 9-10-11 by Lot 1; and along line 11-1 by Lot 3, both of the consolidation-subdivision plan. Containing an area of Ten Thousand (10,000) square meters, covered under Transfer Certificate of Title No. T-15094 issued by the Register of Deeds for the Province of Leyte."

That the Municipal Mayor, being the Local Chief Executive is authorized by the Sangguniang Bayan of Kananga through SB Resolution No. 21R.19-629 to donate to the donee the above-described parcel of land.

That FOR AND IN CONSIDERATION of supporting the municipal administration's goal and development, and in supporting the programs of the MUNICIPALITY OF KANANGA for the welfare of the entire constituency, and as an act of gratitude and liberality on its part, the DONOR hereby voluntarily GIVES, TRANSFERS, and CONVEYS by way of donation, unto the said DONEE, its successors and assigns, the above described property, together with all the improvements found thereon, free from all liens and encumbrances.

That the herein donated property shall be used exclusively as barangay relocation site/expansion of built-up area for its residents;

That the DONOR affirms that this donation is not made with intent to deceive its creditors, and that it has reserved for itself sufficient funds and properties;

ATTY. MA. KRISKA A. TUMAMAK Notary Public for the City of Ormoc, Municipalities of Kananga, Marikina, and... Commission No. ORM-22-09-018-N... Roll of Attorneys No. 82140 IBP No. 329704/12/17/2023/ Leyte Chapter PTR No. 7872599/01/02/2024/ Ormoc City MCLH (Newly Admitted to the Bar May 30, 2023) Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Avila Streets Email: kriska.tumamak@phd.com.ph Contact No. 0967-324-6663

ATTY. ALLAN R. CASTRO NOTARY PUBLIC Real St., Prob. Kananga, Leyte Attorney's Roll No. 56168

CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL AS PRESENTED



That the DONEE hereby accepts and receives this donation made in its favor by the DONOR, and hereby manifests its gratefulness for the latter's generosity.

That the DONOR shall not be liable for any cost arising out of or relating to the execution of this instrument.

IN WITNESS WHEREOF, both the DONOR & DONEE, through their duly authorized representatives have hereunder subscribed their names this JUN 25 2019 day of June 2019 at KANANGA, LEYTE, Philippines.

**LOCAL GOVERNMENT UNIT  
OF KANANGA, LEYTE**  
Donor

**BARANGAY LOCAL GOVERNMENT  
UNIT OF TUGBONG, KANANGA**  
Donee

Represented by:

Represented by:

*[Signature]*  
**ROWENA N. CODILLA**  
Municipal Mayor

*[Signature]*  
**LEAH O. EMPLEO**  
Punong Barangay

WITNESSES:

*[Signature]*

*[Signature]*

**ACKNOWLEDGEMENT**

Republic of the Philippines)  
KANANGA, LEYTE ) S.S

BEFORE ME, a Notary Public for and in the KANANGA, LEYTE, this JUN 25 2019 day of June 2019, personally appeared:

Name	Competent Evidence of Identity	Date/Place Issued
ROWENA N. CODILLA	EE ID # 001 LGU	
LEAH O. EMPLEO	Philidatta ID # 12-04510204-1	

known to me and to me known to be the same persons who executed the foregoing Deed of Donation and acknowledged to me that the same is their free and voluntary act and deed; and by virtue of the powers vested in them by law.

The foregoing instrument relates to a DEED OF DONATION of a parcel of land, consisting of two (2) pages, including this page on which this acknowledgment is written, and has been signed on the left hand margin of the first page thereof, by the parties and their instrumental witnesses, and sealed with my notarial seal.

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

*[Signature]*  
**AT Y. ALLAN R. CASTRO**  
 NOTARY PUBLIC  
 REL. LT. POBLACION KANANGA  
 AT TORNEY'S HALL 10, 35-  
 IC. OF. ORM-18-12-012; DEC  
 PTR NO. 2454179; 1/3/2019; LEYTE  
 IBP LT NO. 876863 LEYTE  
 TIN: 166-552-523

DOC. NO. 31  
PAGE NO. 63  
BOOK NO. LXXXK  
SERIES OF 2019

**ATTY. MA. KRISKA ANGEL H. TUMAMAK**

Notary Public for the City of Ormoc  
Municipalities of Kananga, Marigob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82440  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2023)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kiskatamamak@yahoo.com  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL DEED  
PRESENTED



**ANNEX K**

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

*Office of the Secretary to the Sangguniang Bayan*

August 23, 2023

**ATTY. ADELITO M. SOLIBAGA, JR.**  
Municipal Administrator  
Office of the Municipal Administrator  
Kananga, Leyte

Dear Atty. Solibaga:

Good day!

Please find attached Committee Report No. 2023-23-08 of the Committee of the Whole of the 23<sup>rd</sup> Sangguniang Bayan of Kananga, Leyte.

The said Committee Report has a recommendation for your information

Thank you and God Bless.

Very respectfully yours,

**Atty. ALLAN R. CASTRO**  
Board Secretary V  
(Secretary to the Sangguniang Bayan)

KANANGA



**CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL COPY  
PRESENTED**

**ATTY. MA. KRISKA ANGELA H. TUMAMAK**

Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82190  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872590/ 01/02/2024/ Ormoc City  
MCLE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@abn.org.ph  
Contact No. 0967-324-6663





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

## Sangguniang Bayan of Kananga

August 18, 2023  
Date

TO. HON. VICE MAYOR/PRESIDING OFFICER  
Sangguniang Bayan

### COMMITTEE REPORT NO. 2023-23-08 OF THE COMMITTEE OF THE WHOLE

**Subject :** Letter from the Office of the Mayor, Hon. Manuel Vicente M. Torres requesting for a resolution authorizing him to revoke or cancel the Deed of Donation entered into by LGU Kananga represented by former mayor Rowena Codilla and BLGU of Tugbong represented by Punong Barangay Hon. Leah Empleo pertaining to a parcel of land known as Lot No. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine located in Barangay Tugbong Kananga, Leyte.

Date of Referral: August 14, 2023

#### ACTION TAKEN:

The Committee of the Whole met at the Sanggunian Bayan Session Hall on August 18, 2023, at 9:30 in the morning to discuss the above-mentioned subject. With majority of the members of the Committee present, quorum was subsequently declared.

In attendance during the committee meeting were the invited guests, namely:

- Hon. Leah O. Empleo (*Punong Barangay, Brgy. Tugbong*)
- Hon. Emerita Lacno (*Sangguniang Barangay Member, Brgy. Tugbong*)
- Hon. Jerry Empleo (*Sangguniang Barangay Member, Brgy. Tugbong*)
- Hon. Gerardo Odan (*Sangguniang Barangay Member, Brgy. Tugbong*)
- Hon. Prescilita Cabintoy (*Sangguniang Barangay Member, Brgy. Tugbong*)
- Hon. Rolando Ymas (*Sangguniang Barangay Member, Brgy. Tugbong*)
- Hon. Alipio Cabalejo, Jr. (*Sangguniang Barangay Member, Brgy. Tugbong*)
- Atty. Adelito Solibaga Jr. (*Municipal Administrator*)

#### FINDINGS/OBSERVATION:

The Committee headed by the Hon. Brenzon Cabintoy presented to the body the following documents submitted from the Office of the Mayor:

1. Letter request from the Municipal Mayor dated August 10, 2023, requesting authority to revoke the Deed of Donation entered into by LGU Kananga represented by former mayor Rowena Codilla and BLGU Tugbong represented by Punong Barangay Hon. Leah Empleo pertaining to a parcel of land known as Lot No. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine located in Barangay Tugbong Kananga, Leyte.
2. Annex A – Copy of Purchase Request (PR) from the Office of the Mayor dated August 6, 2018, for the procurement of 10,000 square meters of Lot No. 2-pcs-19337 located in Brgy. Tugbong, Kananga, Leyte, covered by TCT No. T-15094 with a total cost of Php 1,400,000.00 intended for the purpose of Barangay Site of Barangay Tugbong, Kananga, Leyte. The said document was requested, approved, and signed by the former mayor Rowena Codilla.

**ATTY. MA. KRISKA ANGEL H. TUMAMAK**

Notary Public for the City of Ormoc  
Municipalities of Kananga, Macabolo, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82130  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLP (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriska.tumamak@adgo.com  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED



The fact that there is no authority for the Punong Barangay to sign the contract, there was also no authority to accept the donation. Even if the donation happened in 2019, a void contract produces no effect as it is not valid, in the first place, in the beginning.

- That the Municipal Mayor Hon. Manuel Vicente M. Torres be authorized through a separate resolution, to recover the said property and to undertake legal remedies when necessary.

Recommended further, that copies of this Committee Report be furnished to the following:

- Office of the Municipal Mayor;
- Office of the Municipal Administrator;
- Office of the Building Official;
- Municipal Engineering's Office;
- Municipal Planning and Development Office;
- BLGU of Tugbong

REPORTED BY:

**COMMITTEE OF THE WHOLE**

**HON. BRENZON C. CABINTOY**  
Chairman, Committee of the Whole

**HON. RESURRECCION C. CAPANAS**  
Member, Committee of the Whole

**HON. RUDY B. COGAY**  
Member, Committee of the Whole

**HON. RICHIE C. CRUZ**  
Member, Committee of the Whole

**HON. NILO GONZAGA**  
Member, Committee of the Whole

**HON. MIGUEL JORGE P. TAN**  
Member, Committee of the Whole

**HON. FERNANDO M. ASEO**  
Member, Committee of the Whole

**HON. ALMA N. ORFANO**  
Member, Committee of the Whole

**HON. MINERVA M. BULAWIT**  
Member, Committee of the Whole

**HON. ALLAN C. ESPINOSA**  
Member, Committee of the Whole

**HON. JEFFREY G. CUIZON**  
Member, Committee of the Whole

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

**ATTY. MA. KRISKA ANGELA H. TUMAMAK**

Notary Public for the City of Ormoc  
Municipalities of Raposa, Atagoh, Merida and Isabel, Leyte  
Commission No. ORM 22-09-018-NC, Valid December 31, 2024  
Roll of Attorneys No. 8240  
IBP No. 329701/12/17/2023/ Leyte Chapter  
PTR No. 7872599/01/02/2021/ Ormoc City  
MCL: (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: [kriskatumamak@comcast.net](mailto:kriskatumamak@comcast.net)  
Contact No. 0967-324-6663





**Sangguniang Bayan of Kananga**

**23<sup>rd</sup> SANGGUNIANG BAYAN**

**RESOLUTION NO. 23R.23-422**

Series of 2023

**A RESOLUTION AUTHORIZING THE MUNICIPAL MAYOR, HON. MANUEL VICENTE M. TORRES, TO REVOKE OR CANCEL THE DEED OF DONATION OF A PARCEL OF LAND KNOWN AS LOT NO. 2, BEING A PORTION OF THE CONSOLIDATION-SUBDIVISION SURVEY OF LOT 10184 AND LOT 101986 COVERED BY TCT NO. T-15094, DATED JUNE 25, 2019 ENTERED INTO BY LGU KANANGA, THEN REPRESENTED BY FORMER MAYOR ROWENA CODILLA, AND BLGU OF TUGBONG, KANANGA, LEYTE, REPRESENTED BY PUNONG BARANGAY LEAH EMPLEO.**

**WHEREAS**, before this Municipal Council is the Letter request from the Municipal Mayor dated August 10, 2023, requesting authority to revoke the Deed of Donation entered into by LGU Kananga represented by former mayor Rowena Codilla and BLGU Tugbong represented by Punong Barangay Hon. Leah Empleo pertaining to a parcel of land known as Lot No. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine located in Barangay Tugbong Kananga, Leyte;

**WHEREAS**, the request for revocation is premised on the following defects:

1. Failure of the BLGU of Tugbong through its barangay council to authorize through a resolution Punong Barangay Hon. Leah Empleo to sign contracts for and in behalf of the barangay the Deed of Donation/Deed of Acceptance for the donated parcel of land, contrary to what is required by R.A No. 7160 or the Local Government Code of 1991. And
2. The Deed of Donation entered into by LGU Kananga represented by former mayor Rowena Codilla that provided the exclusive use of the donated parcel of land to BLGU of Tugbong as barangay relocation site or expansion of built-up area for its residents is beyond the authority provided by the Sanggunian Bayan of Kananga through Resolution No. 21R-19-629 which provides that the intended purpose of the donation of the above-mentioned property shall be for the use as barangay site, and not as a relocation site or expansion site for its residents.

**WHEREAS**, overwhelming evidences have been submitted by the Executive Department to prove that the said Deed of Donation was in contravention of the authority given to the former local chief executive, such as, but not limited to the Purchase Request, letter request addressed to the Provincial Appraisal Committee, SB Resolutions, and other documents, stating that the land is intended for barangay site;

**WHEREAS**, during the committee meeting attended by the Punong Barangay and the Members of the Barangay Council of Tugbong, Kananga, Leyte, they admitted that there was no resolution of the barangay authorizing the Punong Barangay to sign the Deed of Donation/Deed of Acceptance;

**WHEREAS**, the contract or deed of donation is invalid as the authority of former mayor Rowena Codilla is beyond to what was provided under Sanggunian Bayan Resolution No. 21R.19-629; and Article 1317 of the Civil Code of the Philippines, provides that, "No one may contract in the name of another without being authorized by the latter, or unless he has by law a right to represent him. A contract entered into in the name of another by one who has no authority or legal representation, or who has acted beyond his powers, shall be unenforceable, unless it is ratified, expressly or impliedly, by the person on whose behalf it has been executed, before it is revoked by the other contracting party";

**WHEREAS**, the contract or deed of donation is void-ab-initio as the Punong Barangay Hon. Leah Empleo of Barangay Tugbong does not have an authority by its sangguniang barangay council to enter or sign into contracts, deed of acceptance, in this instance, as provided by R.A 7160 and the Civil Code, to wit, Book III - Chapter 3 & 4, Section 389 (b) (b) the duties

**ATTY. MA. KRISK ANSELMA H. TUMAMAK**  
Municipality of Kananga, Marag-oh, Mendis and Iasbas, Leyte  
Barangay of Ateneo, No. 2189  
P.O. Box 24-3397, Marag-oh, Mendis and Iasbas, Leyte  
Unit 4, 2/F J.J. Bon Bldg. corner Rizal and Aviles  
Email: kriskatumamak@yahoo.com  
Contact No. 0967-324-6663

*(Handwritten signatures and initials)*

*(Vertical stamp: CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL AS PRESENTED)*

and functions of the Punong Barangay, which states: "Negotiate, enter into, and sign contracts for and in behalf of the Barangay, upon authorization of the Sangguniang Barangay;" Section 391 (12) the duties and functions of the Sangguniang Barangay which states that "Authorize the Punong Barangay to enter into contracts in behalf of the Barangay, subject to the provisions of this Code";

**WHEREAS**, Article 745 and 749 of the New Civil Code, provides that "The donee must accept the donation personally, or through an authorized person with a special power for the purpose, or with a general and sufficient power; otherwise, the donation shall be void";

**WHEREAS**, the fact that there is no authority for the Punong Barangay to sign the contract, there was also no authority to accept the donation. Even if the donation happened in 2019, a void contract produces no effect as it is not valid, in the first place, in the beginning;

**WHEREAS**, the Committee Report No. 2023-23-08 of the Committee of the Whole, to which the above-stated request was referred to, after thorough study and investigation, favorably recommended to give authority to the Municipal Mayor to revoke the said Deed of Donation.

**NOW THEREFORE**, on motion of SB Member Brenzon C. Cabintoy, duly seconded by all SB Members present, be it:

**RESOLVED**, as it is hereby resolved, to Authorize the Municipal Mayor, Hon. Manuel Vicente M. Torres, to revoke or cancel the Deed of Donation of a parcel of land known as Lot No. 2, being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, dated June 25, 2019 entered into by LGU Kananga, then represented by former mayor Rowena Codilla, and BLGU of Tugbung, Kananga, Leyte, represented by Punong Barangay Leah O. Empleo.

**RESOLVED FURTHER**, that the Honorable Mayor, Manuel Vicente M. Torres, is hereby authorized to recover the said property and to undertake legal remedies whenever necessary.

**UNANIMOUSLY APPROVED.**

Voting Results: *In favor: 10 Against: None*

Adopted and Approved on August 14, 2023 during SB Regular Session.

I HEREBY CERTIFY to the correctness of the afore-quoted Resolution.

**ATTY. ALLAN R. CASTRO**  
Board Secretary  
(Secretary to the Sanggunian)

APPROVED BY:

**HON. FERNANDO M. ASEO**  
SB Member & Temporary Presiding Officer

ATTESTED BY:

**HON. RESURRECCION C. CAPANAS**  
SB Member / Floor Leader

**HON. BRENZON C. CABINTOY**  
SB Member

**HON. MIGUEL JORGE P. TAN**  
Vice Mayor

**HON. ALMA N. ORFANO**  
SB Member

**HON. RUDY B. COGAY**  
SB Member

**HON. MINERVA M. BULAWIT**  
SB Member

**HON. RICHIE C. CRUZ**  
SB Member

**HON. ALLAN C. ESPINOSA**  
SB Member

**ATTY. MA. KRISK A. LUMAMAK**  
Notary Public for the City of Kananga  
Municipalities of Kananga, Marikina, and Iloilo City

**HON. NILO GONZAGA**  
Liga Ng Mga Barangay President/  
Ex-officio Member

**HON. JESSBOR G. CUIZON**  
Pambayang Pedlerasyon Ng Sangguniang  
Kabataan President / Ex-officio Member

Roll of Attorneys  
IRP No. 429701 / 10/10/2010  
PTR No. 7872599 / 10/10/2010  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.F. Tan Bldg. corner Rizal and Aviles Streets  
Email: [lsk@koyamamak.com](mailto:lsk@koyamamak.com)  
Contact No. 0997-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL AS  
PRESENTED.

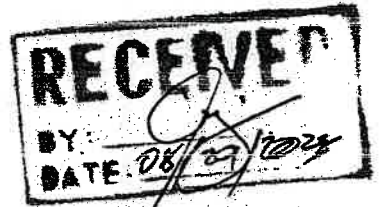




Annex M

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

MUNICIPAL LEGAL OFFICE  
Real St., Poblacion, Kananga, Leyte



August 24, 2023

Hon. Leah Empleo  
Punong Barangay  
Barangay Tubgong,  
Kananga, Leyte

Subject: Formal Notice of Revocation/Cancellation of Deed of Donation and Demand to Vacate

Dear Hon. Empleo,

Greetings of Peace!

I am writing you, for and in behalf of Honorable Mayor Manuel Vicente M. Torres, who has been given an authority by the Sangguniang Bayan (SB) of the Municipality of Kananga, Leyte to revoke/cancel the **void-from-the-very-beginning deed of donation** hastily executed by the previous Mayor of Kananga, Leyte, Rowena Codilla on June 25, 2019 (five days before the end of her term) involving a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte.

A month ago, it was discovered that the aforesaid deed of donation was illegally executed by the former Mayor Codilla beyond the authority given to her by the previous SB.

During the committee hearing of the Committee of the Whole of the present SB, it was confirmed that the incumbent Punong Barangay of Tubgong, Kananga, Leyte, Leah Empleo, did not have any authority from the Sangguniang Barangay to execute and accept said deed of donation. Thus, this letter.

To refresh your memory, the undisputed antecedent facts are as follows:

1. On **August 6, 2018**, former Mayor Rowena Codilla prepared and approved a Purchase Request (PR) for the purchase of a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte for PhP 1,400,000.00.
2. The said PR expressly states that purpose of the purchase is for "**Barangay Site of Barangay Tubgong, Kananga, Leyte.**" This bears stressing that on the day the said PR was also prepared and approved by Rowena Codilla, the same was without an approved budget from the previous SB. The copy of said PR No. 2018-12-037 dated August 6, 2018 is hereto attached as **Annex A.**
3. Based on the letter-request dated August 8, 2018 (two days after the PR was issued), the former Municipal Assessor, Engr. Virgilio Tiu requested for the conduct of the appraisal/assessment of said land which was intended for **Proposed (New) Barangay Site of Tubgong.** The copy of said letter-request is hereto attached as **Annex B.**

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL AS  
PRESENTED



Municipality of Kananga, Leyte  
Municipal Legal Office  
PTR No. 7872599/01702/2024/Ormoc City  
MCLF (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: [a]s@kananga.gov.ph  
Contact No. 0967-324-6663



4. On **August 9, 2018**, the Provincial Appraisal Committee passed a Resolution No. 026-2018 which shows the recommended appraised market value of the above-mentioned property. The same resolution also states that the appraised property was for the "**Proposed (New) Barangay Site of Tugbong.**" The copy of said Resolution is hereto attached as **Annex C.**
5. On **September 10, 2018**, the 21<sup>st</sup> Sangguniang Bayan under the former Vice Mayor. Elmer Codilla passed a Supplemental Ordinance No. 21L18-048, Series of 2018 which budgeted an amount for the purchase of said land.
6. On **December 10, 2018**, the same Sangguniang Bayan passed a Resolution No. 21R.18-523, series of 2018 authorizing the former Mayor Rowena Codilla to purchase the above-mentioned land which expressly states that the same was **intended for Barangay Site** of Barangay Tugbong, Kananga, Leyte. The copy of said SB Resolution is hereto attached as **Annex D.**
7. On **May 15, 2019**, the same Sangguniang Bayan passed a Resolution No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**. The copy of said SB Resolution is hereto attached as **Annex E.**
8. On **June 25, 2019**, five (5) days before the end of the term of Rowena Codilla, she hastily executed a Deed of Donation covering the above-described land in favor of Brgy. Tugbong, Kananga, Leyte. However, in said Deed of Donation, it is expressly stated that "**the herein donated property shall be used exclusively as barangay relocation site/expansion of built-up area for its residents.**"
9. This is contrary to, and not in conformity with the authority given to her by SB, per SB resolution no. 21R.19-629 series of 2019 which authority clearly states that the donated property should be used as "**Barangay Site**" not a relocation site. The copy of said deed of donation is hereto attached as **Annex F.**

Last August 18, 2023, the Committee of the Whole of the present SB conducted an investigation at the SB session hall (where you and the members of the Sangguniang Barangay attended and participated), and it was found out, THAT:


1. The Barangay Sangguniang did not authorize the incumbent Punong Barangay Leah Empleo to execute and accept the aforesaid deed of donation contrary to the Section 389 (b) (b), Book III, Chapter 3 & 4 of the Local Government Code of 1991, Articles 745, 749, 1317 of the New Civil Code of the Philippines.
2. The said deed of donation was executed by Rowena Codilla beyond the authority given to her by the previous SB per SB No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**.
3. The Punong Barangay Leah Empleo illegally partitioned the said land and distributed the same to several persons including some members of the Sangguniang Barangay who accepted and actually introduced improvements thereon without legal basis (Ordinance).

The copy of the Committee Report is hereto attached as **Annex G.**

To reiterate, as of the present, the said property has been illegally distributed by LGU Tugbong, through its Punong Barangay Leah Empleo to some of the Barangay Officials of the said Barangay and illegally occupied by more or less 15 households as relocation site.

In view of the foregoing, this is to formally inform the Barangay Local Government of Tugbong, Kananga, Leyte headed by its Punong Barangay Leah Empleo, that the Local Government Unit of Kananga, Leyte, through its Local Chief Executive (LCE), Mayor Manuel Vicente M. Torres, has **REVOKED/CANCELLED** the aforesaid **DEED OF DONATION** which was illegally executed by Rowena Codilla on June 25, 2019 based on the grounds discussed above.



  
**ARMYSA KRISKA LEONARDO TIMAMAR**  
 Notary Public for the City of Ormoc  
 Branch Office of Kananga, Leyte, until December 31, 2024  
 P.O. No. 792599 / 01/02/2021, Ormoc City  
 M.C.E. (Newly Admitted to the Bar May 30, 2022)  
 Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
 Email: kriskatimamar@notary.com  
 Contact No. 0967-324-6663

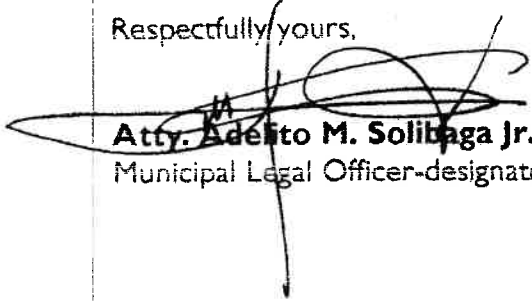






Further, you are hereby demanded to vacate the property within **THIRTY (30) DAYS** from receipt of this letter, and demolish all the improvements found thereon within the same period at your expense. Otherwise, the LGU Kananga, Leyte will take appropriate legal actions against you to protect its rights and interests over the said property.

Respectfully yours,

  
**Atty. Adelito M. Solibaga Jr.**  
 Municipal Legal Officer-designate

CERTIFIED TRUE AND  
 FAITHFUL COPY OF THE  
 ORIGINAL WHEN  
 PRESENTED



  
**ATTY. MA. KRISKA ANG LAH. TUMAMAK**

Notary Public of the City of Ormoc  
 Municipality of Kananga, Matag-ob, Merida and Isabel, Leyte  
 Commission No. ORM-22-09-018-NC Until December 31, 2024  
 Roll of Attorney's No. 82140  
 IBP No. 329701/41/17/023/1 Leyte Chapter  
 PTR No. 782599/ 01/02/2021/ Ormoc City  
 MCLP (Newly Admitted to the Bar: May 30, 2022)  
 Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
 Email: kriskatumamak@abnbc.com  
 Contact No. 0967-324-6663





Annex N

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

MUNICIPAL LEGAL OFFICE  
Real St., Poblacion, Kananga, Leyte

September 4, 2023

Mr. Alejandro Nadonza  
Barangay Tubgong,  
Kananga, Leyte

Subject: Demand to Vacate

Dear Mr. Nadonza,

Greetings of Peace!

This is to formally inform you that the Local Government Unit of Kananga, Leyte, through its Local Chief Executive (LCE), Mayor Manuel Vicente M. Torres, **has already REVOKED/CANCELLED the void-from-the-very-beginning DEED OF DONATION**, which was illegally and hastily executed by Rowena Codilla on June 25, 2023 (five days before the end of her term) in favor of Barangay Local Government Unit of Tubgong, Kananga, Leyte, involving a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte, which you have illegally possessed and occupied.

For your reference, the undisputed antecedent facts are as follows:

1. On **August 6, 2018**, former Mayor Rowena Codilla prepared and approved a Purchase Request (PR) for the purchase of a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte for PhP 1,400,000.00.
2. The said PR expressly states that purpose of the purchase is for "**Barangay Site of Barangay Tubgong, Kananga, Leyte.**" This bears stressing that on the day the said PR was also prepared and approved by Rowena Codilla, the same was without an approved budget from the previous SB. The copy of said PR No. 2018-12-037 dated August 6, 2018 is hereto attached as **Annex A**.
3. Based on the letter-request dated August 8, 2018 (two days after the PR was issued), the former Municipal Assessor, Engr. Virgilio Tiu requested for the conduct of the appraisal/assessment of said land which was intended for "**Proposed (New) Barangay Site of Tubgong.**" The copy of said letter-request is hereto attached as **Annex B**.
4. On **August 9, 2018**, the Provincial Appraisal Committee passed a Resolution No. 026-2018 which shows the recommended appraised market value of the above-mentioned property. The same resolution also states that the appraised property was for the "**Proposed (New) Barangay Site of Tubgong.**" The copy of said Resolution is hereto attached as **Annex C**.
5. On **September 10, 2018**, the 21<sup>st</sup> Sangguniang Bayan under the former Vice Mayor, Elmer Codilla passed a Supplemental Ordinance No. 21118-048, Series of 2018 which budgeted an amount for the purchase of said land.

CEP...  
FAM...  
BRI...  
PRESENTED



ALEJANDRO

*(Signature)*

CY. MA. KRISKA ALGEMER H. TUMAMAK  
Notary Public for the Province of Leyte  
Bar No. 221221, Philippine Bar Council  
Roll of Attorneys No. 82140  
PR No. 329704/ 12/17/2023/ Leyte Chapter  
PLR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tao Bldg. corner Rizal and Aviles Streets  
Email: kjs-krismaamak@yahoo.com  
Contact No. 0967-324-6663





6. On **December 10, 2018**, the same Sangguniang Bayan passed a Resolution No. 21R.18-523; series of 2018 authorizing the former Mayor Rowena Codilla to purchase the above-mentioned land which expressly states that the same was **intended for Barangay Site** of Barangay Tugbong, Kananga, Leyte. The copy of said SB Resolution is hereto attached as **Annex D**.
7. On **May 15, 2019**, the same Sangguniang Bayan passed a Resolution No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**. The copy of said SB Resolution is hereto attached as **Annex E**.
8. On **June 25, 2019**, five (5) days before the end of the term of Rowena Codilla, she hastily executed a Deed of Donation covering the above-described land in favor of Brgy. Tugbong, Kananga, Leyte. However, in said Deed of Donation, it is expressly stated that "**the herein donated property shall be used exclusively as barangay relocation site/expansion of built-up area for its residents.**"
9. This is contrary to, and not in conformity with the authority given to her by SB, per SB resolution no. 21R.19-629 series of 2019 which authority clearly states that the donated property should be used as "**Barangay Site**" not a relocation site. The copy of said deed of donation is hereto attached as **Annex F**.

Last August 18, 2023, the Committee of the Whole of the present SB conducted an investigation at the SB session hall (where the incumbent Punong Barangay Leah Empleo and the members of the Sangguniang Barangay attended and participated), and it was found out, THAT:

1. The Barangay Sangguniang did not authorize the incumbent Punong Barangay Leah Empleo to execute and accept the aforesaid deed of donation contrary to the Section 389 (b) (b), Book III, Chapter 3 & 4 of the Local Government Code of 1991, Articles 745, 749, 1317 of the New Civil Code of the Philippines.
2. The said deed of donation was executed by Rowena Codilla beyond the authority given to her by the previous SB per SB No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**.
3. The Punong Barangay Leah Empleo illegally partitioned the said land and distributed the same to several persons including some members of the Sangguniang Barangay who accepted and actually introduced improvements thereon without legal basis (Ordinance). The copy of the Committee Report is hereto attached as **Annex G**.

In other words, the subject property was never intended for a relocation site, but for a new Barangay Site of Tugbong. However, the previous Mayor, Rowena Codilla and the incumbent Punong Barangay, Leah Empleo illegally made it as a relocation site, which is contrary to the purpose of the supplemental budget that was approved by the previous SB and the authority given to the said previous Mayor by the same SB.

In view of the foregoing, you are hereby demanded to vacate the property within **THIRTY (30) DAYS** from receipt of this letter, and demolish all the improvements found thereon within the same period at your expense. Otherwise, the LGU Kananga, Leyte will take appropriate legal actions against you to protect its rights and interests over the said property.

Respectfully yours,

  
**Atty. Abelito M. Solbaga Jr.**  
 Municipal Legal Officer designate

  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
 Notary Public for the City of Ormoc  
 Municipalities of Kananga, Magajob, Merida and Isabel, Leyte  
 Commission No. 09M-32 390 18-N01 Until December 31, 2024  
 Roll of Attorneys No. 92130  
 IBP No. 329301/12/17/2023/ Leyte Chapter  
 PTR No. 7872599/ 01/02/2024/ Ormoc City  
 MCLB (Newly Admitted to the Bar May 30, 2022)  
 Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
 Email: kriskatumamak@ashon.com  
 Contact No. 0967-324-6663







Annex 0

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

MUNICIPAL LEGAL OFFICE  
Real St., Poblacion, Kananga, Leyte

September 4, 2023

Mr. Kieven Wenceslao  
Barangay Tubgong,  
Kananga, Leyte

Subject: Demand to Vacate

Dear Mr. Wenceslao,

Greetings of Peace!

This is to formally inform you that the Local Government Unit of Kananga, Leyte, through its Local Chief Executive (LCE), Mayor Manuel Vicente M. Torres, has already **REVOKED/CANCELLED** the void-from-the-very-beginning **DEED OF DONATION**, which was illegally and hastily executed by Rowena Codilla on June 25, 2023 (five days before the end of her term) in favor of Barangay Local Government Unit of Tubgong, Kananga, Leyte, involving a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte, which you have illegally possessed and occupied.

For your reference, the undisputed antecedent facts are as follows:

1. On **August 6, 2018**, former Mayor Rowena Codilla prepared and approved a Purchase Request (PR) for the purchase of a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte for PhP 1,400,000.00.
2. The said PR expressly states that purpose of the purchase is for "**Barangay Site of Tubgong, Kananga, Leyte.**" This bears stressing that on the day the said PR was also prepared and approved by Rowena Codilla, the same was without an approved budget from the previous SB. The copy of said PR No. 2018-12-037 dated August 6, 2018 is hereto attached as **Annex A.**
3. Based on the letter-request dated August 8, 2018 (two days after the PR was issued), the former Municipal Assessor, Engr. Virgilio Tiu requested for the conduct of the appraisal/assessment of said land which was intended for "**Proposed (New) Barangay Site of Tubgong.**" The copy of said letter-request is hereto attached as **Annex B.**
4. On **August 9, 2018**, the Provincial Appraisal Committee passed a Resolution No. 026-2018 which shows the recommended appraised market value of the above-mentioned property. The same resolution also states that the appraised property was for the "**Proposed (New) Barangay Site of Tubgong.**" The copy of said Resolution is hereto attached as **Annex C.**
5. On **September 10, 2018**, the 21<sup>st</sup> Sangguniang Bayan under the former Vice Mayor, Elmer Codilla passed a Supplemental Ordinance No. 21 L18-048, Series of 2018 which budgeted an amount for the purchase of said land.

RIGHTS RESERVED  
PRESENTED



KIEVEN WENCESLAO

Notary Public in the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Carmelita S. OSMO  
Roll of Attorneys No. 8240  
PR No. 787299/01/02/2021/Ormoc City  
(Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: leiskosmo@ymail.com  
Contact No. 0967-324-6663





6. On **December 10, 2018**, the same Sangguniang Bayan passed a Resolution No. 21R.18-523, series of 2018 authorizing the former Mayor Rowena Codilla to purchase the above-mentioned land which expressly states that the same was **intended for Barangay Site** of Barangay Tugbong, Kananga, Leyte. The copy of said SB Resolution is hereto attached as **Annex D**.
7. On **May 15, 2019**, the same Sangguniang Bayan passed a Resolution No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**. The copy of said SB Resolution is hereto attached as **Annex E**.
8. On **June 25, 2019**, five (5) days before the end of the term of Rowena Codilla, she hastily executed a Deed of Donation covering the above-described land in favor of Brgy. Tugbong, Kananga, Leyte. However, in said Deed of Donation, it is expressly stated that **"the herein donated property shall be used exclusively as barangay relocation site/expansion of built-up area for its residents."**
9. This is contrary to, and not in conformity with the authority given to her by SB, per SB resolution no. 21R.19-629 series of 2019 which authority clearly states that the donated property should be used as **"Barangay Site"** not a relocation site. The copy of said deed of donation is hereto attached as **Annex F**.

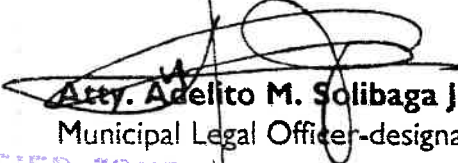
Last August 18, 2023, the Committee of the Whole of the present SB conducted an investigation at the SB session hall (where the incumbent Punong Barangay Leah Empleo and the members of the Sangguniang Barangay attended and participated), and it was found out, THAT:

1. The Barangay Sangguniang did not authorize the incumbent Punong Barangay Leah Empleo to execute and accept the aforesaid deed of donation contrary to the Section 389 (b) (b), Book III, Chapter 3 & 4 of the Local Government Code of 1991, Articles 745, 749, 1317 of the New Civil Code of the Philippines.
2. The said deed of donation was executed by Rowena Codilla beyond the authority given to her by the previous SB per SB No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**.
3. The Punong Barangay Leah Empleo illegally partitioned the said land and distributed the same to several persons including some members of the Sangguniang Barangay who accepted and actually introduced improvements thereon without legal basis (Ordinance). The copy of the Committee Report is hereto attached as **Annex G**.

In other words, the subject property was never intended for a relocation site, but for a new Barangay Site of Tugbong. However, the previous Mayor, Rowena Codilla and the incumbent Punong Barangay, Leah Empleo illegally made it as a relocation site, which is contrary to the purpose of the supplemental budget that was approved by the previous SB and the authority given to the said previous Mayor by the same SB.

In view of the foregoing, you are hereby demanded to vacate the property within **THIRTY (30) DAYS** from receipt of this letter, and demolish all the improvements found thereon within the same period at your expense. Otherwise, the LGU Kananga, Leyte will take appropriate legal actions against you to protect its rights and interests over the said property.

Respectfully yours,

  
**Atty. Adelito M. Solibaga Jr.**  
Municipal Legal Officer-designate

  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public in the City of Ormoc  
Municipalities of Kananga, Masag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82410  
IRP No. 329\*04/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kjskatumamak@yahoo.com  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED





Annex P

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

MUNICIPAL LEGAL OFFICE  
Real St., Poblacion, Kananga, Leyte

September 4, 2023

Mr. Danilo Guisando  
Barangay Tubgong,  
Kananga, Leyte

Subject: Demand to Vacate

Dear Mr. Guisando,

Greetings of Peace!

This is to formally inform you that the Local Government Unit of Kananga, Leyte, through its Local Chief Executive (LCE), Mayor Manuel Vicente M. Torres, **has already REVOKED/CANCELLED the void-from-the-very-beginning DEED OF DONATION**, which was illegally and hastily executed by Rowena Codilla on June 25, 2023 (five days before the end of her term) in favor of Barangay Local Government Unit of Tubgong, Kananga, Leyte, involving a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte, which you have illegally possessed and occupied.

For your reference, the undisputed antecedent facts are as follows:

1. On **August 6, 2018**, former Mayor Rowena Codilla prepared and approved a Purchase Request (PR) for the purchase of a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte for PhP 1,400,000.00.
2. The said PR expressly states that purpose of the purchase is for "**Barangay Site of Barangay Tubgong, Kananga, Leyte**." This bears stressing that on the day the said PR was also prepared and approved by Rowena Codilla, the same was without an approved budget from the previous SB. The copy of said PR No. 2018-12-037 dated August 6, 2018 is hereto attached as **Annex A**.
3. Based on the letter-request dated August 8, 2018 (two days after the PR was issued), the former Municipal Assessor, Engr. Virgilio Tiu requested for the conduct of the appraisal/assessment of said land which was intended for "**Proposed (New) Barangay Site of Tubgong**." The copy of said letter-request is hereto attached as **Annex B**.
4. On **August 9, 2018**, the Provincial Appraisal Committee passed a Resolution No. 026-2018 which shows the recommended appraised market value of the above-mentioned property. The same resolution also states that the appraised property was for the "**Proposed (New) Barangay Site of Tubgong**." The copy of said Resolution is hereto attached as **Annex C**.
5. On **September 10, 2018**, the 21<sup>st</sup> Sangguniang Bayan under the former Vice Mayor, Elmer Codilla passed a Supplemental Ordinance No. 2118-048, Series of 2018 which budgeted an amount for the purchase of said land.

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

KANANGA



Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. CRM-22-09-01-INC Until December 31, 2024  
Chapter  
Admitted to the Bar May 30, 2022  
Unit 3, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: leiskunnamak@n.gov.ph  
Contact No. 0967-324-6663

refuse to sign





6. On **December 10, 2018**, the same Sangguniang Bayan passed a Resolution No. 21R.18-523, series of 2018 authorizing the former Mayor Rowena Codilla to purchase the above-mentioned land which expressly states that the same was **intended for Barangay Site** of Barangay Tugbong, Kananga, Leyte. The copy of said SB Resolution is hereto attached as **Annex D**.
7. On **May 15, 2019**, the same Sangguniang Bayan passed a Resolution No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**. The copy of said SB Resolution is hereto attached as **Annex E**.
8. On **June 25, 2019**, five (5) days before the end of the term of Rowena Codilla, she hastily executed a Deed of Donation covering the above-described land in favor of Brgy. Tugbong, Kananga, Leyte. However, in said Deed of Donation, it is expressly stated that **"the herein donated property shall be used exclusively as barangay relocation site/expansion of built-up area for its residents."**
9. This is contrary to, and not in conformity with the authority given to her by SB, per SB resolution no. 21R.19-629 series of 2019 which authority clearly states that the donated property should be used as **"Barangay Site"** not a relocation site. The copy of said deed of donation is hereto attached as **Annex F**.

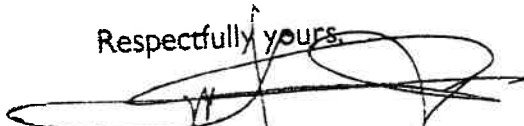
Last August 18, 2023, the Committee of the Whole of the present SB conducted an investigation at the SB session hall (where the incumbent Punong Barangay Leah Empleo and the members of the Sangguniang Barangay attended and participated), and it was found out, THAT:


1. The Barangay Sangguniang did not authorize the incumbent Punong Barangay Leah Empleo to execute and accept the aforesaid deed of donation contrary to the Section 389 (b) (b), Book III, Chapter 3 & 4 of the Local Government Code of 1991, Articles 745, 749, 1317 of the New Civil Code of the Philippines.
2. The said deed of donation was executed by Rowena Codilla beyond the authority given to her by the previous SB per SB No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**.
3. The Punong Barangay Leah Empleo illegally partitioned the said land and distributed the same to several persons including some members of the Sangguniang Barangay who accepted and actually introduced improvements thereon without legal basis (Ordinance). The copy of the Committee Report is hereto attached as **Annex G**.

In other words, the subject property was never intended for a relocation site, but for a new Barangay Site of Tugbong. However, the previous Mayor, Rowena Codilla and the incumbent Punong Barangay, Leah Empleo illegally made it as a relocation site, which is contrary to the purpose of the supplemental budget that was approved by the previous SB and the authority given to the said previous Mayor by the same SB.

In view of the foregoing, you are hereby demanded to vacate the property within **THIRTY (30) DAYS** from receipt of this letter, and demolish all the improvements found thereon within the same period at your expense. Otherwise, the LGU Kananga, Leyte will take appropriate legal actions against you to protect its rights and interests over the said property.

Respectfully yours,

  
**Atty. Adelito M. Solibaga Jr.**  
Municipal Legal Officer-designate

  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82140  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 782599/ 01/02/2024/ Ormoc City  
MCLH (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kjs-k-tumamak@ yahoo.com  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED





**Annex R**

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
**MUNICIPALITY OF KANANGA**

**MUNICIPAL LEGAL OFFICE**  
Real St., Poblacion, Kananga, Leyte

September 4, 2023

**Mr. Danilo Rafolz**  
Barangay Tubgong,  
Kananga, Leyte

Subject: Demand to Vacate

Dear Mr. Rafolz,

Greetings of Peace!

This is to formally inform you that the Local Government Unit of Kananga, Leyte, through its Local Chief Executive (LCE), Mayor Manuel Vicente M. Torres, **has already REVOKED/CANCELLED the void-from-the-very-beginning DEED OF DONATION**, which was illegally and hastily executed by Rowena Codilla on June 25, 2023 (five days before the end of her term) in favor of Barangay Local Government Unit of Tubgong, Kananga, Leyte, involving a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte, which you have illegally possessed and occupied.

For your reference, the undisputed antecedent facts are as follows:

1. On **August 6, 2018**, former Mayor Rowena Codilla prepared and approved a Purchase Request (PR) for the purchase of a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte for PhP 1,400,000.00.
2. The said PR expressly states that purpose of the purchase is for "**Barangay Site of Barangay Tubgong, Kananga, Leyte**." This bears stressing that on the day the said PR was also prepared and approved by Rowena Codilla, the same was without an approved budget from the previous SB. The copy of said PR No. 2018-12-037 dated August 6, 2018 is hereto attached as **Annex A**.
3. Based on the letter-request dated August 8, 2018 (two days after the PR was issued), the former Municipal Assessor, Engr. Virgilio Tiu requested for the conduct of the appraisal/assessment of said land which was intended for "**Proposed (New) Barangay Site of Tubgong**." The copy of said letter-request is hereto attached as **Annex B**.
4. On **August 9, 2018**, the Provincial Appraisal Committee passed a Resolution No. 026-2018 which shows the recommended appraised market value of the above-mentioned property. The same resolution also states that the appraised property was for the "**Proposed (New) Barangay Site of Tubgong**." The copy of said Resolution is hereto attached as **Annex C**.
5. On **September 10, 2018**, the 21<sup>st</sup> Sangguniang Bayan under the former Vice Mayor, Elmer Codilla passed a Supplemental Ordinance No. 21-18-048, Series of 2018 which budgeted an amount for the purchase of said land.

CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL WHEN PRESENTED

**ATTY. MA. KRISKA ANGLA H. TUMANIAK**  
Notary Public for the City of Ormoc  
Municipality of Kananga, Province of Leyte  
Commission No. 0981-32-00-100-0011-1000-1000  
IBP No. 329701/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2021/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatanumak@tumania.com  
Contact 06663

*Marian Rafolz*







6. On **December 10, 2018**, the same Sangguniang Bayan passed a Resolution No. 21R.18-523, series of 2018 authorizing the former Mayor Rowena Codilla to purchase the above-mentioned land which expressly states that the same was **intended for Barangay Site** of Barangay Tugbong, Kananga, Leyte. The copy of said SB Resolution is hereto attached as **Annex D**.
7. On **May 15, 2019**, the same Sangguniang Bayan passed a Resolution No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**. The copy of said SB Resolution is hereto attached as **Annex E**.
8. On **June 25, 2019**, five (5) days before the end of the term of Rowena Codilla, she hastily executed a Deed of Donation covering the above-described land in favor of Brgy. Tugbong, Kananga, Leyte. However, in said Deed of Donation, it is expressly stated that "**the herein donated property shall be used exclusively as barangay relocation site/expansion of built-up area for its residents**."
9. This is contrary to, and not in conformity with the authority given to her by SB, per SB resolution no. 21R.19-629 series of 2019 which authority clearly states that the donated property should be used as "**Barangay Site**" not a relocation site. The copy of said deed of donation is hereto attached as **Annex F**.

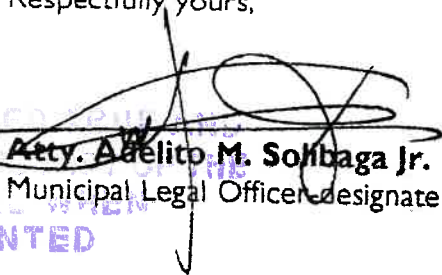
Last August 18, 2023, the Committee of the Whole of the present SB conducted an investigation at the SB session hall (where the incumbent Punong Barangay Leah Empleo and the members of the Sangguniang Barangay attended and participated), and it was found out, THAT:


1. The Barangay Sangguniang did not authorize the incumbent Punong Barangay Leah Empleo to execute and accept the aforesaid deed of donation contrary to the Section 389 (b) (b), Book III, Chapter 3 & 4 of the Local Government Code of 1991, Articles 745, 749, 1317 of the New Civil Code of the Philippines.
2. The said deed of donation was executed by Rowena Codilla beyond the authority given to her by the previous SB per SB No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**.
3. The Punong Barangay Leah Empleo illegally partitioned the said land and distributed the same to several persons including some members of the Sangguniang Barangay who accepted and actually introduced improvements thereon without legal basis (Ordinance). The copy of the Committee Report is hereto attached as **Annex G**.

In other words, the subject property was never intended for a relocation site, but for a new Barangay Site of Tugbong. However, the previous Mayor, Rowena Codilla and the incumbent Punong Barangay, Leah Empleo illegally made it as a relocation site, which is contrary to the purpose of the supplemental budget that was approved by the previous SB and the authority given to the said previous Mayor by the same SB.

In view of the foregoing, you are hereby demanded to vacate the property within **THIRTY (30) DAYS** from receipt of this letter, and demolish all the improvements found thereon within the same period at your expense. Otherwise, the LGU Kananga, Leyte will take appropriate legal actions against you to protect its rights and interests over the said property.

Respectfully yours,

  
**Atty. Abelito M. Solbaga Jr.**  
Municipal Legal Officer-designate

  
**ATTY. MA. KRISKA ANGELIA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82140  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@yahoo.com  
Contact No. 0967-324-6663





Annex S

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

MUNICIPAL LEGAL OFFICE  
Real St., Poblacion, Kananga, Leyte

September 4, 2023

Mrs. Florabelle Cabalejo  
Barangay Tubgong,  
Kananga, Leyte

Subject: Demand to Vacate

Dear Mrs. Cabalejo,

Greetings of Peace!

This is to formally inform you that the Local Government Unit of Kananga, Leyte, through its Local Chief Executive (LCE), Mayor Manuel Vicente M. Torres, has already **REVOKED/CANCELLED the void-from-the-very-beginning DEED OF DONATION**, which was illegally and hastily executed by Rowena Codilla on June 25, 2023 (five days before the end of her term) in favor of Barangay Local Government Unit of Tubgong, Kananga, Leyte, involving a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte, which you have illegally possessed and occupied.

For your reference, the undisputed antecedent facts are as follows:

1. On **August 6, 2018**, former Mayor Rowena Codilla prepared and approved a Purchase Request (PR) for the purchase of a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte for PhP 1,400,000.00.
2. The said PR expressly states that purpose of the purchase is for "**Barangay Site of Barangay Tubgong, Kananga, Leyte**." This bears stressing that on the day the said PR was also prepared and approved by Rowena Codilla, the same was without an approved budget from the previous SB. The copy of said PR No. 2018-12-037 dated August 6, 2018 is hereto attached as **Annex A**.
3. Based on the letter-request dated August 8, 2018 (two days after the PR was issued), the former Municipal Assessor, Engr. Virgilio Tiu requested for the conduct of the appraisal/assessment of said land which was intended for "**Proposed (New) Barangay Site of Tubgong**." The copy of said letter-request is hereto attached as **Annex B**.
4. On **August 9, 2018**, the Provincial Appraisal Committee passed a Resolution No. 026-2018 which shows the recommended appraised market value of the above-mentioned property. The same resolution also states that the appraised property was for the "**Proposed (New) Barangay Site of Tubgong**." The copy of said Resolution is hereto attached as **Annex C**.
5. On **September 10, 2018**, the 21<sup>st</sup> Sangguniang Bayan under the former Vice Mayor, Elmer Codilla passed a Supplemental Ordinance No. 211-18-048, Series of 2018 which budgeted an amount for the purchase of said land.

CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL WHEN PRESENTED



Florabel M. Cabalejo  
FLORABEL M. CABALEJO

ATTY. MA. KRISKA TUMAMAK  
Notary Public for the Province of Ormoc  
M.L.E. (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@algon.com  
Contact No. 0967-324-6663







6. On **December 10, 2018**, the same Sangguniang Bayan passed a Resolution No. 21R.18-523, series of 2018 authorizing the former Mayor Rowena Codilla to purchase the above-mentioned land which expressly states that the same was **intended for Barangay Site** of Barangay Tugbong, Kananga, Leyte. The copy of said SB Resolution is hereto attached as **Annex D**.
7. On **May 15, 2019**, the same Sangguniang Bayan passed a Resolution No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**. The copy of said SB Resolution is hereto attached as **Annex E**.
8. On **June 25, 2019**, five (5) days before the end of the term of Rowena Codilla, she hastily executed a Deed of Donation covering the above-described land in favor of Brgy. Tugbong, Kananga, Leyte. However, in said Deed of Donation, it is expressly stated that **"the herein donated property shall be used exclusively as barangay relocation site/expansion of built-up area for its residents."**
9. This is contrary to, and not in conformity with the authority given to her by SB, per SB resolution no. 21R.19-629 series of 2019 which authority clearly states that the donated property should be used as **"Barangay Site"** not a relocation site. The copy of said deed of donation is hereto attached as **Annex F**.

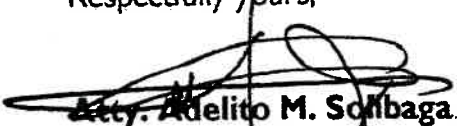
Last August 18, 2023, the Committee of the Whole of the present SB conducted an investigation at the SB session hall (where the incumbent Punong Barangay Leah Empleo and the members of the Sangguniang Barangay attended and participated), and it was found out, THAT:


1. The Barangay Sangguniang did not authorize the incumbent Punong Barangay Leah Empleo to execute and accept the aforesaid deed of donation contrary to the Section 389 (b) (b), Book III, Chapter 3 & 4 of the Local Government Code of 1991, Articles 745, 749, 1317 of the New Civil Code of the Philippines.
2. The said deed of donation was executed by Rowena Codilla beyond the authority given to her by the previous SB per SB No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**.
3. The Punong Barangay Leah Empleo illegally partitioned the said land and distributed the same to several persons including some members of the Sangguniang Barangay who accepted and actually introduced improvements thereon without legal basis (Ordinance). The copy of the Committee Report is hereto attached as **Annex G**.

In other words, the subject property was never intended for a relocation site, but for a new Barangay Site of Tugbong. However, the previous Mayor, Rowena Codilla and the incumbent Punong Barangay, Leah Empleo illegally made it as a relocation site, which is contrary to the purpose of the supplemental budget that was approved by the previous SB and the authority given to the said previous Mayor by the same SB.

In view of the foregoing, you are hereby demanded to vacate the property within **THIRTY (30) DAYS** from receipt of this letter, and demolish all the improvements found thereon within the same period at your expense. Otherwise, the LGU Kananga, Leyte will take appropriate legal actions against you to protect its rights and interests over the said property.

Respectfully yours,

  
**Atty. Adelito M. Solbaga Jr.**  
Municipal Legal Officer-designate

  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Marikina, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82490  
IBP No. 329701/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLF (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: [loiskommamak@ahon.com](mailto:loiskommamak@ahon.com)  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

KANANGA  
73



Annex T

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

MUNICIPAL LEGAL OFFICE  
Real St., Poblacion, Kananga, Leyte

September 4, 2023

Mrs. Mercedesita Dasal  
Brgy. Secretary  
Barangay Tubgong,  
Kananga, Leyte

Subject: Demand to Vacate

Dear Mrs. Dasal,

Greetings of Peace!

This is to formally inform you that the Local Government Unit of Kananga, Leyte, through its Local Chief Executive (LCE), Mayor Manuel Vicente M. Torres, **has already REVOKED/CANCELLED the void-from-the-very-beginning DEED OF DONATION**, which was illegally and hastily executed by Rowena Codilla on June 25, 2023 (five days before the end of her term) in favor of Barangay Local Government Unit of Tubgong, Kananga, Leyte, involving a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte, which you have illegally possessed and occupied.

For your reference, the undisputed antecedent facts are as follows:

1. On **August 6, 2018**, former Mayor Rowena Codilla prepared and approved a Purchase Request (PR) for the purchase of a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte for PhP 1,400,000.00.
2. The said PR expressly states that purpose of the purchase is for "**Barangay Site of Barangay Tubgong, Kananga, Leyte.**" This bears stressing that on the day the said PR was also prepared and approved by Rowena Codilla, the same was without an approved budget from the previous SB. The copy of said PR No. 2018-12-037 dated August 6, 2018 is hereto attached as **Annex A.**
3. Based on the letter-request dated August 8, 2018 (two days after the PR was issued), the former Municipal Assessor, Engr. Virgilio Tiu requested for the conduct of the appraisal/assessment of said land which was intended for "**Proposed (New) Barangay Site of Tubgong.**" The copy of said letter-request is hereto attached as **Annex B.**
4. On **August 9, 2018**, the Provincial Appraisal Committee passed a Resolution No. 026-2018 which shows the recommended appraised market value of the above-mentioned property. The same resolution also states that the appraised property was for the "**Proposed (New) Barangay Site of Tubgong.**" The copy of said Resolution is hereto attached as **Annex C.**

CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL WHEN PRESENTED



Notary Public for the City of Ormoc  
Municipalities of Kananga, Malubog, Merida and Isabel, Leyte  
Commission No. ORM-22-09-18-NCJWS December 31, 2024  
Roll of Attorney's No. 82449  
IBP No. 325201/12/17/2023/ Leyte Chapter  
PTR No. 78925949 01/02/2024/ Ormoc City  
MCLP (Newly Admitted) The Year May 30, 2022  
Unit 4, 2/F J.E. Tan Bldg. - General and Aviles Streets  
Egalite Division - Ormoc City  
Contact No. 0917266555  
DATE: 9/4/23







Annex 1

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

MUNICIPAL LEGAL OFFICE  
Real St., Poblacion, Kananga, Leyte

September 4, 2023

Mrs. Mercedita Dasal  
Brgy. Secretary  
Barangay Tubgong,  
Kananga, Leyte

Subject: Demand to Vacate

Dear Mrs. Dasal,

Greetings of Peace!

This is to formally inform you that the Local Government Unit of Kananga, Leyte, through its Local Chief Executive (LCE), Mayor Manuel Vicente M. Torres, **has already REVOKED/CANCELLED the void-from-the-very-beginning DEED OF DONATION**, which was illegally and hastily executed by Rowena Codilla on June 25, 2023 (five days before the end of her term) in favor of Barangay Local Government Unit of Tubgong, Kananga, Leyte, involving a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte, which you have illegally possessed and occupied.

For your reference, the undisputed antecedent facts are as follows:

1. On **August 6, 2018**, former Mayor Rowena Codilla prepared and approved a Purchase Request (PR) for the purchase of a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tubgong, Kananga, Leyte for PhP 1,400,000.00.
2. The said PR expressly states that purpose of the purchase is for "**Barangay Site of Barangay Tubgong, Kananga, Leyte.**" This bears stressing that on the day the said PR was also prepared and approved by Rowena Codilla, the same was without an approved budget from the previous SB. The copy of said PR No. 2018-12-037 dated August 6, 2018 is hereto attached as **Annex A**.
3. Based on the letter-request dated August 8, 2018 (two days after the PR was issued), the former Municipal Assessor, Engr. Virgilio Tiu requested for the conduct of the appraisal/assessment of said land which was intended for "**Proposed (New) Barangay Site of Tubgong.**" The copy of said letter-request is hereto attached as **Annex B**.
4. On **August 9, 2018**, the Provincial Appraisal Committee passed a Resolution No. 026-2018 which shows the recommended appraised market value of the above-mentioned property. The same resolution also states that the appraised property was for the "**Proposed (New) Barangay Site of Tubgong.**" The copy of said Resolution is hereto attached as **Annex C**.

CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL WHEN SUBMITTED

Notary Public for the City of Ormoc  
 Atty. Ma. Krisia M. Tumulac  
 Commission No. ORM-22-09-AB-NC-Unit-9 January 31, 2024  
 Roll of Attorney's No. 52740  
 IBP No. 32970/32748/2023/ Leyte Chapter  
 PTR No. 7872599/03/02/2024/ Ormoc City  
 MCLP (Newly Admitted to the Bar May 1, 2022)  
 Unit 4, 2/F J.E. Tan Bldg. corner Real and Wiles Streets  
 Email: krisia.tumulac@bar.ormoc.gov.ph  
 Contact No: 8967-324-6661  
 DATE: 9/4/23



Annex U

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

MUNICIPAL LEGAL OFFICE  
Real St., Poblacion, Kananga, Leyte

September 4, 2023

Mrs. Amy Abilong  
Brgy. Treasurer  
Barangay Tubgong,  
Kananga, Leyte

Subject: Demand to Vacate

Dear Mrs. Abilong,

Greetings of Peace!

This is to formally inform you that the Local Government Unit of Kananga, Leyte, through its Local Chief Executive (LCE), Mayor Manuel Vicente M. Torres, **has already REVOKED/CANCELLED the void-from-the-very-beginning DEED OF DONATION**, which was illegally and hastily executed by Rowena Codilla on June 25, 2023 (five days before the end of her term) in favor of Barangay Local Government Unit of Tugbong, Kananga, Leyte, involving a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tugbong, Kananga, Leyte, which you have illegally possessed and occupied.

For your reference, the undisputed antecedent facts are as follows:

1. On **August 6, 2018**, former Mayor Rowena Codilla prepared and approved a Purchase Request (PR) for the purchase of a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tugbong, Kananga, Leyte for PhP 1,400,000.00.
2. The said PR expressly states that purpose of the purchase is for "**Barangay Site of Barangay Tugbong, Kananga, Leyte**." This bears stressing that on the day the said PR was also prepared and approved by Rowena Codilla, the same was without an approved budget from the previous SB. The copy of said PR No. 2018-12-037 dated August 6, 2018 is hereto attached as **Annex A**.
3. Based on the letter-request dated August 8, 2018 (two days after the PR was issued), the former Municipal Assessor, Engr. Virgilio Tiu requested for the conduct of the appraisal/assessment of said land which was intended for "**Proposed (New) Barangay Site of Tugbong**." The copy of said letter-request is hereto attached as **Annex B**.
4. On **August 9, 2018**, the Provincial Appraisal Committee passed a Resolution No. 026-2018 which shows the recommended appraised market value of the above-mentioned property. The same resolution also states that the appraised property was for the "**Proposed (New) Barangay Site of Tugbong**." The copy of said Resolution is hereto attached as **Annex C**.

Notary Public for the City of Ormoc  
Municipalities of Kananga, Maing-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-018-NC Until December 31, 2024  
Roll of Attorney's No. 8214  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2023)  
Unit 4, 2/F J.E. Tan Bldg. corner E. and Aviles Streets  
Email: [isickommunications@gmail.com](mailto:isickommunications@gmail.com)  
Contact No. 0967-324-6666

*[Handwritten Signature]*  
ABILONG  
9/4/23

CERTIFIED TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT  
KANANGA MUNICIPALITY OF LEYTE  
MAYOR MANUEL VICENTE M. TORRES  
MAYOR'S OFFICE





5. On **September 10, 2018**, the 21<sup>st</sup> Sangguniang Bayan under the former Vice Mayor, Elmer Codilla passed a Supplemental Ordinance No. 21L18-048, Series of 2018 which budgeted an amount for the purchase of said land.
6. On **December 10, 2018**, the same Sangguniang Bayan passed a Resolution No. 21R.18-523, series of 2018 authorizing the former Mayor Rowena Codilla to purchase the above-mentioned land which expressly states that the same was **intended for Barangay Site** of Barangay Tugbong, Kananga, Leyte. The copy of said SB Resolution is hereto attached as **Annex D**.
7. On **May 15, 2019**, the same Sangguniang Bayan passed a Resolution No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**. The copy of said SB Resolution is hereto attached as **Annex E**.
8. On **June 25, 2019**, five (5) days before the end of the term of Rowena Codilla, she hastily executed a Deed of Donation covering the above-described land in favor of Brgy. Tugbong, Kananga, Leyte. However, in said Deed of Donation, it is expressly stated that **"the herein donated property shall be used exclusively as barangay relocation site/expansion of built-up area for its residents."**
9. This is contrary to, and not in conformity with the authority given to her by SB, per SB resolution no. 21R.19-629 series of 2019 which authority clearly states that the donated property should be used as **"Barangay Site"** not a relocation site. The copy of said deed of donation is hereto attached as **Annex F**.

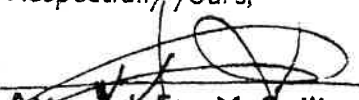
Last August 18, 2023, the Committee of the Whole of the present SB conducted an investigation at the SB session hall (where the incumbent Punong Barangay Leah Empleo and the members of the Sangguniang Barangay attended and participated), and it was found out, **THAT:**


1. The Barangay Sangguniang did not authorize the incumbent Punong Barangay Leah Empleo to execute and accept the aforesaid deed of donation contrary to the Section 389 (b) (b), Book III, Chapter 3 & 4 of the Local Government Code of 1991, Articles 745, 749, 1317 of the New Civil Code of the Philippines.
2. The said deed of donation was executed by Rowena Codilla beyond the authority given to her by the previous SB per SB No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**.
3. The Punong Barangay Leah Empleo illegally partitioned the said land and distributed the same to several persons including some members of the Sangguniang Barangay who accepted and actually introduced improvements thereon without legal basis (Ordinance). The copy of the Committee Report is hereto attached as **Annex G**.

In other words, the subject property was never intended for a relocation site, but for a new Barangay Site of Tugbong. However, the previous Mayor, Rowena Codilla and the incumbent Punong Barangay, Leah Empleo illegally made it as a relocation site, which is contrary to the purpose of the supplemental budget that was approved by the previous SB and the authority given to the said previous Mayor by the same SB.

In view of the foregoing, you are hereby demanded to vacate the property within **THIRTY (30) DAYS** from receipt of this letter, and demolish all the improvements found thereon within the same period at your expense. Otherwise, the LGU Kananga, Leyte will take appropriate legal actions against you to protect its rights and interests over the said property.

Respectfully yours,

  
**Atty. Adelito M. Solibaga Jr.**  
Municipal Legal Officer-designate

  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82340  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLP (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@yahoo.com  
Contact No. 0967-324-6663







Annex V

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

MUNICIPAL LEGAL OFFICE  
Real St., Poblacion, Kananga, Leyte

September 5, 2023

Mrs. Analyn Moana  
Barangay Tugbong,  
Kananga, Leyte

Subject: Demand to Vacate

Dear Mrs. Moana,

Greetings of Peace!

This is to formally inform you that the Local Government Unit of Kananga, Leyte, through its Local Chief Executive (LCE), Mayor Manuel Vicente M. Torres, **has already REVOKED/CANCELLED the void-from-the-very-beginning DEED OF DONATION**, which was illegally and hastily executed by Rowena Codilla on June 25, 2023 (five days before the end of her term) in favor of Barangay Local Government Unit of Tugbong, Kananga, Leyte, involving a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tugbong, Kananga, Leyte, which you have illegally possessed and occupied.

For your reference, the undisputed antecedent facts are as follows:

1. On **August 6, 2018**, former Mayor Rowena Codilla prepared and approved a Purchase Request (PR) for the purchase of a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tugbong, Kananga, Leyte for PhP 1,400,000.00.
2. The said PR expressly states that purpose of the purchase is for "**Barangay Site of Barangay Tugbong, Kananga, Leyte**." This bears stressing that on the day the said PR was also prepared and approved by Rowena Codilla, the same was without an approved budget from the previous SB. The copy of said PR No. 2018-12-037 dated August 6, 2018 is hereto attached as **Annex A**.
3. Based on the letter-request dated August 8, 2018 (two days after the PR was issued), the former Municipal Assessor, Engr. Virgilio Tiu requested for the conduct of the appraisal/assessment of said land which was intended for "**Proposed (New) Barangay Site of Tugbong**." The copy of said letter-request is hereto attached as **Annex B**.
4. On **August 9, 2018**, the Provincial Appraisal Committee passed a Resolution No. 026-2018 which shows the recommended appraised market value of the above-mentioned property. The same resolution also states that the appraised property was for the "**Proposed (New) Barangay Site of Tugbong**." The copy of said Resolution is hereto attached as **Annex C**.
5. On **September 10, 2018**, the 21<sup>st</sup> Sangguniang Bayan under the former Vice Mayor, Elmer Codilla passed a Supplemental Ordinance No. 2118-048, Series of 2018 which budgeted an amount for the purchase of said land.

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

ATTY. MA. KRISKA ANGELA V. TUMAMAK

M.C.L.P. (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kysiskumamak@yahoo.com  
Contact No. 0967-324-6663

Analyn Moana 1



6. On **December 10, 2018**, the same Sangguniang Bayan passed a Resolution No. 21R.18-523, series of 2018 authorizing the former Mayor Rowena Codilla to purchase the above-mentioned land which expressly states that the same was **intended for Barangay Site** of Barangay Tugbong, Kananga, Leyte. The copy of said SB Resolution is hereto attached as **Annex D**.
7. On **May 15, 2019**, the same Sangguniang Bayan passed a Resolution No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**. The copy of said SB Resolution is hereto attached as **Annex E**.
8. On **June 25, 2019**, five (5) days before the end of the term of Rowena Codilla, she hastily executed a Deed of Donation covering the above-described land in favor of Brgy. Tugbong, Kananga, Leyte. However, in said Deed of Donation, it is expressly stated that **"the herein donated property shall be used exclusively as barangay relocation site/expansion of built-up area for its residents."**
9. This is contrary to, and not in conformity with the authority given to her by SB, per SB resolution no. 21R.19-629 series of 2019 which authority clearly states that the donated property should be used as **"Barangay Site"** not a relocation site. The copy of said deed of donation is hereto attached as **Annex F**.

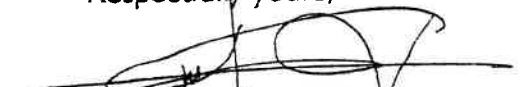
Last August 18, 2023, the Committee of the Whole of the present SB conducted an investigation at the SB session hall (where the incumbent Punong Barangay Leah Empleo and the members of the Sangguniang Barangay attended and participated), and it was found out, THAT:


1. The Barangay Sangguniang did not authorize the incumbent Punong Barangay Leah Empleo to execute and accept the aforesaid deed of donation contrary to the Section 389 (b) (b), Book III, Chapter 3 & 4 of the Local Government Code of 1991, Articles 745, 749, 1317 of the New Civil Code of the Philippines.
2. The said deed of donation was executed by Rowena Codilla beyond the authority given to her by the previous SB per SB No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**.
3. The Punong Barangay Leah Empleo illegally partitioned the said land and distributed the same to several persons including some members of the Sangguniang Barangay who accepted and actually introduced improvements thereon without legal basis (Ordinance). The copy of the Committee Report is hereto attached as **Annex G**.

In other words, the subject property was never intended for a relocation site, but for a new Barangay Site of Tugbong. However, the previous Mayor, Rowena Codilla and the incumbent Punong Barangay, Leah Empleo illegally made it as a relocation site, which is contrary to the purpose of the supplemental budget that was approved by the previous SB and the authority given to the said previous Mayor by the same SB.

In view of the foregoing, you are hereby demanded to vacate the property within **THIRTY (30) DAYS** from receipt of this letter, and demolish all the improvements found thereon within the same period at your expense. Otherwise, the LGU Kananga, Leyte will take appropriate legal actions against you to protect its rights and interests over the said property.

Respectfully yours,

  
**Atty. Adelito M. Solibaga Jr.**  
 Municipal Legal Officer-designate

  
**ATTY. MA. KRISKA ANNALYN H. TUMAMAK**  
 Notary Public for the City of Ormoc  
 Municipalities of Kananga, Mariguab, Merida and Isabel, Leyte  
 Commission No. ORM-22-09-018-NC Unril December 31, 2024  
 Roll of Attorney's No. 82140  
 IBP No. 329704/ 12/17/2023/ Leyte Chapter  
 PTR No. 7872599/ 01/02/2024/ Ormoc City  
 MCLIE (Newly Admitted to the Bar May 30, 2022)  
 Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
 Email: kriskatumamak@ahq.com  
 Contact No. 0967-324-6663

**CERTIFIED TRUE AND  
 FAITHFUL COPY OF THE  
 ORIGINAL WHEN  
 PRESENTED**

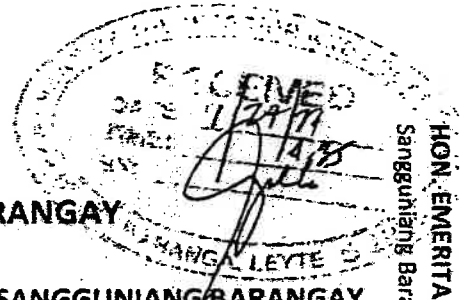






Republic of the Philippines  
Province of Leyte  
Municipality of Kananga  
Barangay Tugbong

oOo



OFFICE OF THE SANGGUNIANG BARANGAY

EXCERPTS FROM THE MINUTES OF SECOND REGULAR SESSION OF SANGGUNIANG BARANGAY HELD ON JUNE 18, 2022 AT 9:00 IN THE MORNING AT THE SANGGUNIANG BARANGAY SESSION HALL, BARANGAY TUGBONG KANANGA, LEYTE.

PRESENT:

- |                             |                                     |
|-----------------------------|-------------------------------------|
| HON. LEAH O. EMPLEO         | Punong Barangay / Presiding Officer |
| HON. EMERITA P. LACNO       | Sangguniang Barangay Member         |
| HON. BEATRIZ C. NAHINE      | Sangguniang Barangay Member         |
| HON. ALIPIO C. CABALEJO JR. | Sangguniang Barangay Member         |
| HON. PRESCILITA O. CABINTOY | Sangguniang Barangay Member         |
| HON. ROLANDO C. YMAS        | Sangguniang Barangay Member         |
| HON. GERARDO D. ODAN        | Sangguniang Barangay Member         |
| HON. JERRY P. EMPLEO        | Sangguniang Barangay Member         |
| HON. ELMER S. RUADO         | Barangay SK Chairperson             |

ABSENT : NONE

RESOLUTION NO. 033

Series of 2022

A RESOLUTION OF SANGGUNIANG BARANGAY MEMBERS OF BARANGAY TUGBONG THAT AUTHORIZED HON. LEAH O. EMPLEO, LOCAL CHIEF EXECUTIVE OF BARANGAY TUGBONG, TO GRANT THE LOT GIVIN BY THE LOCAL GOVERNMENT UNIT OF KANANGA TO ITS RECIPIENTS OR BENEFICIARIES. THE TEN THOUSAND (10,000) SQUARE METERS OF LOT WITH THE TITTLE NO. T- 15094 WAS DULY GIVEN BY THE LOCAL GOVERNMENT OF KANANGA LAST JUNE 25, 2019 AND GRANTED IT TO BARANGAY TUGBONG, KANANGA LEYTE AS RELOCATION SITE.

WHEREAS, many of the constituents of Barangay Tugbong were affected by the road widening project of the government and until now they need proper relocation.

WHEREAS, many of them are situated along the Riverbank and very risk during flood.

WHEREAS, the Local Government of Kananga headed by former Mayor Rowena N. Codilla purchased a lot located in sitio Nahine of Barangay Tugbong with the total area of 10,000 square meters and granted it to Barangay Tugbong last June 25, 2019 as relocation site.

NOW THEREFORE, on motion of HON. ALIPIO C. CABALEJO JR. Sangguniang Barangay Member duly seconded by HON. GERARDO D. ODAN and HON. JERRY P. EMPLEO, BE IT RESOLVED AS IT IS HERE BY RESOLVED, to AUTHORIZED HON. LEAH O. EMPLEO, LOCAL CHIEF EXECUTIVE OF BARANGAY TUGBONG, TO GRANT THE LOT GIVIN BY THE LOCAL GOVERNMENT UNIT OF KANANGA TO ITS RECIPIENTS OR BENEFICIARIES. THE TEN THOUSAND (10,000) SQUARE METERS OF LOT WITH THE TITTLE NO. T- 15094 WAS DULY GIVEN BY THE LOCAL GOVERNMENT OF KANANGA LAST JUNE 25, 2019 AND GRANTED IT TO BARANGAY TUGBONG, KANANGA LEYTE AS RELOCATION SITE.

UNANIMOUSLY APPROVED THIS 18<sup>th</sup> DAY OF JUNE 2022 AT BARANGAY TUGBONG KANANGA, LEYTE PHILIPPINES.

ATTY. MA. KRISKA ANGELO P. TOMAMAK  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matig-oh, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NG Until December 31, 2024  
Roll of Attorney's No. 82140  
IBP No. 520381-12/17/2013/ Leyte Chapter  
PTR No. 012309-12/17/2013/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kiskommamak@yahoo.com  
Contact No. 0967-324-6663

APPROVED BY:

HON. LEAH O. EMPLEO  
Punong Barangay

CERTIFIED CORRECT  
FAITHFULLY  
ORIGINAL  
PRESENTED  
MERCEDITA T. DASAL  
Barangay Secretary

HON. ELMER S. RUADO  
SK Chairperson

HON. JERRY P. EMPLEO  
Sangguniang Barangay Member

HON. GERARDO D. ODAN  
Sangguniang Barangay Member

HON. ROLANDO C. YMAS  
Sangguniang Barangay Member

HON. EMERITA P. LACNO  
Sangguniang Barangay Member

HON. BEATRIZ C. NAHINE  
Sangguniang Barangay Member

HON. ALIPIO C. CABALEJO JR.  
Sangguniang Barangay Member

HON. PRESCILITA O. CABINTOY  
Sangguniang Barangay Member



Annex X



REPUBLIC OF THE PHILIPPINES  
Province of Leyte  
Municipality of Kananga  
BARANGAY TUGBONG

OFFICE OF THE PUNONG BARANGAY

TO: ATTY. ADELITO M. SOLIBAGA, JR.  
Municipal Administrator  
Kananga, Leyte

DATE: August 29, 2023

FROM: LEAH O. EMPLEO  
Punong Barangay  
Barangay Tugbong  
Kananga, Leyte

SUBJECT: REPLY TO FORMAL NOTICE OF  
REVOCATION/CANCELLATION OF DEED OF DONATION  
AND DEMAND TO VACATE

Dear Atty. Solibaga,

Greetings!!!

The undersigned received a copy of the above letter on August 28, 2023 courteously demanding to vacate the lot subject of this case and to demolish all improvements found thereon within 30 days from receipt of your letter.

Base on our records and recollections, Barangay Tugbong, Kananga, Leyte was a recipient of a parcel of land known as Lot 2, being a portion of the consolidation subdivision survey of lot 10184 and lot 101986, covered by TCT No. T- 15094, registered in the name of Juliana Nahine located in Barangay Tugbong, Kananga, Leyte through a Deed of Donation dated June 25, 2019 executed by then Mayor Rowena N. Codilla by virtue of SB Resolution No. 21R – 18 – 523.

As far as I can remember, Barangay Tugbong has been in existence for 8 decades already as one of the original and oldest barangay of the municipality hence, by the passage of time and increase in population, the barangay has already become congested. It was the primary reason why the municipality of Kananga opted to donate a portion of 10,000 square meters property to the barangay to be used as barangay site to cater the needs of its growing population.

We believe that LGU Kananga has validly donated the same to the barangay through several SB Resolutions to purchase and donate the said lot.

Immediately after the execution of the Deed of Donation, the barangay impliedly accepted the same by taking over possession, ownership and dominion over the above parcel of land and subsequently used for barangay site/relocation site for the benefit of the constituents of our barangay.

As we incumbent barangay chairman, I am in quandary as to the reason why after the lapse of more than four (4) years of uninterrupted possession, a Committee Report No. 2023 -23 – 08 was furnished to us recommending for the revocation of the Deed of Donation and further authorizing the Municipal Mayor to Revoke the same and has in fact has already revoked it in your letter.

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

ATTY. MA. KRISKA M. DELA CRUZ TIMAMAL  
Notary Public for the City of Ormoc  
Commission No. ORM-22-09-018-PC, Valid December 31, 2024  
Roll of Attorney's No. 82110  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatimamalk@alipho.com  
Contact No. 0967-324-6663

Upon knowledge of the Committee Report No. 2023 – 23 – 08, the Sangguniang Barangay Vehemently interposed its objection through Barangay Resolution No. 035 Series of 2023, dated August 24, 2023. A copy of the same is attached for your perusal.

The objection was based on the fact that the act of revocation is being violative of paragraph 3, Article 764 of the Civil Code of the Philippines which state that:

" Article 764.

This action shall prescribe after four years from the noncompliance with the condition, may be transmitted to the heirs of the donor, and may be exercised against the donee's heirs."

The donation was impliedly accepted by the barangay when it immediately took over possession, ownership and dominion and used for its intended purpose which is the barangay site/relocation site on June 25, 2019.

Hence, it is our position that the action of the incumbent Sangguniang Bayan through its committee report dated August 18, 2023, recommending for the cancellation/revocation of the Deed of Donation and the subsequent revocation of Hon. Mayor Torres is already beyond the prescribed period.

Thank you.

HON. LEAH D. EMPLEO  
Barangay Chairman

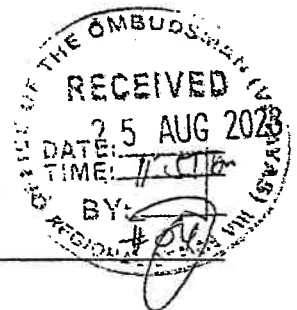
CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

ATTY. MA. KRISKA ANTONIA M. TUMAMAK

Notary Public for the City of Ormoc  
Municipalities of Kananga, Matig-oh, Merida and Isabel, Leyte  
Commission No. ORM-23-09-018-NC Until December 31, 2024  
Roll of Attorneys No. 82130  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email kriskatumamak@yahon.com  
Contact No. 0967-324-6663



REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA  
BARANGAY TUGBONG



OFFICE OF THE SANGGUNIANG BARANGAY

August 24, 2023

**OFA(CF)-V(T)-23-0109-W**

ATTY, JANICE G. GABRITO AGULLO  
Acting Director, Ombudsman Visayas Tacloban Regional Office No. 8  
3<sup>rd</sup> Floor LY Building  
Fatima Village, Marasbaras Tacloban City

Dear Atty. Agullo,

We are respectfully submitting the Barangay Council Resolution No. 35 Series of 2023 A Resolution Interposing Vehement Objection to Sangguniang Bayan Committee Report No. 2023 – 23 – 08 of the Committee as a whole authorizing the Municipal Mayor, Hon. Manuel Vicente M. Torres to Revoke or Cancel the Deed of Donation Dated June 25, 2019 entered into by LGU Kananga and BLGU of Tugbong.

Herein attached Sangguniang Barangay Member Resolution of the original copies.

Please acknowledge upon receipt

Thank you

Sincerely yours,

HON. LEAH S. EMPLEO  
Punong Barangay  
Brgy. Tugbong, Kananga, Leyte

Cc  
Office of the Ombudsman Regional Office No. 8  
Brgy Tugbong Records:

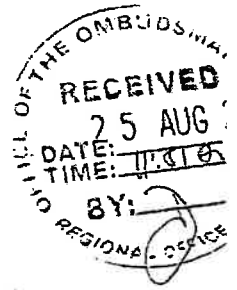
CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09 JBR-NC Until December 31, 2024  
Roll of Attorneys No. 81140  
IBP No. 329704/ 12/17/2021/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLP (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@cpa.gov.ph  
Contact No. 0967-324-6663





REPUBLIC OF THE PHILIPPINES  
 PROVINCE OF LEYTE  
 MUNICIPALITY OF KANANGA  
 BARANGAY TUGBONG



OFFICE OF THE SANGGUNIANG BARANGAY

EXCERPT FROM THE MINUTES OF ESPECIAL SESSION OF THE SANGGUNIANG BARANGAY, HELD AT BARANGAY HALL, BARANGAY TUGBONG KANANGA, LEYTE, DATED AUGUST 24, 2023 @ 2:00 IN THE AFTERNOON.

PRESENT:

HON. LEAH O. EMPLEO  
 HON. EMERITA P. LACNO  
 HON. BEATRIZ C. NAHINE  
 HON. ALIPIO C. CABALEJO JR.  
 HON. PRESCILITA O. CABINTOY  
 HON. ROLANDO C. YMAS  
 HON. GERARDO D. ODAN  
 HON. JERRY P. ODAN  
 HON. ELMER S. RUADO

PUNONG BARANGAY  
 SANGGUNIANG BARANGAY MEMBER  
 SANGGUNIANG BARANGAY MEMBER  
 SANGGUNIANG BARANGAY MEMBER  
 SANGGUNIANG BARANGAY MEMBER  
 SANGGUNIANG BARANGAY MEMBER  
 SANGGUNIANG BARANGAY MEMBER  
 SANGGUNIANG BARANGAY MEMBER  
 BARANGAY SK CHAIRPERSON

RESOLUTION NO. 035  
 Series of 2023

A RESOLUTION INTERPOSING VEHEMENT OBJECTION TO SANGGUNIANG BAYAN COMMITTEE REPORT NO. 2023 – 23 – 08 OF THE COMMITTEE AS A WHOLE AUTHORIZING THE MUNICIPAL MAYOR, HON. MANUEL VICENTE M. TORRES TO REVOKE OR CANCEL THE DEED OF DONATION DATED JUNE 25, 2019 ENTERED INTO BY LGU KANANGA AND BLGU OF TUGBONG.

WHEREAS, The Sangguniang Barangay of Tugbong, Kananga, Leyte was a receipt of a parcel of land known as Lot 2, being a portion of the consolidation subdivision survey of lot 10184 and lot 101986, covered by TLC No. T – 15094, registered in the name of Juliana Nahine located in Barangay Tugbong, Kananga, Leyte through a Deed of Donation dated June 25, 2019 executed by then Mayor Rowena Codilla by virtue of SB Resolution No. 21R – 18 – 523;

WHEREAS, immediately after the execution of the Deed of Donation, Barangay Tugbong, Kananga, Leyte implied accepted the same by taking over possession, ownership, and dominion over the above parcel of land and subsequently used for its intended purpose;

WHEREAS, after the lapse of more than four (4) years of uninterrupted possession by the barangay, a Committee Report No. 2023 – 23 – 08 was finished recommending for the revocation of the Deed of Donation and further authorizing the Municipal Mayor to revoke the same;

WHEREAS, the Sangguniang Barangay vehemently interposes objection to the unilateral act of revocation for being violated of paragraph 3, Article 764 of the Civil Code of the Philippines wit state that;

“ Article 764, The donation shall be revoked at the instance of the donor, when the done fails to comply with any of the conditions which the former imposed upon the letter.

In this case, the property donated shall be returned to the donor, the alienations made by the done and the mortgages imposed thereon by him being void, with the limitations established with regard to third person, by the mortgage Law, and the Land Registration Laws.

This action shall prescribe after four (4) years from the noncompliance with the condition, may be transmitted to the heirs of the donor, and may be exercised against the donee's ( underlining supplied)

WHEREAS, the lot donated was used for its intended purpose, subject to the limitations established and that the same shall filed within four (4) years from the noncompliance of the condition.

CERTIFIED TO BE A FAITHFUL COPY OF THE ORIGINAL WHEN PRESENTED

Municipality of Kananga, Marag-ob, Merida and Isabel, Leyte  
 Commission No. ORM-22-09-018-NC Until December 31, 2024  
 Roll of Attorney's No. 82140  
 IBP No. 329704/ 12/17/2023/ Leyte Chapter  
 MCLE (Newly Admitted to the Bar May 30, 2023)  
 Email: kistcomomakita@kananga.gov.ph  
 Contact No. 0967-321-6663

*[Handwritten signatures]*

WHEREAS, the lot donated was used for its intended purpose.

WHEREAS, the Deed of Donation was executed on June 25, 2019, and immediately, the barangay took possession and used the same for its intended purpose;


WHEREAS, the Committee Report No. 2023 – 23 – 08, authorizing the revocation of the Deed of Donation dated June 25, 2019, was issued on August 18, 2023, hence the action authorizing the revocation has already lapsed.

NOW THEREFORE, on mass motion, BE IT RSOLVED, as it is hereby RESOLVED, to interpose vehement objection to any action for revocation of the above lot for having been prescribe and contrary to law.

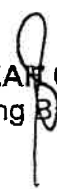
RESOLVED FURTHER that copies of this Resolution shall be forwarded to the Office of Atty. Janice G. Gabrito Agullo, Acting Director, Ombudsman Visayas Tacloban Regional Office No. 8, Tacloban City for their copy furnished.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

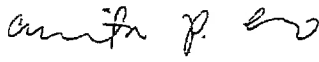
Prepared by:


  
MERCEDITA T. DASAL  
Barangay Secretary

Approved by:


  
HON. LEAH O. EMPLEO  
Punong Barangay

Sangguniang Barangay Member:

  
HON. EMERITA P. LACNO

  
HON. ALIPIO C. CABALEJO JR.

  
HON. ROLANDO C. YMAS

  
HON. JERRY P. EMPLEO


  
HON. BEATRIZ C. NAHINE

  
HON. PRESCILITA O. CABINTOY

  
HON. GERARDO D. ODAN

  
HON. ELMER S. RUADO  
Brgy. BK Chairperson

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

  
ATTY. MA. KRISKA ANGELI H. TUMAMAK  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82140  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLIE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@almu.com  
Contact No. 0967-324-6663



Annex 3

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

MUNICIPAL LEGAL OFFICE  
Real St., Poblacion, Kananga, Leyte

September 18, 2023

Hon. Leah Empleo  
Punong Barangay  
Barangay Tubgong,  
Kananga, Leyte

Subject: Reply to Office of the Ombudsman-Visayas letter with reference number OFA(CF)-V(T)-23-0109-W

Dear Hon. Empleo,

Greetings of Peace!

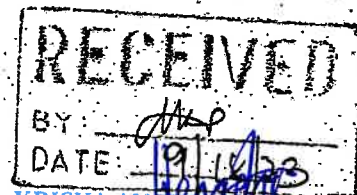
I am writing you, for and in behalf of Honorable Mayor Manuel Vicente M. Torres, the Local Chief Executive (LCE) of the Municipality of Kananga, Leyte who received on September 11, 2023 an endorsement letter dated August 29, 2023 from Atty. Janice G. Gabrito, Acting Director, Regional Office VIII of the Office of the Ombudsman-Visayas, Regional Office VIII, Marasbaras, Tacloban City.

On August 29, 2023, the undersigned with the authority from the Honorable Mayor Manuel Vicente M. Torres, informed you in writing that the latter has already revoked/cancelled the void-from-the-very-beginning deed of donation which was hastily executed by the previous Mayor of Kananga, Leyte, Rowena Codilla on June 25, 2019 (five days before the end of her term) involving a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tugbong, Kananga, Leyte. The copy of said letter is hereto attached as Annex A.

The Honorable Mayor Torres was duly equipped with Sangguniang Bayan (SB) Resolution No. 23R.23-422, Series of 2023 in revoking/cancelling said void ab initio-Donation, which further authorized him to file the appropriate cases for the recovery of the possession and/or ownership of the subject property. The copy of said Resolution is hereto attached as Annex B.

On September 4 and 5, 2023, the undersigned also sent demand letters to the identified occupants in said properties. Initially, these are the individuals who were already demanded in writing to vacate the said properties within 30 days from receipt of the said letters, to wit:

1. Analyn Moana
2. Amy Abilong (Brgy. Treasurer)
3. Mercedita Dasal (Brgy. Secretary)
4. Florabelle Cabalejo
5. Danilo Rafolz
6. Marian Rafolz
7. Danilo Guisando
8. Kieven Wenceslao
9. Alejandro Nadonza



ATTY. MA. KRISKA ANTONIA W. TUMAMAK  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Malabon, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2023  
Roll of Attorneys No. 62140  
Bar No. 2297017-22717-2023, Leyte Chapter  
Notary Public for the City of Ormoc  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aydes Streets  
Email: kriska@notarypublic.com.ph  
Contact No. 0963-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL DOCUMENT  
PRESENTED

The LGU Kananga, Leyte is still identifying the other occupants in the said property.





For easy reference to all concerned, the contents of the letter that this office sent to the Punong Barangay of Tugbong, Hon. Leah Empleo is hereunder reproduced, to wit:

"A month ago, it was discovered that the aforesaid deed of donation was illegally executed by the former Mayor Codilla beyond the authority given to her by the previous SB.

During the committee hearing of the Committee of the Whole of the present SB, it was confirmed that the incumbent Punong Barangay of Tugbong, Kananga, Leyte, Leah Empleo, did not have any authority from the Sangguniang Barangay to execute and accept said deed of donation. Thus, this letter.

To refresh your memory, the undisputed antecedent facts are as follows:

1. On **August 6, 2018**, former Mayor Rowena Codilla prepared and approved a Purchase Request (PR) for the purchase of a 10,000 square-meter portion of a parcel of land known as Lot no. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094, tax declared under the name of Juliana Nahine and located in Brgy. Tugbong, Kananga, Leyte for PhP 1,400,000.00.
2. The said PR expressly states that purpose of the purchase is for "**Barangay Site of Barangay Tugbong, Kananga, Leyte.**" This bears stressing that on the day the said PR was also prepared and approved by Rowena Codilla, the same was without an approved budget from the previous SB. The copy of said PR No. 2018-12-037 dated August 6, 2018 is hereto attached as **Annex A.**
3. Based on the letter-request dated August 8, 2018 (two days after the PR was issued), the former Municipal Assessor, Engr. Virgilio Tiu requested for the conduct of the appraisal/assessment of said land which was intended for "**Proposed (New) Barangay Site of Tugbong.**" The copy of said letter-request is hereto attached as **Annex B.**
4. On **August 9, 2018**, the Provincial Appraisal Committee passed a Resolution No. 026-2018 which shows the recommended appraised market value of the above-mentioned property. The same resolution also states that the appraised property was for the "**Proposed (New) Barangay Site of Tugbong.**" The copy of said Resolution is hereto attached as **Annex C.**
5. On **September 10, 2018**, the 21<sup>st</sup> Sangguniang Bayan under the former Vice Mayor, Elmer Codilla passed a Supplemental Ordinance No. 21L.18-048, Series of 2018 which budgeted an amount for the purchase of said land.
6. On **December 10, 2018**, the same Sangguniang Bayan passed a Resolution No. 21R.18-523, series of 2018 authorizing the former Mayor Rowena Codilla to purchase the above-mentioned land which expressly states that the same was **intended for Barangay Site** of Barangay Tugbong, Kananga, Leyte. The copy of said SB Resolution is hereto attached as **Annex D.**
7. On **May 15, 2019**, the same Sangguniang Bayan passed a Resolution No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as **Barangay Site of Barangay Tugbong**, not a **Relocation Site**. The copy of said SB Resolution is hereto attached as **Annex E.**
8. On **June 25, 2019**, five (5) days before the end of the term of Rowena Codilla, she hastily executed a Deed of Donation covering the above-described land in favor of Brgy. Tugbong, Kananga, Leyte. However, in said Deed of Donation, it is expressly stated that "**the herein donated property shall be used exclusively as barangay relocation site/expansion of built-up area for its residents.**"

CERTIFIED TRUE AND  
FAITHFUL COPY  
TRINITY  
PRESENTED

ATTY. MA. KRISKA ANDERSON, J.M.P.  
Municipal Assessor of Ormoc City, Leyte  
PTR No. 7872599/01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.I. Tan Bldg. corner Rizal and Ayales Streets  
Email: kriskanderson@ayalacenter.com  
Contact No. 0917-324-6663



9. This is contrary to, and not in conformity with the authority given to her by SB, per SB resolution no. 21R.19-629 series of 2019 which authority clearly states that the donated property should be used as "Barangay Site" not a relocation site. The copy of said deed of donation is hereto attached as Annex F.

Last August 18, 2023, the Committee of the Whole of the present SB conducted an investigation at the SB session hall (where you and the members of the Sangguniang Barangay attended and participated), and it was found out, THAT:

1. The Barangay Sangguniang did not authorize the Incumbent Punong Barangay Leah Empleo to execute and accept the aforesaid deed of donation contrary to the Section 389 (b) (b), Book III, Chapter 3 & 4 of the Local Government Code of 1991, Articles 745, 749, 1317 of the New Civil Code of the Philippines.
2. The said deed of donation was executed by Rowena Codilla beyond the authority given to her by the previous SB per SB No. 21R.19-629 series of 2019 authorizing former Mayor Rowena Codilla to donate the said property to Brgy. Tugbong. In the said Resolution, it is expressly stated that the said procured property is intended as Barangay Site of Barangay Tugbong, not a Relocation Site.
3. The Punong Barangay Leah Empleo illegally partitioned the said land and distributed the same to several persons including some members of the Sangguniang Barangay who accepted and actually introduced improvements thereon without legal basis (Ordinance).

The copy of the Committee Report is hereto attached as Annex G.

To reiterate, as of the present, the said property has been illegally distributed by LGU Tugbong, through its Punong Barangay Leah Empleo to some of the Barangay Officials of the said Barangay and illegally occupied by more or less 15 households as relocation site.

In view of the foregoing, this is to formally inform the Barangay Local Government of Tugbong, Kananga, Leyte headed by its Punong Barangay Leah Empleo, that the Local Government Unit of Kananga, Leyte, through its Local Chief Executive (LCE), Mayor Manuel Vicente M. Torres, has **REVOKED/CANCELLED** the aforesaid **DEED OF DONATION** which was illegally executed by Rowena Codilla on June 25, 2019 based on the grounds discussed above.

Further, you are hereby demanded to vacate the property within **THIRTY (30) DAYS** from receipt of this letter, and demolish all the improvements found thereon within the same period at your expense. Otherwise, the LGU Kananga, Leyte will take appropriate legal actions against you to protect its rights and interests over the said property."

This is to emphasize that purpose for which the fund was originally appropriated by the Sangguniang Bayan was for procurement of land to be utilized as the New Barangay Site of Barangay Tugbong, Kananga, Leyte. That is very clear from the relevant documents that were attached to the above-mentioned letters.

The subject deed of donation was executed by the former Mayor Rowena Codilla beyond the authority given to her by the previous SB, and the utilization of the said LGU Kananga-procured

land as **RELOCATION SITE** runs contrary to the purpose (NEW BARANGAY SITE OF BRGY. TUGBONG) for which the fund was originally appropriated by an ordinance.

ATTY. MA. KRISKA ANGEL TUMAMAK

Municipality of Kananga, Marikina, Merida and Isabel, Leyte  
 Contact No. 0967-324-8663  
 Hall of Ateneo's No. 82-140  
 TRP No. 329704/12/17/2023/ Leyte Chapter  
 PTR No. 78725997-01/02/2024/ Ormoc City  
 MCLC (Newly Admitted to the Bar May 30, 2022)  
 Unit 4, 2/F J.F. Tan Bldg. corner Rizal and Ayala Streets  
 Contact No. 0967-324-8663

CERTIFIED TRUE AND  
 FAITHFUL COPY OF THE  
 ORIGINAL WHICH  
 IS PRESENTED





Further, under the law, the utilization of the fund different from the purpose for which it was appropriated by a law or an ordinance is tantamount to technical malversation.

Article 220 of the Revised Penal Code reads:

Art. 220. Illegal use of public funds or property. — Any public officer who shall apply any public fund or property under his administration to any public use other than for which such fund or property were appropriated by law or ordinance shall suffer the penalty of prison correccional in its minimum period or a fine ranging from one-half to the total of the sum misapplied, if by reason of such misapplication, any damages or embarrassment shall have resulted to the public service. In either case, the offender shall also suffer the penalty of temporary special disqualification. If no damage or embarrassment to the public service has resulted, the penalty shall be a fine from 5 to 50 per cent of the sum misapplied.

In a case, the Supreme Court upheld the conviction of the Mayor for Technical malversation, which has three elements:

- a) that the offender is an accountable public officer;
- b) that he applies public funds or property under his administration to some public use; and
- c) that the public use for which such funds or property were applied is different from the purpose for which they were originally appropriated by law or ordinance.

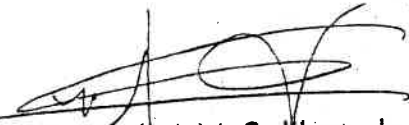
The Supreme Court held that:


“no matter how noble or miniscule the amount diverted, constitutes the crime of technical malversation.” Criminal intent is not an element of technical malversation. “The law punishes the act of diverting public property earmarked by law or ordinance for a particular public purpose to another public purpose. The offense is mala prohibita, meaning that the prohibited act is not inherently immoral but becomes a criminal offense because positive law forbids its commission based on considerations of public policy, order, and convenience. It is the commission of an act as defined by the law, and not the character or effect thereof, that determines whether or not the provision has been violated. Hence, malice or criminal intent is completely irrelevant.”<sup>1</sup>

It is hoped that you would cooperate with LGU Kananga, Leyte in protecting all its funds and properties, and to make sure that said funds and properties are utilized in accordance with the purpose or public use for which they are appropriated by law or ordinance.

Further, as reiteration of the previous letter of demand to vacate, the LGU Kananga, Leyte is expecting you to vacate the premises within the period of time that was given to you in the said previous letter. Otherwise, the LGU Kananga will file the appropriate cases before the proper courts to protect its rights and interests over said property.

Respectfully yours,

  
**Atty. Adelto M. Solibaga Jr.**  
 Municipal Legal Officer-designate

  
**ATTY. MA. KRISKA ANN E. H. TUMANAK**  
 Notary Public for the City of Ormoc  
 Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
 Commission No. ORM-22-09-018-NC, Until December 31, 2024  
 Roll of Attorney's No. 23340  
 JRP No. 329704/ 12/17/2023/ Leyte Chapter  
 FIR No. 7872599/ 01/02/2024/ Ormoc City  
 Only Admitted in the On May 30, 2023  
 Unit 4, 2/F, E Tan Bldg. corner Rizal and Reyes Street  
 Ormoc City, Leyte

CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL AS PRESENTED

<sup>1</sup> Ysidro vs. People of the Philippines, G.R. No. 192330, 14 November 2012





Copy furnished:

Atty. Janice G. Gabrito  
Acting Director,  
Regional Office VIII  
Office of the Ombudsman-Visayas,  
Marasbaras, Tacloban City

Hon. Manuel Vicente M. Torres  
Mayor  
Office of the Mayor  
Poblacion, Kananga, Leyte

Hon. Miguel Jorge P. Tan  
Vice Mayor  
Office of the Vice Mayor  
Poblacion, Kananga, Leyte

REGISTRY RECEIPT

₱ 85.-

Post Office: RC 448 606 268 Z  
Letter/Pack:   
Posted on SEP 18 2023 20  
Preserve this receipt for reference in case of inquiry

Postmaster/Trailer

RECEIVED  
Juli  
9/18/2023

MUNICIPALITY OF KANANGA  
PROVINCE OF LEYTE  
OFFICE OF THE VICE MAYOR  
RECEIVED  
DATE: 9-18-23  
TIME: 3:56  
BY:

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

ATTY. MA. KRISKA A. GANAN H. TUMAMAK  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-02-09-018-NC Until December 31, 2024  
Roll of Attorneys No. 32140  
IBP No. 329704/12/17/2023/ Leyte Chapter  
PTR No. 2814899/01/02/2024/ Ormoc City  
MCLE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskaganan@ayalabank.com  
Contact No. 0967-324-8663

TAX DECLARATION OF REAL PROPERTY

ANNEX AA

21023-RI332

Property Identification No.

044-21-023-20-069

Address: BAYAN, MARIKINA

TIN

Address: Tugboang, Kananga, Leyte

TEL. NO.

Administrative/Statistical User:

TIN:

Address:

Tel. No.

Location of Property: Tugboang, Kananga, Leyte

Number of sheets: 1

(Municipality & Province/City)

Section: 10000

Survey No.

PC-10337

Lot No.

Lot 2, being a portion of the cons.

Subd. No.

Subd. Of lots 10184, 10188

Section: 10000

Section/V

11830, 11831, Lot 1 Lot 3

Section: 10000

West

PROPERTY ASSESSMENT

CERTIFIED XEROX COPY

LAND

MACHINERY

Brief Description

MACHINERY

OTHERS

No. of items

Item Description

ENGR VIRGILIO T. TILIA  
MUNICIPAL ASSESSOR  
R# 2456791

ISSUED ON: 1-15-19

Assessed (ISSUED) At

Classification

Area

Market Value

Actual Use

Level

Value

Van's Land

1st

1,0000

49,087.77

Super 1a

40%

19,630.00

Total

1,0000

49,087.45

Pho

19,630.00

PROPERTY TAXES DEDUCTIBLE FOR FUNDING THIRTY PESOS

Amount to deduct

Effects of Assessment & Management

2011

ATY MAISEL M. MARTE  
Provincial Assessor

RECOMMENDED BY:

ENGR VIRGILIO T. TILIA

Municipal Assessor

Declaration under No. 21023-RI332 Owner: VIRGILIO T. TILIA

Reason is hereby made to correct the name of the declared owner based on the And extra judicial

document. Taxes paid up to the year 2011, per O R # 088843 dated 6/28/11 at Porianga, Leyte.

This declaration is for real property (estate) purposes only and the values 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.

It does not and cannot by itself alone confer any ownership or legal title to the property.



CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL WHEN PRESENTED

Municipalities of Kananga, Marikina, Merida and Isabel, Leyte

Commission No. ORM-22 09-01, NC Until December 31, 2024

Roll of Attorneys No. 82440

IBP No. 329704/ 12/17/2023/ Leyte Chapter

PTR No. 782599/ 01/02/2024/ Ormoc City

MCLP (Newly Admitted to the Bar May 30, 2023)

Unit 4, 2/F J.E. Tan Bldg. Corrales, Marikina, Leyte

Email: [illegible]

Contact No. [illegible]







SN No 2895590

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF JUSTICE

Land Registration Commission  
REGISTRY OF DEEDS FOR THE PROVINCE OF LEYTE

# Transfer Certificate of Title

No. T-15094

IT IS HEREBY CERTIFIED that certain land situated in the Municipality of Kananga  
Province of Leyte, Philippines bounded and described as follows:

A parcel of land (Lot 2, (LRC) Pes-19337, being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 10186, both of the Cadastral Survey of Ormoc, L.R.C. Cad. No. 1795), situated in the Barrio of Tugbong, Municipality of Kananga, Province of Northern, Leyte, Island of Leyte. Bounded on the NE., along line 1-2 by Lot 4 of the consolidation-subdivision plan along lines 2-3-4-5 by Lot 10185, Ormoc Cadastre; on the SE., along line 5-6 by Lot 5 of the consolidation-subdivision plan along lines 6-7-8 by Lot 10183; on the SW., along line 8-9 by Lot 10186; on point 9 by Lot 11831, all Ormoc Cadastre; along line 9-10-11 by Lot 1; and along line 11-1 by Lot 3, both of the consolidation-subdivision plan. Beginning at a point marked "1" on plan, being N. 33 deg. 47' W., 395.67 m. from B.L.L.M. No. 205, Ormoc Cadastre, thence S. 60 deg.

is registered in accordance with the provisions of the Land Registration Act in the name of  
**JULIANA NAGIRE**, of legal age, Filipino, Married to Solomon Porcero

as owner thereof in fee simple, subject to such of the incumbrances mentioned in Section 39 of said Act as may be subsisting and to a first lien in favor of the National Government to guarantee the payment of the special taxes assessed pursuant to the provisions of section 18 of Act 2259, as amended.

IT IS FURTHER CERTIFIED that said land was originally registered on the 15th day of February, in the year nineteen hundred and forty in the Registration Book of the Office of the Register of Deeds of Leyte, Volume 110, page 27282, as Original Certificate of Title No. 27282, pursuant to Decree No. 715772 issued in L.R.C. Cadastral Record No. 1795 27282 & 27365

This certificate is a transfer from Original Certificate of Title No. 27282 which is cancelled by virtue hereof in so far as the above-described land is concerned.



Entered at Eagleban City,  
Philippines, on the 1st day of April  
in the year nineteen hundred and seventy-six  
at 9:00 a. m.

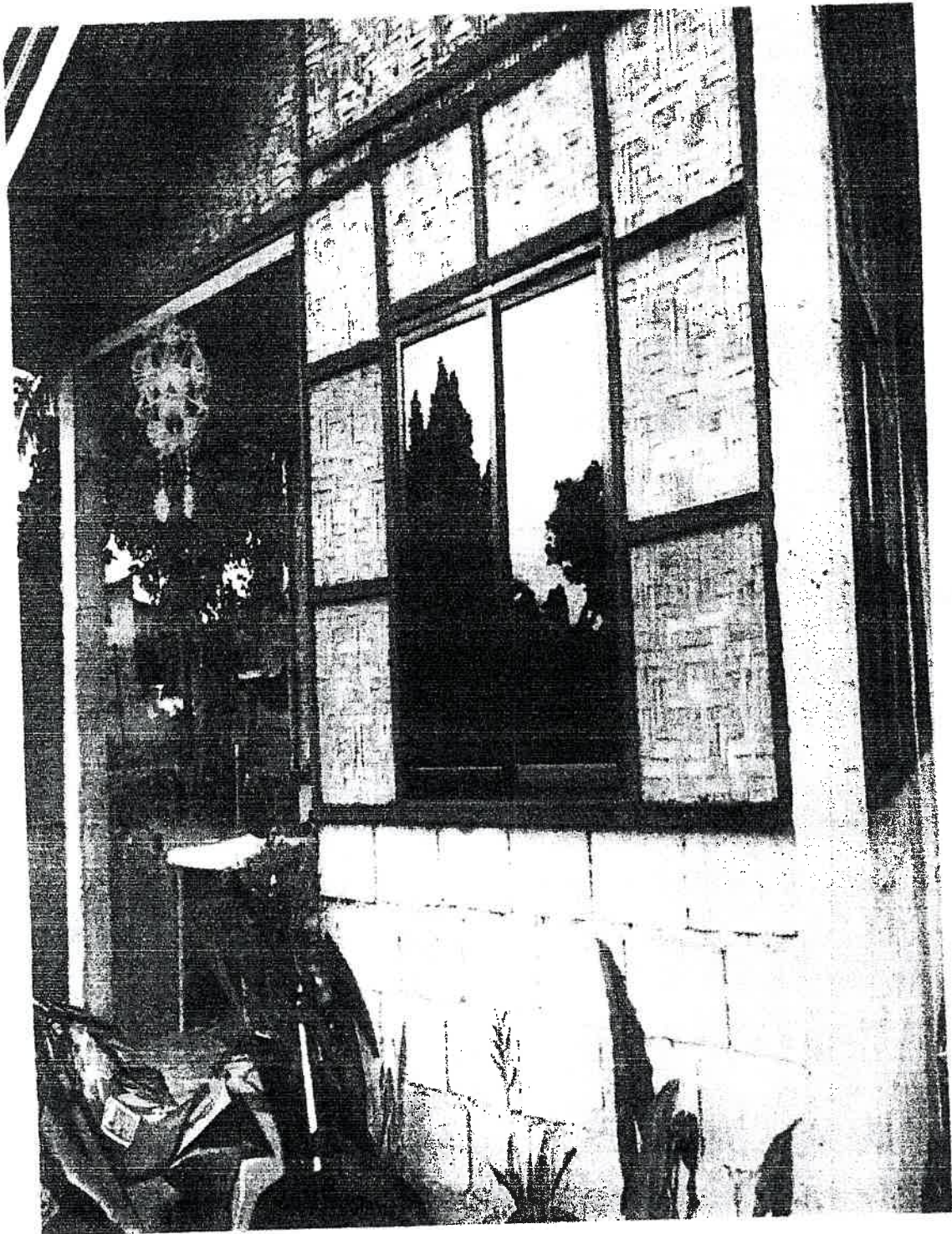
ATTEST:  
**ATTY. MA. KRISKA ANTONIO TUMAMAK**  
Notary Public for the City of Ormoc  
Municipality of Kananga, Province of Northern Leyte  
Commission No. 17000, 10000-Street, Ormoc City  
**ROBERTO S. GARCIA, JR.**  
Acting Register of Deeds  
Unit 3, 27th Floor, United Building, Ormoc City

CERTIFIED TRUE AND  
FAITHFULLY ORIGINAL  
FRESH  
Kananga, Leyte, Philippines  
(Owner's postal address)

\* State the civil status, name of spouse if married, age if a minor, citizenship and residence of the registered owner. If the owner is a married woman state also the citizenship of her husband. If the registered owner is a minor, state the citizenship of the conjugal partnership, state the citizenship of both spouses.



Annex CC-



CERTIFICATE OF TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

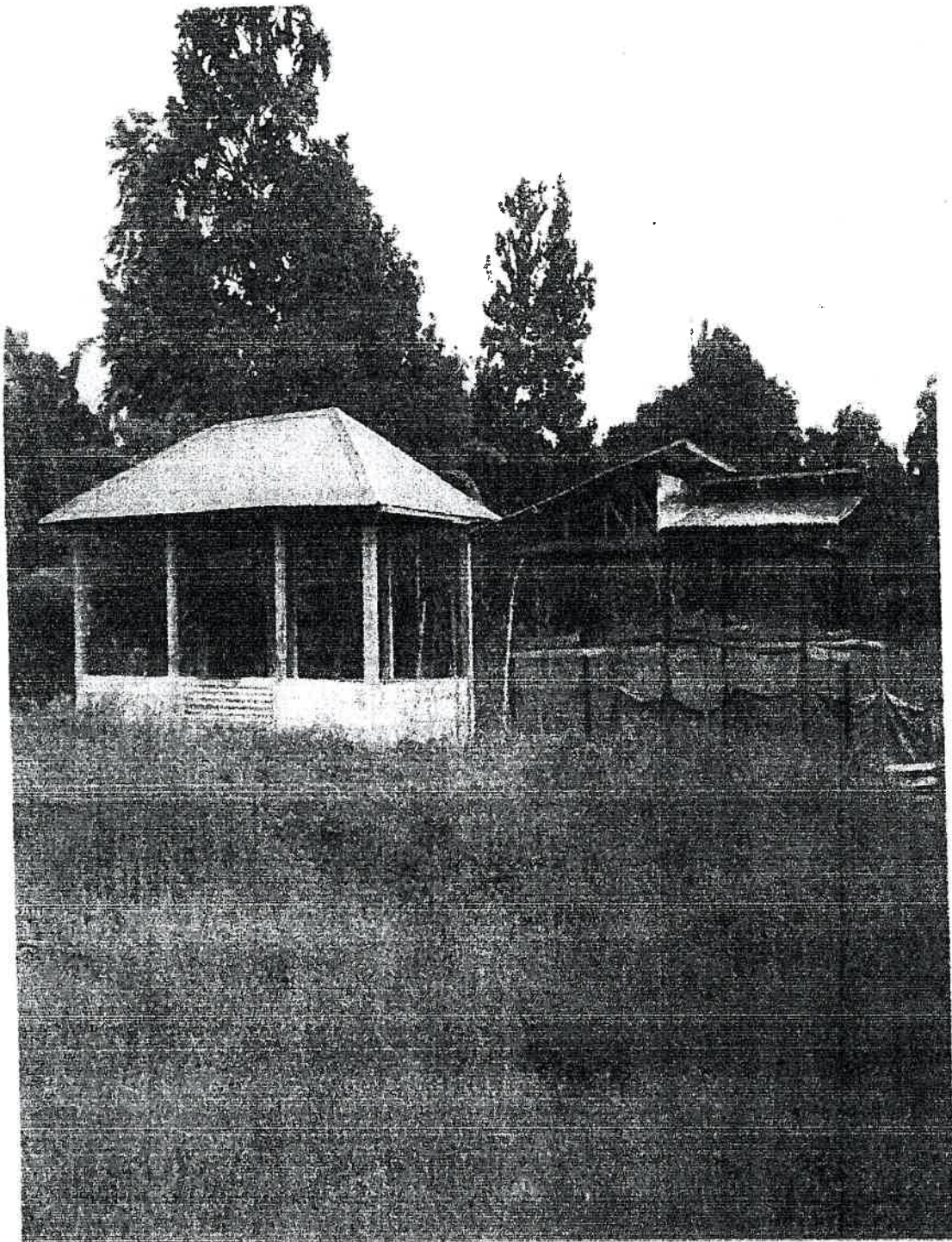
ATTY. MA. KRISKA  H. TUMAMAK

Notary Public for the City of Ormoc  
Municipalities of Kananga, Maing-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-01R-NC Unit December 31, 2024  
Roll of Attorney's No. 82140

JRP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2021/ Ormoc City  
MCLE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriska.tumamak@ypho.com  
Contact No. 0967-324-6663



Annex CC 1



CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

  
ATTY. MA. KRISKA ANGELA H. TUMAMAK

Notary Public for the City of Ormoc  
Municipalities of Kananga, Mang-o, Merida and Isabel, Leyte  
Commission No. ORM-22-59-018-NC Until December 31, 2024  
Roll of Attorney's No. 82430

IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7812599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: [kriskatumamak@phila.com](mailto:kriskatumamak@phila.com)  
Contact No. 0967-324-6663

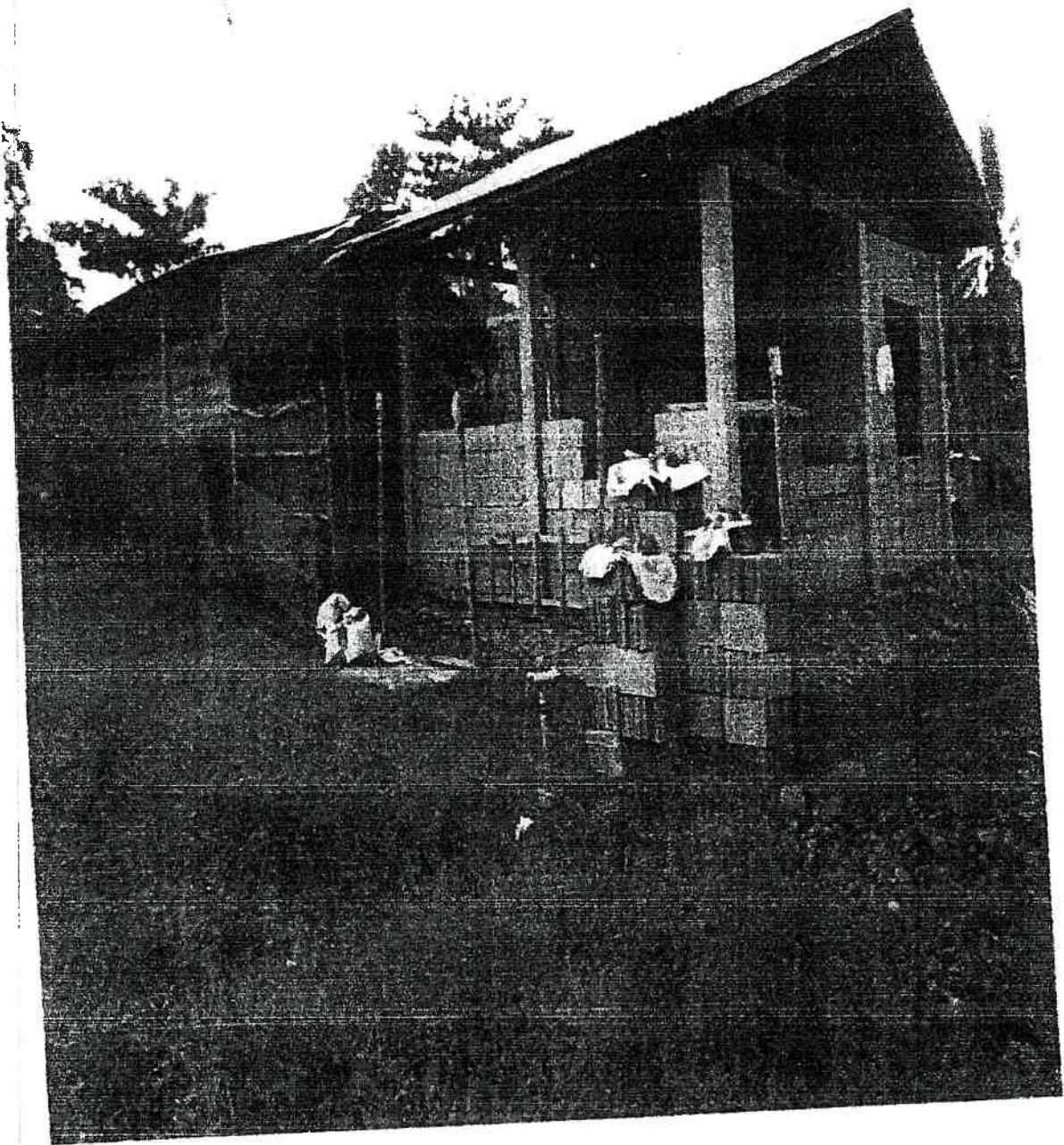




REPT. OF THE AND  
CERTIFICATE OF THE  
ORIGINAL WHEN  
PRESENTED

*Kriska*  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 32149  
IRP No. 329701/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@anhon.com  
Contact No. 0967-324-6663



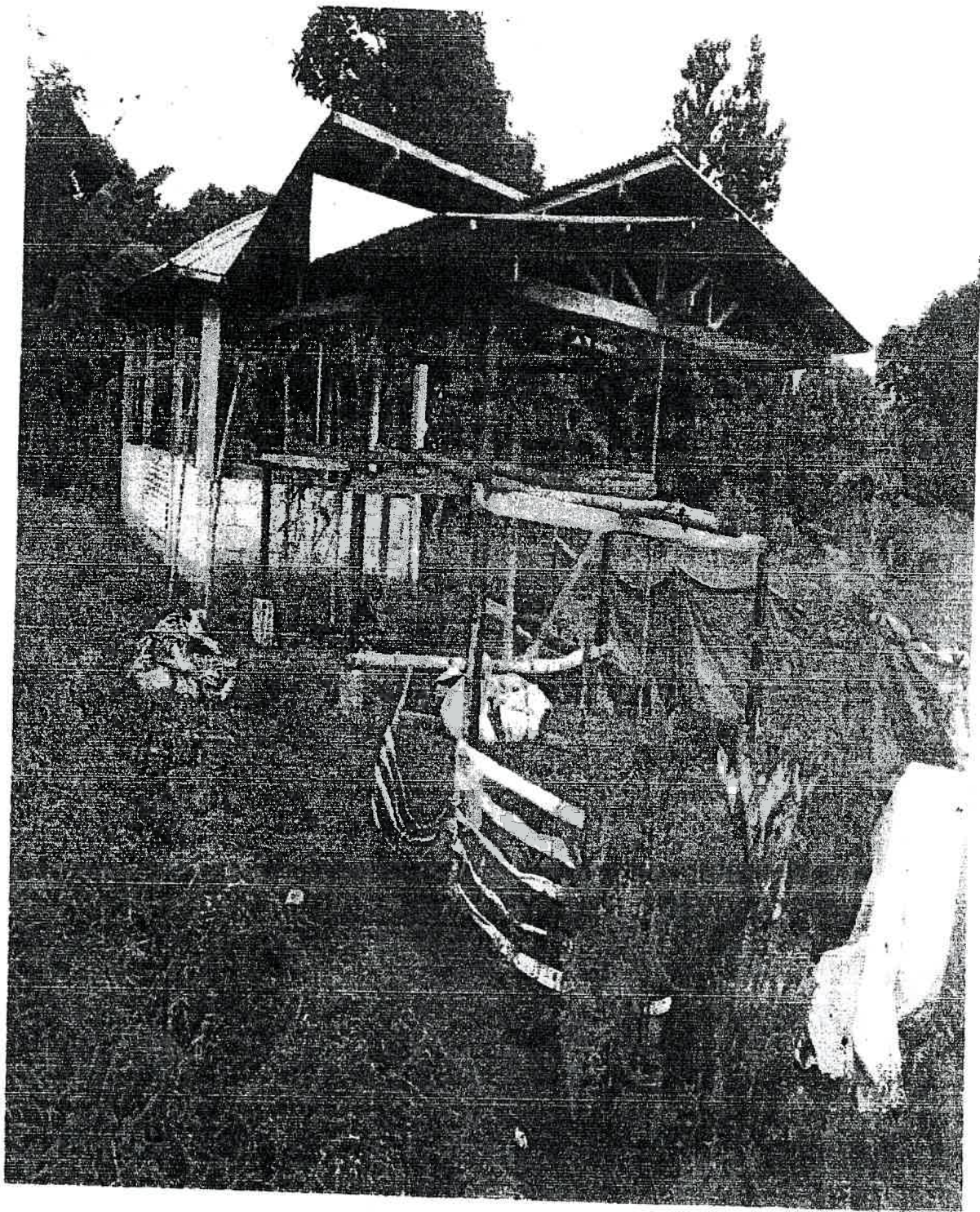


CERTIFICATE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

*[Signature]*  
**ATTY. MA. KRISKA M. TUMAGUA**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Maraguday, Merida and Isabel, Leyte  
Commission No. ORM 22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 8210  
IBP No. 329701/ 12/17/2023/ Leyte Chapter  
PIR No. 7812599/ 01/02/2024/ Ormoc City  
MCLP (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email kjsk.mumagka@ahm.gov.ph  
Contact No. 0967-324-6663



ANNEX CC 4



CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

*Angela H. Tumamak*  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**

Notary Public for the City of Ormoc  
Municipalities of Rananga, Matag-oh, Merida and Isabel, Leyte  
Commission No. ORM-22-09-01R-NC Until December 31, 2024  
Roll of Attorney's No. 82440

IRP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskaummamak@pho.com  
Contact No. 0967-324-6663



# ANNEX CC'S



**CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED**

**ATTY. MA. KRISKA ANGELA H. TUMAMAK**

*Angela H. Tumamak*  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82140  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLP (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: [kriskatumamak@yahoo.com](mailto:kriskatumamak@yahoo.com)  
Contact No. 0967-324-6663



ANNEX CC U



CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

*Kriska*  
ATTY. MA. KRISKA ANGELA H. TUMAMAK


Notary Public for the City of Ormoc  
Municipalities of Kananga, Marig-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82190  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@yahoo.com  
Contact No. 0967-324-6663



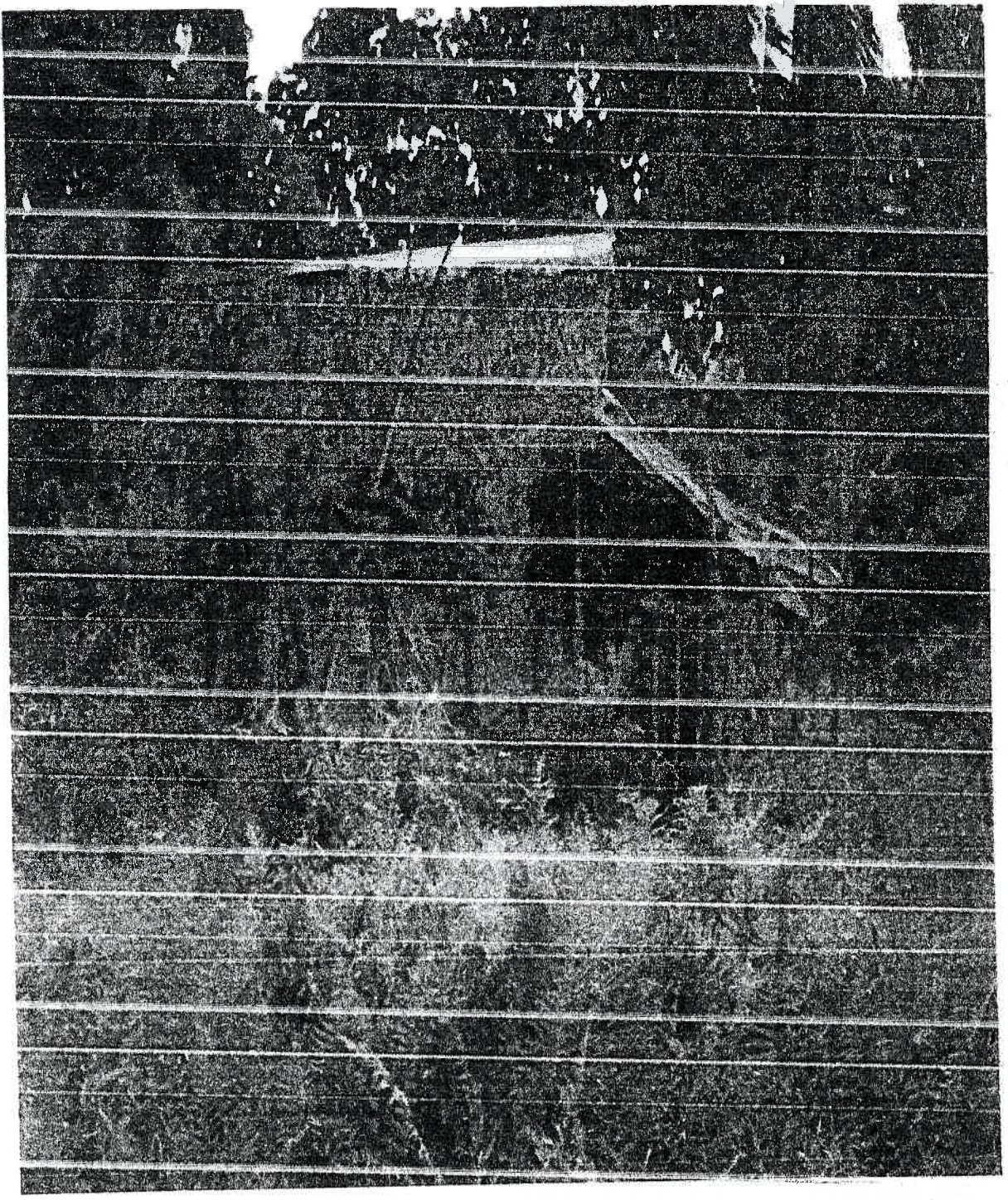
# ANNEX CC 7



CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 52140  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@yahoo.com  
Contact No. 0967-324-6663



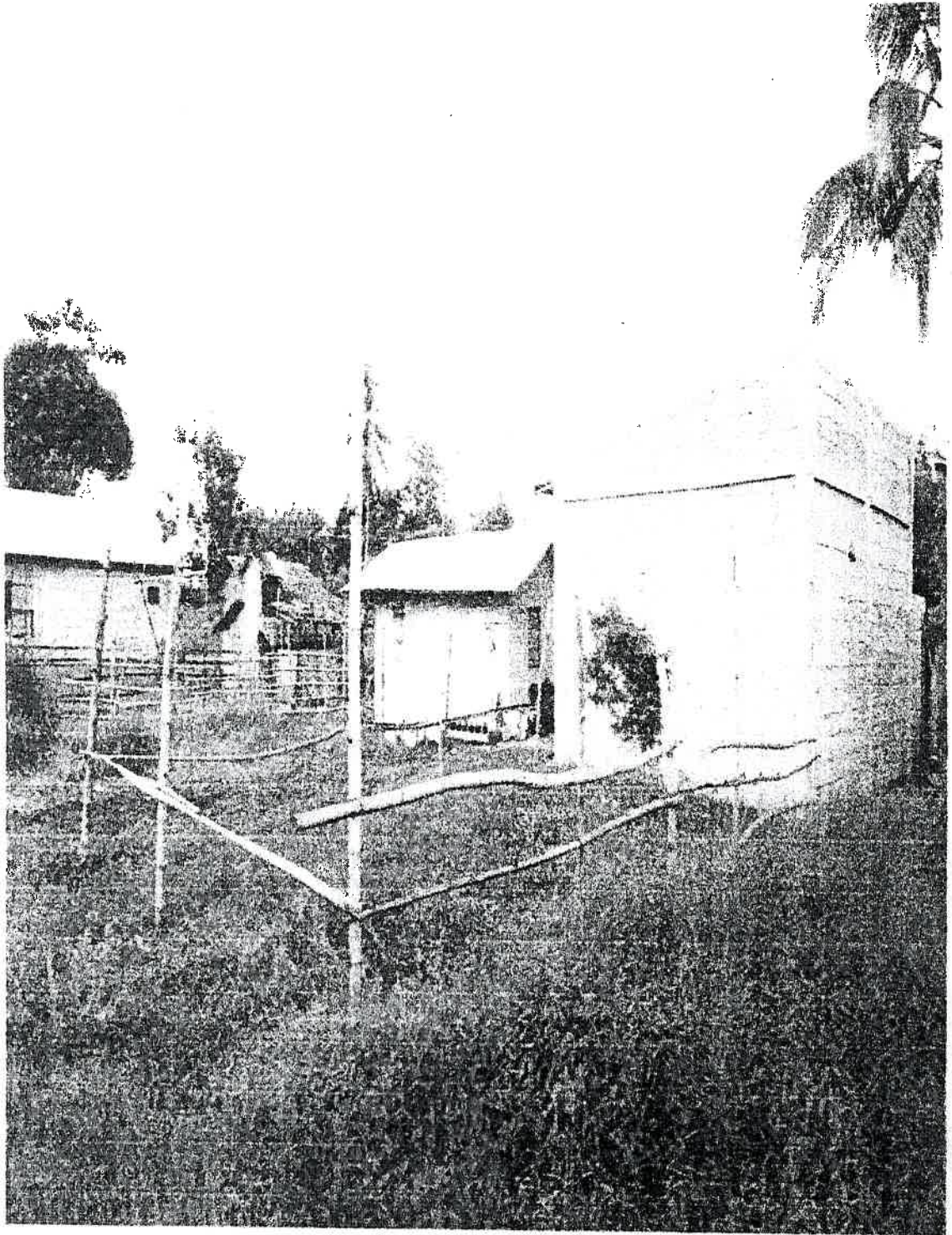


CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

*[Signature]*  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Marikina, Merida and Isabel, Leyte  
Commission No: ORAI-22-09-018-NC Until December 31, 2024  
Re: B of Attorney's No. 82140  
IBP No. 529701/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLP (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@yuhp.com  
Contact No. 0967-324-6663



ANNEX EC 9



CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

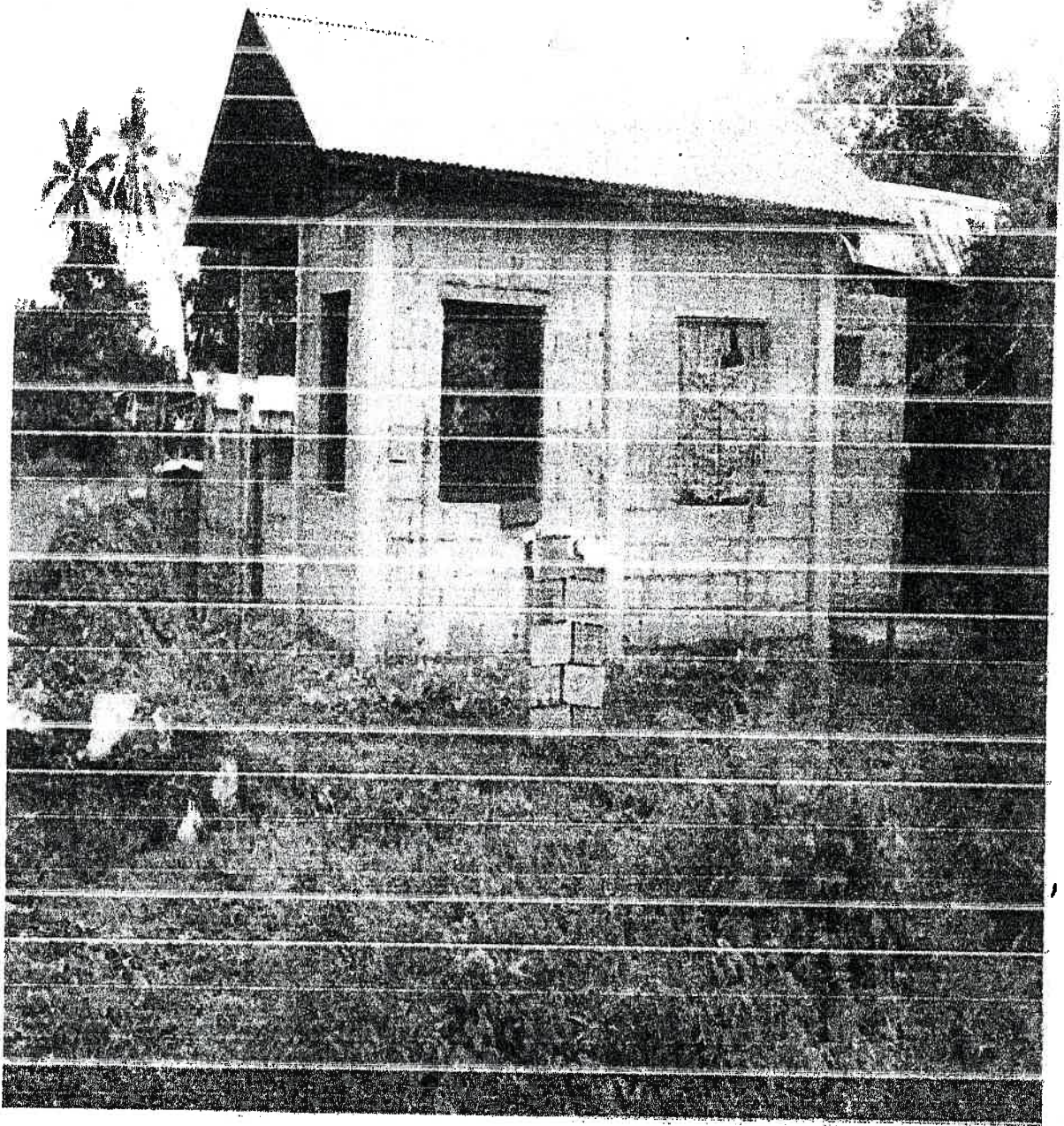
*Kriska Angela H. Tumamak*  
ATTY. MA. KRISKA ANGELA H. TUMAMAK

Notary Public for the City of Ormoc  
Municipalities of Kananga, Marag-oh, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82140

IRP No. 329701/12/17/2023/ Leyte Chapter  
PTR No. 7872599/01/02/2024/ Ormoc City  
MCLE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskytumamak@ohq.com  
Contact No. 0967-324-6663



# ANNEX DC 10



CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

*Kriska*  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**

Notary Public for the City of Ormoc  
Municipalities of Kawanga, Masag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorneys No. 82140  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872899/ 01/02/2021/ Ormoc City  
MCLE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriska@notarypublic.com  
Contact No. 0967-324-6663



# ANNEX CC-11



CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

*[Signature]*  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**

Notary Public for the City of Ormoc  
Municipalities of Kananga, Maunabo, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 83140

IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLJE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.F. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriska.romanosaka@abgn.com  
Contact No. 0967-324-6663



ANNEX CC-12



ERT. J. ... AN:  
FATH ... OF THE  
ORIGINAL ...  
PRESENTED

*Kriska*  
**ATTY. MA. KRISKA ANSELMO H. TUMAMAK**

Notary Public for the City of Ormoc  
Municipalities of Kananga, Marikob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorneys No. 8140  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PIR No. 7812599/ 01/02/2021/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriska.tumamak@cbp.gov.ph  
Contact No. 0967-324-6663



ANNEX CC-13



CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

*Kriska*  
ATTY. MA. KRISKA ANGELA H. TUMAMAK

Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024

Roll of Attorney's No. 82440

IBP No. 329704/12/17/2023/ Leyte Chapter

PTR No. 7872599/01/02/2021/ Ormoc City

MCLF (Newly Admitted to the Bar May 30, 2022)

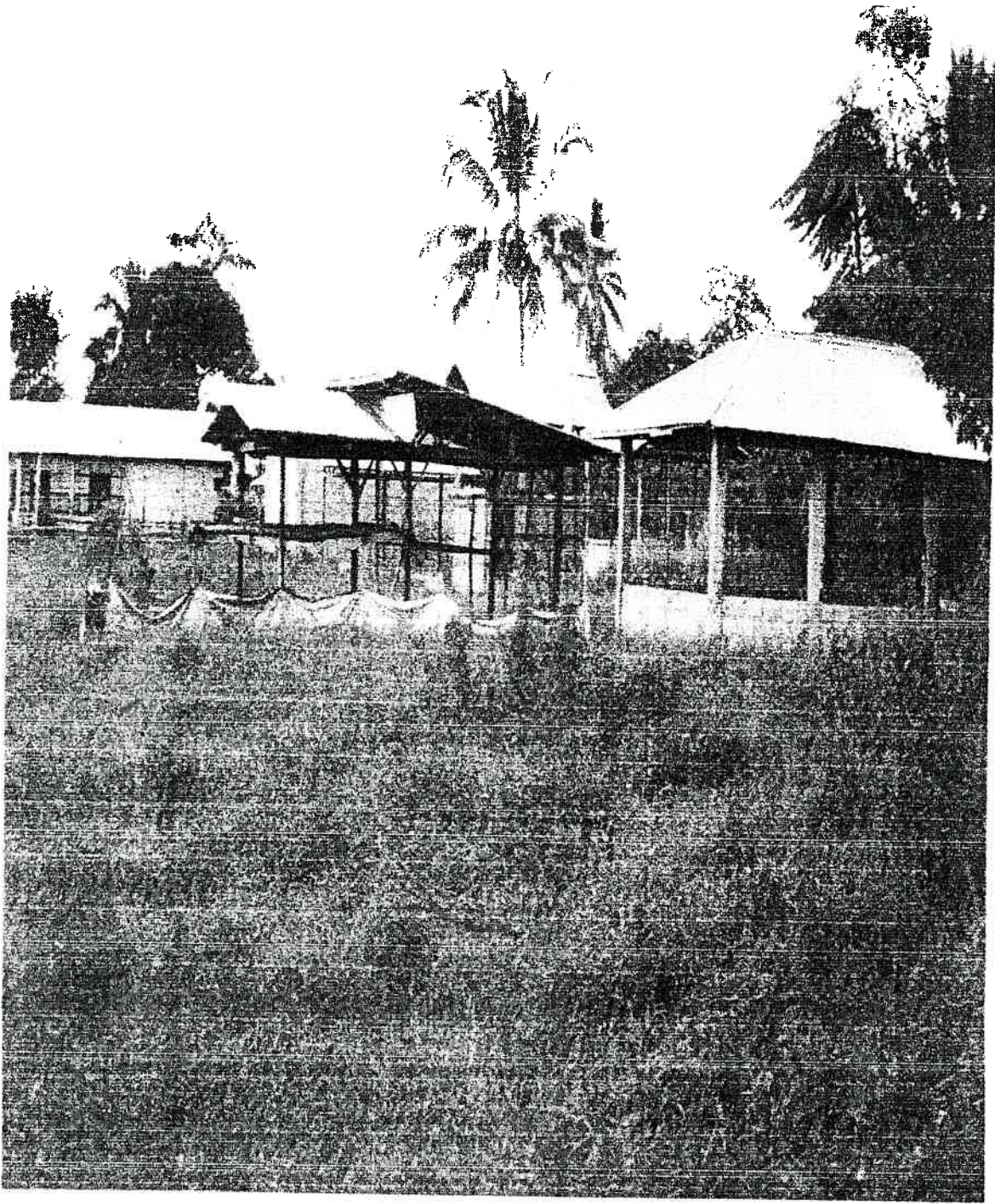
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets

Email [kriska.tumamak@colpn.com](mailto:kriska.tumamak@colpn.com)

Contact No. 0967-324-6663



# ANNEX CC 14



CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

*[Handwritten Signature]*  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**

Notary Public of the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-918-NC Until December 31, 2024  
Roll of Attorney's No. 8240

IBP No. 329704/ 12/17/2023/ Leyte Chapter

PTR No. 7872599/ 01/02/2024/ Osmor City

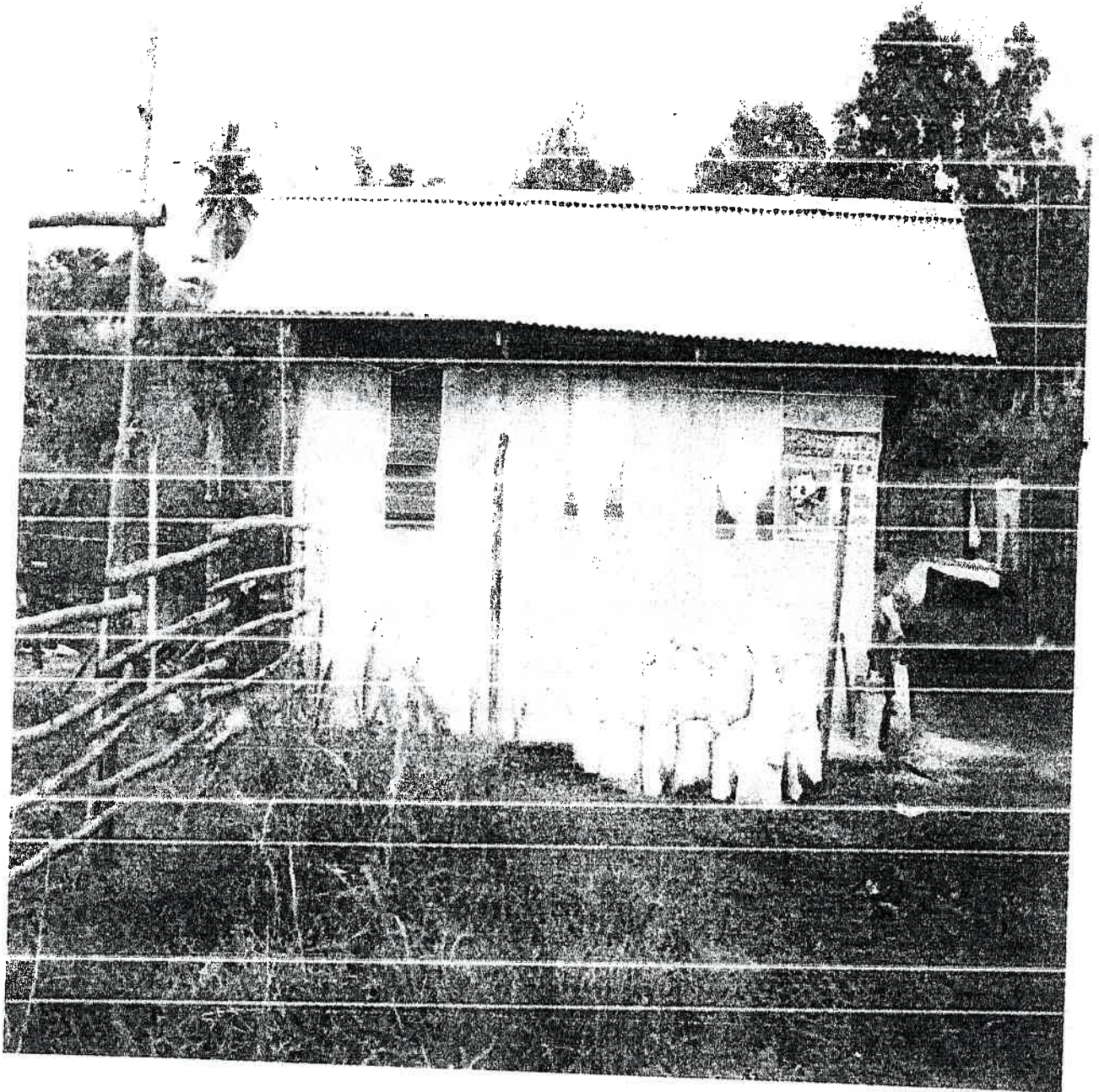
MCLE (Newly Admitted to the Bar May 30, 2023)

Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets

Email: kriskatumamak@yahoo.com

Contact No. 0967-324-6663





CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

*Perseph*  
**ATTY. MA. KRISKA ANGELAH. TUMAMAK**

Notary Public for the City of Ormoc  
Municipalities of Kananga, Maung-oh, Mecida and Isabel, Leyte  
Commission No. ORM-22-09-918-NC Until December 31, 2024  
Roll of Attorney's No. 82440  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kaiskamtumamak@adqo.com  
Contact No. 0967-324-6663



ANNEX CC 16

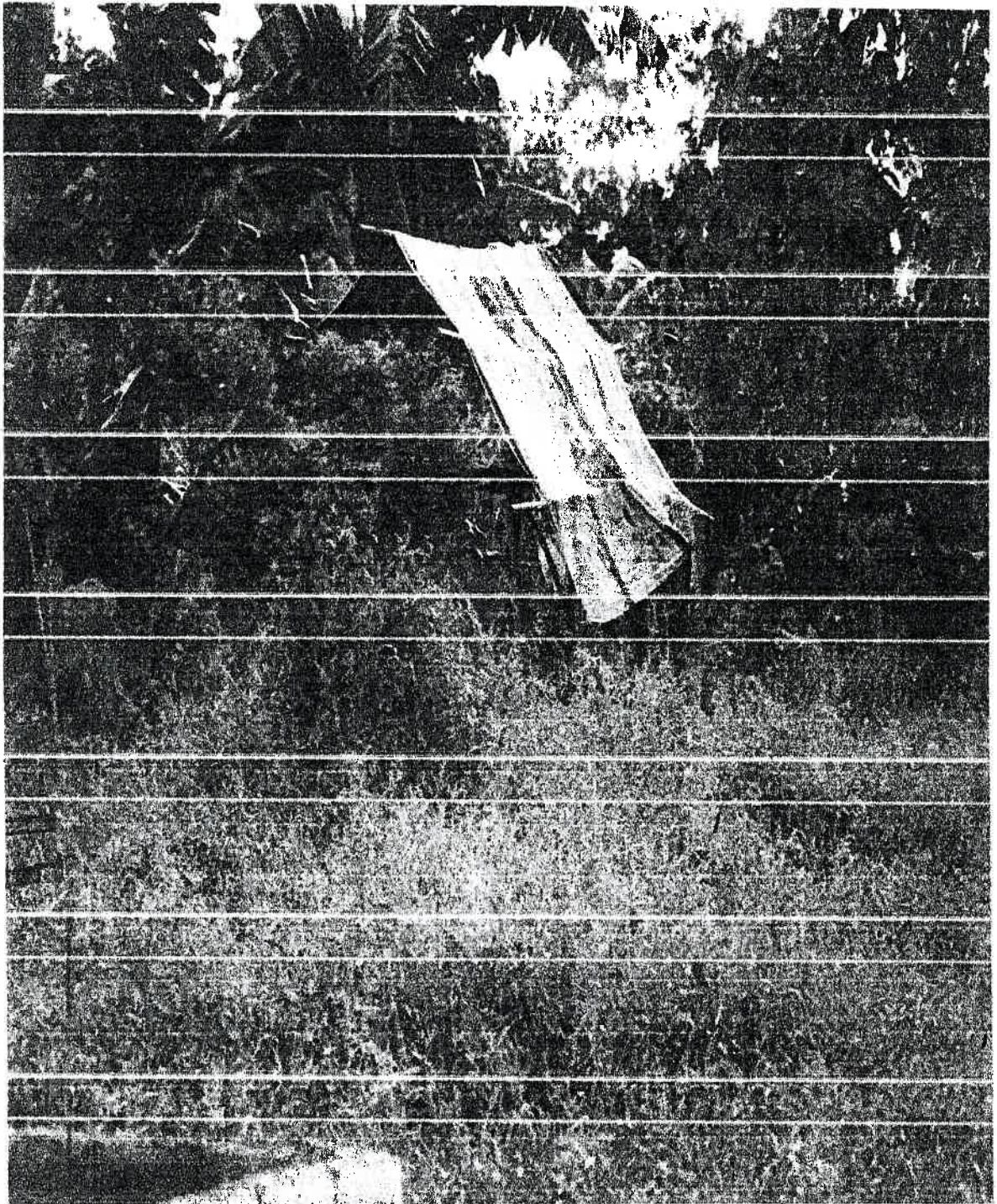


CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL AS  
PRESENTED


  
ATTY. MA. KRISKA ANGEL H. TUMAMAK

Notary Public for the City of Ormoc  
Municipalities of Kananga, Masag-ob, Merida and Isabel, Leyte  
Commission No. GRM-22-09-018-NC 1 until December 31, 2024  
Roll of Attorneys No. 81129  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@abgo.com  
Contact No. 0967-324-6663





CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kawanga, Malag-oh, Mejida and Isabel, Leyte  
Commission No. GRM-22-09-013-NC Until December 31, 2024  
Roll of Attorney's No. 82140  
IRP No. 129301/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@qipho.com  
Contact No. 0967-324-6663



ANNEX CC-18



CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

  
ATTY. MA. KRISKA ANGELI H. TUMAMAK

Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82440  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kjskatumamak@yahoo.com  
Contact No. 0967-324-6663



EX DD

Annex 24



Republic of the Philippines  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

1/24/2019

GENERAL FUND

DISBURSEMENT VOUCHER

No. 2019 - 01 - 0200

Mode of Payment	<input type="checkbox"/> check	<input type="checkbox"/> Cash	<input type="checkbox"/> Other
Payee	GLICERIO NAHINE PORCARE	TIN/Employee No.	Obligation Request No.
Address	SITIO PUNAY, BGY. TUGBONG, KANANGA, LEYTE	Responsibility Center	
		Code	

EXPLANATION	Amount
To payment for the procurement of real property : parcel of lot No. 2, (LRC) PCS-19337(Lots 10184 & 1795) with TCT NO. 15094 containing an area of 10,000 square meters located at Barangay Tugbong with appraised market value by the Provincial Appraisal Committee at P140.00 per square meter per Resolution No. 026-2018 and per Extrajudicial Settlement of Estate with Deed of Absolute Sale executed between the Municipality of Kananga and the heirs of Salomon Porcare and Juliana Nahine - Glicerio, Hermogenes, and Francisco Porcare.	1,400,000.00
Amount Due	P 1,400,000.00

<input type="checkbox"/> Certified:	<input type="checkbox"/> Certified:
<input type="checkbox"/> Amount obligated for the purpose as indicated above.	Funds Available
<input type="checkbox"/> Supporting documents complete.	
Signature	Signature
Printed Name: JOSEFINA G. FOGARTY	Printed Name: SUSAN S. DELMONTE
Date: 1/24/19	Date:
Position: Municipal Accountant	Position: Municipal Treasurer / OIC
<input checked="" type="checkbox"/> Approved for Payment	<input type="checkbox"/> Received Payment
Signature	Check No. / Bank Name
Printed Name: HON. ROWENA N. CODILLA	Signature: GLICERIO NAHINE PORCARE
Date:	Printed Name:
Position: Municipal Mayor	Date:
Other Documents	JEV No.
	Date:

CERTIFIED TRUE AND FAITHFUL TO THE ORIGINAL WHEN PRESENTED

**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
 Notary Public for the City of Ormoc  
 Municipality of Kananga, Matag-ob, Merida and Isabel, Leyte  
 Commission No. ORM-22-09-018-NC 1 and December 31, 2024  
 Roll of Attorney's No. 82140  
 IBP No. 329704/ 12/17/2023/ Leyte Chapter  
 PTR No. 7872599/ 01/02/2024/ Ormoc City  
 MCLB (Newly-Admitted to the Bar May 30, 2022)  
 Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
 Email: kriskatumamak@yahoo.com  
 Contact No. 0967-324-6663





**INDEX EE**

Municipality of Kananga  
Office of the Municipal Budget Officer  
Brgy. Poblacion, Kananga, Leyte  
October 16, 2023

**CERTIFICATION**

To Whom It May Concern,

This is to certify that based on records of the Municipal Budget Office of the Municipality of Kananga, an amount of One Million Four Hundred Thousand Pesos (Php 1,400,000.00) was duly appropriated for the procurement of a lot at Brgy. Tugbong, Kananga, Leyte.

The relevant details are as follows:


Ordinance No.:	Ordinance No. 21L.18-048
Budget Line Item:	Procurement of Lot @ Brgy. Tugbong, Kananga, Leyte
Amount Appropriated:	Php1,400,000.00
Fiscal Year:	Supplemental Budget No. 2 CY 2018

This certification confirms the existence of the appropriation with the purpose stated in the disbursement voucher.

Sincerely,

  
**SYLVIO QUILLO JR. I**  
 Municipal Budget Officer

**CERTIFIED TRUE AND  
 FAITHFUL COPY OF THE  
 ORIGINAL WHEN  
 PRESENTED**

  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
 Notary Public for the City of Ormoc  
 Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
 Commission No. ORM-22-09-018-NC Until December 31, 2024  
 Roll of Attorney's No. 82440  
 IBP No. 329704/ 12/17/2023/ Leyte Chapter  
 PTR No. 7872599/ 01/02/2024/ Ormoc City  
 MCLJ (Newly Admitted to the Bar May 30, 2022)  
 Unit 4, 2/F J.E Tan Bldg, corner Rizal and Aviles Streets  
 Email: kriskatumamak@ yahoo.com  
 Contact No. 0967-324-6663





NNEX FF

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

Municipality of Kananga  
Office of the Municipal Treasurer  
Brgy. Poblacion, Kananga, Leyte  
October 16, 2023

**CERTIFICATION**

To Whom It May Concern,

This is to certify that the payment for the Procurement of Lot No. 2 situated in Brgy. Tugbong, Kananga, Leyte per TCT No.15094 containing an area of 10,000 square meters as per disbursement voucher, has been duly processed and completed by the Municipal Treasurer's Office of the Municipality of Kananga.

The payment transaction details are as follows:

Description: Lot No. 2 (LRC) PCS-19337 ( Lots 10184 & 1795 ) with TCT NO. 15094

Location: Brgy. Tugbong, Kananga, Leyte

Amount: Php 1,400,000.00


Disbursement Voucher Number: 2019-01-0200

This certification is issued upon the request of the concerned party for whatever legal purpose it may serve.

Sincerely,

  
**SUSAN DEL MONTE**  
Municipal Treasurer

KANANGA  
**73**  
CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matagob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82140  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLC (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@yahoo.com  
Contact No. 0967-324-6663





Republic of the Philippines  
**Sangguniang Bayan (SB)**  
Municipality of Kananga  
Province of Leyte  
-oOo-

**SABENIANO BIGNAY**  
*Complainant,*

Admin. Case No.  
K-ADM-2023-002

- versus -

For:  
Dishonesty, Oppression,  
Misconduct in Office, Gross  
Negligence, Dereliction of  
Duty, Abuse of Authority  
under Sec. 1, Rule IV of the  
2021 Rules of Procedure of  
the Sangguniang Bayan of  
the Municipality of  
Kananga, 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 and Employees).

**LEAH O. EMPLEO, EMERITA  
P. LACNO and JERRY P.  
EMPLEO**

*Defendants.*

X-----X

**FORMAL ENTRY OF APPEARANCE AS COUNSEL FOR  
THE RESPONDENTS WITH ATTACHED VERIFIED  
ANSWER**

CERTIFIED TRUE AND  
FAITHFUL COPY  
ORIGINAL  
GREEN

SB SECRETARY'S OFFICE  
**RECEIVED**  
DATE: 12/20/23 14:41 PM  
BY: [Signature]

**ATTY. MA. KRISKA** [Signature]  
**ATTY. MA. KRISKA** [Signature]  
Notary Public for the City of Ormoc  
Municipality of Kananga, Marikina, Marikina and Isabel, Leyte  
Municipality of Kananga, Marikina, Marikina and Isabel, Leyte  
Commission No. OHA 12-09-018-NC Until December 31, 2024  
Roll of Attorneys No. 83149  
IBP No. 307/04/00000  
Municipality of Kananga, Marikina, Marikina and Isabel, Leyte Chapter  
Municipality of Kananga, Marikina, Marikina and Isabel, Leyte Chapter  
MCIB No. 2812599/01/02/2024/ Cinnac Cio  
MCIB (Newly Admitted to the Bar May 30, 2023)  
Unit 3/4/F/1 Pan Bldg. corner Binal and Aviles Streets  
Unit 3, 2/F Pan Bldg. corner Binal and Aviles Streets  
Email: [kriskamk@comcast.net](mailto:kriskamk@comcast.net)  
Contact No. 0907-324-6663

**COMES NOW**, undersigned counsels, unto this Honorable Court, most humbly and respectfully aver:

1. That the Respondents engaged the services of the undersigned counsels;
2. That in view of this engagement, the undersigned counsels hereby enter their appearance as counsels for the Respondents until such time as he pleases;
3. That it is respectfully requested that henceforth, all subsequent notices, orders and processes of this Honorable Office and copies of all pleadings of the opposing party/counsel intended for the Respondent should also be directed to the undersigned office address at **Unit 4, 2/F, JE Tan Building, Rizal corner Aviles Streets, Ormoc City, Leyte;**

**PRAYER**

**WHEREFORE**, it is most respectfully prayed of this Honorable Office that the entry of appearance of the undersigned counsels for the Respondents be NOTED and entered into the records of this case.

Other just and equitable relief and remedies are likewise prayed for.

Ormoc City (for Kananga), Leyte, Philippines, January 2, 2023.

Most respectfully submitted:

**BANZON LAW OFFICE**  
(Counsel for the Respondents)  
Unit 4, 2/F JE Tan Bldg.  
Cor. Rizal and Aviles Sts. Ormoc City

*[Handwritten Signature]*  
**ATTY. M. KRISKA ANTONIA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipality of Ormoc, Province of Leyte, Philippines  
Commission No. 0967-324-6663 (not December 31, 2024)  
IRP No. 0967-324-6663 (not December 31, 2024)  
Municipality of Ormoc, Province of Leyte, Philippines  
Unit 4, 2/F JE Tan Building, corner Rizal and Aviles Streets  
Ormoc City, Leyte, Philippines  
Email: [kriska@banzonlawoffice.com](mailto:kriska@banzonlawoffice.com)  
Contact No. 0967-324-6663  
Contact No. 0967-324-6663

ALL CERTIFIED COPIES AND  
ORIGINALS ARE  
PRESENTED



By:

**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Roll of Attorney's No. 82440  
IBP O.R. No. 329704, dated 12/17/2023  
PTR No. 7872599, dated 01/02/2024, Ormoc City  
MCLE Compliance- Newly Admitted 05/30/2022)  
Office Tel. No: (053) 561-0529  
E-mail address: kriskatumamak@yahoo.com

And by:

**ATTY. GERENTSTEIN T. BANZON**  
Roll of Attorney's No. 53280  
PTR No. 7872598, dtd. 01-02-2024, Ormoc City  
IBP O.R. No. 370599, dtd. 12-21-2023, Leyte Chapter  
MCLE Compliance No. VI-0016334  
Valid Until April 14, 2025  
TIN:233393726000  
Email: gerentstein@gmail.com

**OFFICE OF THE SANGGUNIANG BAYAN  
KANANGA, LEYTE**

**Greetings:**

Kindly submit the foregoing FORMAL ENTRY OF APPEARANCE AS COUNSELS FOR THE RESPONDENTS for consideration of the Honorable Office immediately upon receipt hereof.

Thank you very much.

**MA. KRISKA ANGELA H. TUAMAMAK**

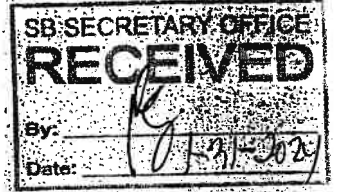
Copy furnished:

**SABENIANO BIGNAY**  
Brgy. Tugbong, Kananga, Leyte

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL AS  
PRESENTED

648 008 795<sup>22</sup>

**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Marikina, Florida and Isabel, Leyte  
Commission No. ORAFC-200799-NC, valid until December 31, 2024  
Municipalities of Kananga, Marikina, Florida and Isabel, Leyte  
Roll of Attorneys No. 82440  
IBP O.R. No. 329704, dated December 31, 2023  
PTR No. 7872599, dated 01/02/2024, Ormoc City  
MCLE Compliance- Newly Admitted to the ISS (May 30, 2022)  
Unit 1, 2/F, J.F. Tugbong, corner Rizal and Reyes Streets  
SUITE 101, Bldg. Alex. Tugbong, Brgy. Marikina, Ormoc City, 2022)  
Office Tel. No: (053) 561-0529  
Contact No: 0967-324-6663  
Email: kriskatumamak@yahoo.com  
Contact No. 0967-324-6663



Republic of the Philippines  
**Sangguniang Bayan (SB)**  
Municipality of Kananga  
Province of Leyte

-oOo-

EXHIBIT " D "

**SABENIANO BIGNAY**  
*Complainant,*

Admin. Case No.  
K-ADM-2023-002

- versus -

For:  
Dishonesty, Oppression,  
Misconduct in Office, Gross  
Negligence, Dereliction of  
Duty, Abuse of Authority  
under Sec. 1, Rule IV of the  
2021 Rules of Procedure of  
the Sangguniang Bayan of  
the Municipality of  
Kananga, 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 and Employees).

**LEAH O. EMPLEO, EMERITA  
P. LACNO and JERRY P.  
EMPLEO**

*Defendants.*

X-----X

**COMMENT**

(To the Oral Motion filed by Complainant to subject  
Respondents to Preventive Suspension)

**COMES NOW**, Respondents, by and through the  
undersigned counsels, unto this Honorable Ad Hoc  
Committee, most humbly and respectfully file this Comment  
on the oral motion filed by Complainant to subject

**CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED**

**LEAH H. TUMBAMAK**  
Atty. in Law  
Notary Public for the City of Imbabura, 2024  
Municipality of Kananga, Province of Leyte  
Cognisition No. 127119/2023 (I. Alice Chaves)  
Roll of Attorneys at Law/621400 City  
Unit 4, B/F No. 2nd Bldg. - **AGRIER BLDG.** / **POI, Asidag Streets**  
I/TB No. 787596/317/02/2024  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.F. Tan Bldg. corner **Asidag and Aviles Streets**  
Email: **lts@kommunikasyon.com.ph**  
Contact No. 0967-324-6663



Respondents to Preventive Suspension and in support thereof, aver that:

1. That on January 26, 2024, after the pre-hearing conference of this instant case, complainant's counsel moved that respondents be preventively suspended invoking Section 1, Rule V of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Leyte.
2. Sec. 1, Rule V of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Leyte provides, to wit:

Section 1. Preventive suspension may be imposed at any time after the issues are joined, when the evidence of guilt is strong, and given the gravity of the offense, there is great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence: Provided, That, any single preventive suspension of local elective officials shall not extend beyond sixty (60) days: Provided, further, That in the event that several administrative cases are filed against an elective official, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension. (Section 63 (b) of RA 7160).

3. Section 63 (a) (3) of RA 7160 also provides:

Section 63. Preventive Suspension.-

(a) Preventive suspension may be imposed:

xxx

(3) By the mayor, if the respondent is an elective official of the barangay.

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

  
Municipality of Kananga, Leyte  
Commission No. 2002-018-000-000  
Roll of Attorneys No. 87140, entered 31, 2024  
IBP No. 329201/12/11/2023/3  
PTR No. 2872899705702/2024/Grainbe (00)  
MCLE (Newly Admitted in the Bar May 30, 2022)  
Unit 3, 2/F, J.E. Tari Bldg. Corner Rizal and 600th Streets  
Email: [kananga@bar.lk.legis.gov.ph](mailto:kananga@bar.lk.legis.gov.ph)  
Unit 3, 2/F, J.E. Tari Bldg. Corner Rizal and 600th Streets  
Contact No. 0967-324-6663  
Contact No. 0967-324-6665

4. In the case of *Espiritu vs. Melgar*<sup>1</sup>, the Supreme Court held that:

"Clearly, the provincial governor of Oriental Mindoro is authorized by law to preventively suspend the municipal mayor of Naujan at anytime after the issues had been joined and any of the following grounds were shown to exist:

1. When there is reasonable ground to believe that the respondent has committed the act or acts complained of;

2. When the evidence of culpability is strong;

3. When the gravity of the offense so warrants; or

4. When the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence."

5. In the instant case, the Office of the Sangguniang Barangay of barangay Tugbong clearly made a request for a Barangay Relocation Site and that the same was acted upon by the Sangguniang Bayan of Kananga.

6. Given the foregoing, all the elements that would justify the preventive suspension of respondents are absent.

7. Respondents cannot be faulted upon and commit the acts complained of on the ground that their request to acquire the land subject of the deed of donation was for the intended purpose of barangay relocation site. Moreover, respondents relied in good faith that the acquisition up to the execution of the Deed of

REPRESENTED BY  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

G.R no. 100874, February 13, 1992

ATTY. MA. KRIS...  
Municipality of Kananga, Marikina, Meik...  
Commission No. 1981-23-00498-NC...  
IBP No. 02704/12/1992...  
MORJE (Newly Admitted...)  
Unity 2/F J.R. Can...  
Contact No. 0967-324-6663



donation was regularly prepared, considering that it was prepared and notarized by a lawyer.

8. In addition, the evidence presented by the complainant is not strong as to implicate respondents of the subject deed of donation entered into by then Mayor Rowena Codilla and Respondent Leah Empleo in behalf of BLGU-Tugbong, Kananga, Leyte, the latter merely relied on the regularity of the transaction as it was authorized by the LGU of Kananga and BLGU-Tugbong.
9. Lastly, respondents' continuance in their office could not influence the witnesses or pose a threat to the safety and integrity of the records and other evidence. The witnesses of complainant are employees of the LGU-Kananga who are occupying high positions in the government and cannot be subject to any influence, either directly or indirectly by the respondents who are mere officials of the barangay Tugbong. Also, the records and other evidences of the instant case are actually in the possession of the Sangguniang Bayan and offices under the LGU-Kananga since the transactions are entered into by the LGU-Kananga themselves.
10. The filing of this instant case against respondents was motivated by partisan political considerations not favourable to herein respondents. The power to suspend preventively a local elective official could be prone to abuse, hence, frustrating the will of the electorate. If and when the respondents would be subjected to preventive suspension despite the absence of any of the elements therein, then clearly abuse of authority is committed.

### PRAYER

**WHEREFORE**, in the light of the foregoing premises, it is respectfully prayed to this Honorable Office/ Ad Hoc Committee that the Oral Motion filed by Complainant to subject Respondents to Preventive Suspension be DENIED and that respondents be allowed to continue exercising their power to their respective offices.

**ATTY. MA KRISHNA M. TUMAMAK**  
Municipalities of Kananga, Marikina and Isabel, Leyte  
Commission No. ORM-2019-018-NC Until December 31, 2024  
Roll of Attorney No. 82140  
PTR No. 7822599/01/02/2024 Ormoc City  
MCI-E (Newly Admitted in the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

Other reliefs just and equitable under the premises are likewise prayed for.

Done this 30<sup>th</sup> day of January 2024 in Ormoc City (for Kananga), Leyte, Philippines.

Most respectfully submitted:

**BANZON LAW OFFICE**  
(Counsel for the Respondents)  
Unit 4, 2/F JE Tan Bldg.  
Cor. Rizal and Aviles Sts. Ormoc City

By:

  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**


Roll of Attorney's No. 82440  
IBP O.R. No. 329704, dated 12/17/2023  
PTR No. 7872599, dated 01/02/2024, Ormoc City  
MCLE Compliance- Newly Admitted 05/30/2022)  
Office Tel. No: (053) 561-0529  
E-mail address: kriskatumamak@yahoo.com

And by:

  
**ATTY. GERENTSTEIN T. BANZON**

Roll of Attorney's No. 53280  
PTR No. 7872598, dtd. 01-02-2024, Ormoc City  
IBP O.R. No. 370599, dtd. 12-21-2023, Leyte Chapter  
MCLE Compliance No. VI-0016334  
Valid Until April 14, 2025  
TIN:233393726000  
Email: gerentstein@gmail.com

DECLARED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matagob, Merida and Isabela, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82440  
IBP No. 329704 / 12/17/2023, Leyte Chapter  
PTR No. 7872599 / 01/02/2024 / Ormoc City  
MCLE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@yahoo.com  
Contact No. 0967-324-6663



**REQUEST**

**OFFICE OF THE SANGGUNIANG BAYAN  
KANANGA, LEYTE**

**Greetings:**


Kindly submit the foregoing COMMENT (To the Oral Motion filed by Complainant to subject Respondents to Preventive Suspension) for consideration of the Honorable Office immediately upon receipt hereof.


Thank you very much.

  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**

Copy furnished:

**DENNIS HIBAYA**  
Solibaga Law Office  
Ormoc City, Leyte

 1-30-24

  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public for the City of Ormoc,  
Municipalities of Kananga, Malibabo, Merida and Isabel Leyte  
Commission No: ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorneys No. 82140  
IBP No. 329701/02/17/2023/ Leyte Chapter  
PTR No. 3812599/01/02/2021/ Ormoc City  
M&L 15 (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/B JHE Tad Bldg. corner Rizal and Aviles Streets  
Email: [kriskatumamak@ormoc.gov.ph](mailto:kriskatumamak@ormoc.gov.ph)  
Contact No: 0967-324-0053

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED



REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE

EXHIBIT " E "

**MUNICIPALITY OF KANANGA**  
**SANGGUNIANG BAYAN OF KANANGA**


ADHOC COMMITTEE FOR CASE NO. K-ADM-2023-002

**SABENIANO BIGNAY**  
*Complainant,*

Administrative Case No.: **K-ADM-2023-002**

Dishonesty, Oppression,  
Misconduct in Office, Gross  
Negligence, Dereliction of Duty,  
Abuse of Authority under Sec. 1,  
Rule IV of the 2021 Rules of  
Procedure of the Sangguniang  
Bayan of the Municipality of  
Kananga, 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 and Employees).




  
**LEAH O. EMPLEO,**  
**EMERITA P. LACNO, and**  
**JERRY P. EMPLEO**  
*Respondents.*

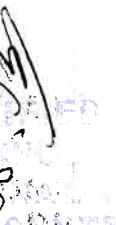



X-----X

**RESOLUTION NO. 02**

This resolves the Oral Motion of the complainant, thru counsel, to place the herein respondents Leah O. Empleo, Emerita Lacno and Jerry P. Empleo under Preventive Suspension.

On 26 January 2024, during the scheduled Pre-Hearing/Pre-Trial Conference of this instant case, after the factual and legal issues have been joined, complainant's counsel asked that, in view of the violations as alleged in the complaint, the respondents will be subjected to preventive suspension, pursuant to the Rules of Procedure of the Sangguniang Bayan of Kananga in Conducting Administrative Cases. For the Ad Hoc Committee to rule on the motion, the Presiding Officer gave the period of five (5) days for the respondents within which to file their comments.

  
  
  
**JOSE A. TUMAMAK**  
Municipality of Kananga, Matag-ob, Misamis Occidental, Leyte  
Commission No. ORM-22-09-0 (Solely Admin) for the City of Cebu  
Office of the Municipal Atty. Gen. (Solely Admin) for the City of Cebu  
IBP No. 329709/12717/2023/ Leyte Chapter  
PTE No. 7872599/01/02/2023/ Leyte Chapter  
IBP No. 329709/12717/2023/ Leyte Chapter  
MCLB (Solely Admin) for the City of Cebu  
Unit 2/F, 1st Floor, corner Rizal and ...  
Email: ...  
Cabinet No. 0967-2-16663



On January 31, 2024, the respondents, thru counsel, filed their Comment.

Rule V, Section 1 of Resolution No. 22R.21-576 or the Rules of Procedure in Administrative Cases of the Sangguniang Bayan of Kananga, provides –

“SECTION 1. Preventive suspension may be imposed at any time after the issues are joined, when the evidence of guilt is strong, and given the gravity of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence. Provided, that, any single preventive suspension of local elective officials shall not extend beyond sixty (60) days: Provided, further, that in the event that several administrative cases are filed against an elective official, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension. (Section 63(a) (3) of RA 7160)

SECTION 1 (a) Suspension Without Hearing- A respondent may be suspended once issues are joined and before charges against him are heard as the circumstances may warrant even before giving him an opportunity to prove his innocence (Espiritu vs. Melgar, 206 SCRA 256).”

In the above-cited jurisprudence, Espiritu vs. Melgar, the Supreme Court held, that:

“Clearly, the provincial governor of Oriental Mindoro is authorized by law to preventively suspend the municipal mayor of Naujan at anytime after the issues had been joined and any of the following grounds were shown to exist:

1. When there is reasonable ground to believe that the respondent has committed the act or acts complained of;
2. When the evidence of culpability is strong;
3. When the gravity of the offense so warrants; or
4. When the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.

There is nothing improper in suspending an officer before the charges against him are heard and before he is given an opportunity to prove his innocence (Nera v. Garcia and Elicano, 106 Phil. 1031). Preventive suspension is allowed so that the respondent may not hamper the normal course of the investigation through the use of his

ATTY. MA. KRISK *Heister* TUMAMAK  
Notary Public for the City of Kananga  
Cognitive No. 14, Cognate No. 15, and Isabel Leyte  
Cognitive No. 14, Cognate No. 15, and Isabel Leyte  
Municipality of Kananga, Province of Zamboanga del Norte  
Roll of Attorneys No. 8240

IBP No. 129/01/12/17/2023/ Leyte Chapter  
PIR No. 70/09/01/02/2024/ Ormoc City  
MCLL (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. B. Bldg., Corner Rizal and Avila Streets  
Email: kkrisk@attamak.com.ph  
Contact No. 0967-324-6663

VERIFIED TRUE  
FAITHFUL COPY OF  
ORIGINAL WHEN  
PRESENTED

influence and authority over possible witnesses (Lacson v. Roque, 92 Phil. 456).”

As gleaned from the records, the respondents are charged of the acts complained of, particularly as follows:

1. Dishonesty,
2. Oppression,
3. Misconduct in Office,
4. Gross Negligence,
5. Dereliction of Duty,
6. Abuse of Authority under Sec. 1, Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte, Philippines.
7. Violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act),
8. Violation of R.A. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees).

The documentary evidences submitted by the complainant consist Exhibits “A” to “FF” and there are eight (8) witnesses the complainant sought to be presented.

On the part of the respondents, they argued in their comment, that:

“5. In the instant case, the Office of the Sangguniang Barangay of barangay Tugbong clearly made a request for a Barangay Relocation Site and that the same was acted upon by the Sangguniang Bayan of Kananga.

6. Given the foregoing, all the elements that would justify the preventive suspension of respondents are absent.

7. Respondents cannot be faulted upon and commit the acts complained of on the ground that their request to acquire the land subject of the deed of donation was for the intended purpose of barangay relocation site. Moreover, respondents relied in good faith that the acquisition up to the execution of the Deed of Donation was regularly prepared, considering that it was prepared and notarized by a lawyer.

8. In addition, the evidence presented by the complainant is not strong as to implicate respondents of the subject deed of donation entered into by then Mayor Rowena Codilla and Respondent Leah Empleo in behalf of BLGU-Tugbong, Kananga, Leyte, the latter merely relied on the regularity of the transaction as it was authorized by the LGU of Kananga and BLGU-Tugbong.

9. Lastly, respondents' continuance in their office could not influence the witnesses or pose a threat to the safety and integrity of the records and other evidence. The witnesses of complainant are employees of the

CERTIFIED TRUE AND FAITHFUL COPY OF THE ORIGINAL WHEN PRESENTED.

ATTY. MA. KRISTINA M. TORAL  
Notary Public for the Province of Leyte  
Municipality of Kananga  
Commission No. 2209-10-2011, Exp. Dec 31, 2024  
P.O. Box 29, Kananga, Leyte  
P.R. No. 2009-10-2011, Exp. Dec 31, 2024  
Unit 4, 2/F J.E. M. ...  
Eduard ...  
Use Act No. 0967-324

*[Handwritten signatures and initials on the left margin]*

*[Handwritten signatures and initials on the right margin]*

*[Handwritten signatures and initials at the bottom of the page]*



LGU-Kananga who are occupying high positions in the government and cannot be subject to any influence, either directly or indirectly by the respondents who are mere officials of the barangay Tugbong. Also, the records and other evidences of the instant case are actually in the possession of the Sangguniang Bayan and offices under the LGU-Kananga since the transactions are entered into by the LGU-Kananga themselves.

10. The filing of this instant case against respondents was motivated by partisan political considerations not favourable to herein respondents. The power to suspend preventively a local elective official could be prone to abuse, hence, frustrating the will of the electorate. If and when the respondents would be subjected to preventive suspension despite the absence of any of the elements therein, then clearly abuse of authority is committed.”

As to the comment in item No. 5, the Sangguniang Bayan has no record that the Sangguniang Barangay of Tugbong requested for a Relocation Site. What was acted upon by the Sangguniang Bayan was the request of the former Mayor for an authority to purchase a parcel of land located in Barangay Tugbong, Kananga, Leyte for the Barangay Site of Barangay Tugbong, Kananga, Leyte, which this body granted thru SB Resolution No. 21R. 18-523, dated December 10, 2018.

Without passing upon the weight of the evidences submitted, however, each of them may have relevance to the instant case, the same could not be ignored and have to be scrutinized in the course of the trial.

With such volume of evidences submitted, there is reasonable ground to believe that the respondents have committed the act or acts complained of.

The premise that “the witnesses of complainant are employees of the LGU-Kananga who are occupying high positions in the government and cannot be subject to any influence, either directly or indirectly by the respondents who are mere officials of the barangay Tugbong” might be considered true, and might as well, be considered whimsical and imaginary.

In the letters of the afore-stated case of Espiritu vs. Melgar, it says:

“Clearly, the provincial governor of Oriental Mindoro is authorized by law to preventively suspend the municipal mayor of Naujan at anytime after the issues had been joined and any of the following grounds were shown to exist:

1. When there is reasonable ground to believe that the respondent has committed the act or acts complained of
2. When the evidence of culpability is strong
3. When the gravity of the offense so warrants, or

ENTERED TRUE AND  
CORRECT COPY OF THE  
ORIGINAL INSTRUMENT  
REGISTERED

ATTY. MA. KRISKALYN H. TUMAMAK  
Notary Public, in and for the Province of  
Municipality of Kananga, Division Office, Ormoc City,  
Leyte  
Roll of Attorney's No. 82110  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MFPs (Notary Admitted to the Notary Public Office)  
Unit 4, 2/F J.E. Tapia Bldg. corner Rizal and Aviles Streets  
Email: kriskatamak@yabon.com  
Contact No. 0967-324-6663

*[Handwritten signatures and initials on the right margin]*

*[Handwritten signatures and initials at the bottom of the page]*

4. When the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence." *Underscoring is supplied for emphasis.*

All the members of the Ad Hoc Committee present during its deliberation of February 12, 2024 found out the existence of grounds number 1, 2, and 4. And, whenever any of the above-enumerated ground is present, it is sufficient basis to place the respondents under preventive suspension.

Thus, for the conduct of this administrative case, this body must consider all extents that the law provides, so as not to frustrate the end of justice. Succinctly put, the continuance of the respondents in their office has the tendency to influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.

WHEREFORE, premises considered, the oral motion of complainant to subject the respondents to preventive suspension is hereby **granted** pursuant to Rule V, Section 1 of Resolution No. 22R.21-576 or Rules of Procedure in Administrative Cases of the Sangguniang Bayan of Kananga and the applicable jurisprudence. This Ad Hoc Committee for Admin Case No. NO. K-ADM-2023-002 recommends to the Sangguniang Bayan (Plenary) to adopt this resolution and recommend to the Honorable Mayor Manuel Vicente M. Torres to place the respondents Leah O. Empleo, Emerita P. Lacno and Jerry P. Empleo under Preventive Suspension for a period of SIXTY (60) DAYS, preferably to commence prior to the start of the reception of evidence on March 1, 2024.

SO ORDERED.

February 12, 2024, Kananga, Leyte.

  
HON. RESURRECCION C. CAPANAS  
SB MEMBER  
ADHOC COMMITTEE CHAIRMAN

Noted by :

  
HON. MIGUEL JORGE P. TAN  
VICE MAYOR

Concurred by:

  
HON. FERNANDO M. ASIO  
SB Member


  
ATTY. MA. KRISK  
Name: MA. KRISK H. TUMAMAK  
Address: ...  
Municipalities of Kananga, Masaganit, Merida, and Isabel Leyte  
Resolution No. ORR-22-09-013 (Res. Entitled Desambos) 1/26/23  
Roll of Attorneys  
IRP No. 529307 / 21/10/22 / Leyte Chapter, ...  
PTR No. 1812507 / 01/10/22 / 4063  
MCLF (N ...  
Unit 4, 2/F J.E Tan Bldg. corner Real and Aviles Streets  
Email: krtumamak@...  
Contact No. 0967-324-6663


CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED









  
**HON. BRENZON C. CABINTOY**  
SB Member

  
**HON. ALMA N. ORFANO**  
SB Member


  
**HON. RUDY B. COGAY**  
SB Member

  
**HON. MINERVA M. BULAWIT**  
SB Member


  
**HON. RICHIE C. CRUZ**  
SB Member

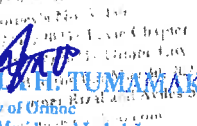
  
**HON. ALLAN C. ESPINOSA**  
SB Member


  
**HON. VICTORIANO L. GLOBA**  
Liga Ng Mga Barangay President

  
**HON. MARY DANIELA L. CUBERO**  
Pambayang Pederasyon ng Sangguniang  
Kabataan President

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

  
**ATTY. MA. KRISKA ANGELI N. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Mutag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82140  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLP (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@aloha.com  
Contact No. 0967-324-6663

  
**ATTY. MA. KRISKA ANGELI N. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Mutag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82140  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLP (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@aloha.com  
Contact No. 0967-324-6663





### Sangguniang Bayan of Kananga

#### 23rd SANGGUNIANG BAYAN

#### RESOLUTION NO. 23R.24-552 Series of 2024

A RESOLUTION ADOPTING THE RESOLUTION NO. 02, DATED FEBRUARY 12, 2024 OF THE AD HOC COMMITTEE FOR CASE NO. K-ADM-2023-002 AND RECOMMENDING TO THE HONORABLE MAYOR MANUEL VICENTE M. TORRES TO PLACE THE RESPONDENTS IN ADMIN CASE NO. K-ADM-2023-002, LEAH O. EMPLEO, EMERITA P. LACNO AND JERRY P. EMPLEO, UNDER PREVENTIVE SUSPENSION FOR A PERIOD OF SIXTY (60) DAYS, WHICH THE SAME SHALL TAKE EFFECT PRIOR TO THE HEARING ON THE RECEPTION OF EVIDENCE ON MARCH 1, 2024.

WHEREAS, on February 12, 2024, the Ad Hoc Committee for Case No. K-ADM-2023-002 convened to resolve the motion of the complainant thru counsel to place the respondents under preventive suspension while the trial is going-on on the account that the respondents are incumbent barangay officials of Barangay Tugbong, Kananga, Leyte;

WHEREAS, the Ad Hoc Committee for Case No. K-ADM-2023-002 approved its Resolution No. 2, dated February 12, 2024, which the dispositive portion states, that:

"WHEREFORE, premises considered, the oral motion of complainant to subject the respondents to preventive suspension is hereby granted pursuant to Rule V, Section 1 of Resolution No. 22R.21-576 or Rules of Procedure in Administrative Cases of the Sangguniang Bayan of Kananga and the applicable jurisprudence. This Ad Hoc Committee for Admin Case No. NO. K-ADM-2023-002 recommends to the Sangguniang Bayan (Plenary) to adopt this resolution and recommend to the Honorable Mayor Manuel Vicente M. Torres to place the respondents Leah O. Empleo, Emerita P. Lacno and Jerry P. Empleo under Preventive Suspension for a period of SIXTY (60) DAYS, preferably to commence prior to the start of the reception of evidence on March 1, 2024.

SO ORDERED."

WHEREAS, in determining whether the respondents may be preventively suspended by reason of the administrative case, the Ad Hoc Committee for Case No. K-ADM-2023-002 based its ruling on the Decision of the Supreme Court, particularly the case of Espiritu versus Melgar, G.R. No. 100874, February 13, 1992, which provides, that:

"Clearly, the provincial governor of Oriental Mindoro is authorized by law to preventively suspend the municipal mayor of Naujan at anytime after the issues had been joined and any of the following grounds were shown to exist:

1. When there is reasonable ground to believe that the respondent has committed the act or acts complained of;
2. When the evidence of culpability is strong;
3. When the gravity of the offense so warrants; or
4. When the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.

There is nothing improper in suspending an officer before the charges against him are heard and before he is given an opportunity to prove his innocence (Nera v. Garcia and Elicaño, 106 Phil. 1031). Preventive suspension is allowed so

ATTY. MA. KRISKA TUMAMAK  
Notary Public for the City of Ormoc  
Commission No. ORMA-22-001883 No. 829704 / 12/17/2023  
PTR No. 781209200-045 J. 15a Bldg. corner Rizal and Ayala Streets  
MCLJE (Newly admitted to practice law) No. 2022  
Unit 4, 2/F J.E. Tan Bldg. cor. Rizal and Ayala Streets  
Email: tumamak@valun.com.ph  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED.

*[Handwritten signatures and initials on the left margin]*

*[Handwritten signatures and initials on the right margin]*

*[Handwritten signatures at the bottom of the page]*



that the respondent may not hamper the normal course of the investigation through the use of his influence and authority over possible witnesses (Lacson v. Roque, 92 Phil. 456)."

WHEREAS, the conjunction used in the enumerated grounds for preventive suspension is "or", which means the existence of any grounds may warrant the preventive suspension of the respondents;

WHEREAS, in this case, all the Members of the Ad Hoc Committee found out the existence of three (3) grounds, namely: 1. There is reasonable ground to believe that the respondent has committed the act or acts complained of, 2. The evidence of culpability is strong, and, 3. The continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.

WHEREAS, under Rule V, Section 1 of Resolution No. 22R.21-576 or the Rules of Procedure in Administrative Cases of the Sangguniang Bayan of Kananga, it is provided, that:

"SECTION 1. Preventive suspension may be imposed at any time after the issues are joined, when the evidence of guilt is strong, and given the gravity of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence. Provided, that, any single preventive suspension of local elective officials shall not extend beyond sixty (60) days: Provided, further, that in the event that several administrative cases are filed against an elective official, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension.";

WHEREAS, Section 63 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that:

"SEC. 63. Preventive Suspension. - (a) Preventive suspension may be imposed:

- (1) By the President, if the respondent is an elective official of a province, a highly urbanized or an independent component city;
- (2) By the governor, if the respondent is an elective official of a component city or municipality; or
- (3) By the mayor, if the respondent is an elective official of the barangay.

(b) Preventive suspension may be imposed at any time after the issues are joined, when the evidence of guilt is strong, and given the gravity of the offense, there is great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence: Provided, That, any single preventive suspension of local elective officials shall not extend beyond sixty (60) days: Provided, further, That in the event that several administrative cases are filed against an elective official, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension."

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

ATTY. MA KRISTINE P. ALBERTO  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Malabon, Merida and Isabel, Leyte  
Commission No. ORA-22-09-018-NC Until December 31, 2024  
IBP No. 321-09/12/17/2023/1st Chapter  
PTR No. 2015001/0702/2023/Ormoc City  
MCLR (Newly Admitted to the Bar May 30, 2023)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: lorkongnamak@cbayue.com  
Contact No. 0967-324-6663

NOW THEREFORE, on motion of SB Member Resurreccion C. Capanas, duly seconded by all SB Members present, be it:

RESOLVED, as it is hereby resolved, to adopt the Resolution No. 02, dated February 12, 2024, of the Ad Hoc Committee for Case No. K-ADM-2023-002.

RESOLVED FURTHER, to recommend to the Honorable Mayor Manuel Vicente M. Torres to place the Respondents in Admin Case No. K-ADM-2023-002, Leah O. Empleo, Emerita P. Lacno and Jerry P. Empleo, under Preventive Suspension for a period of Sixty (60) days, which the same shall take effect prior to the Hearing on the Reception of Evidence on March 1, 2024.

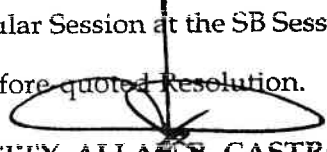
RESOLVED FURTHERMORE, to furnish copies of this resolution to the Office of the Municipal Mayor of this Municipality, Office of the MLGOO of the DILG in Kananga, the parties to the case of Bignay versus Empleo, et. al. docketed as Case No. K-ADM-2023-002 before this Sangguniang Bayan, and all others concerned.

UNANIMOUSLY APPROVED.

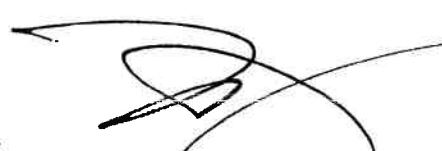
Voting Results: In favor: 10 Against: None

Adopted and Approved on February 26, 2024 during SB Regular Session at the SB Session Hall.


I HEREBY CERTIFY to the correctness of the afore-quoted Resolution.

  
ATTY. ALLAN R. CASTRO  
Board Secretary V  
(Secretary to the Sanggunian)

APPROVED BY:

  
HON. MIGUEL JORGE F. TAN  
Vice Mayor & Presiding Officer

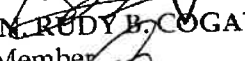
ATTESTED BY:

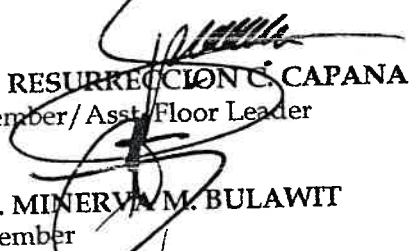
  
HON. FERNANDO M. ASEO  
SB Member / Floor Leader


  
HON. BRENXON C. CABINTOY  
SB Member

  
HON. RESURRECCION C. CAPANAS  
SB Member / Asst. Floor Leader

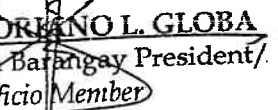
  
HON. ALMA N. ORFANO  
SB Member


  
HON. RUDY B. COGAY  
SB Member

  
HON. MINERVA M. BULAWIT  
SB Member

  
HON. RICHIE C. CRUZ  
SB Member

  
HON. ALLAN C. ESPINOSA  
SB Member

  
HON. VICTORIANO L. GLOBA  
Liga Ng Mga Barangay President/  
Ex-officio Member

  
HON. MARY DANIELA L. CUBERO  
Pambayang Pederasyon Ng Sangguniang  
Kabataan President / Ex-officio Member

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED


  
ATTY. MA. KRISKA ANGELES  
Notary Public for the City of Kananga,  
Municipalities of Kananga, Matag-ob, Florida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC and December 31, 2024.  
Roll of Attorney's No. 8249 and December 31, 2024.  
TRP No. 329701/12/17/2023/ Leyte, Chapter  
PTR No. 7872599/ 01/02/2024/ Chapter  
MCLB (Newly Admitted to the Bar May 09, 2023) City  
Unit 4, 2/F J.F. Tan Bldg. corner Rizal and Ariles Streets  
Email: [kriska@kriskalaw.com](mailto:kriska@kriskalaw.com)  
Contact No. 0967-324-6663





EXHIBIT G

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA

*Office of the Mayor Manuel Vicente M. Ferris*

DATE : February 26, 2024  
TO : Punong Barangay Leah O. Empleo  
SB member Emerita P. Lacno  
SB member Jerry P. Empleo  
Barangay Hall, Barangay Tugbong, Kananga, Leyte

SUBJECT. : **PREVENTIVE SUSPENSION ORDER**

Case Title: Sabeniano Bignay vs. Lea O. Empleo, Emerita P. Lacno, Jerry P. Empleo filed at the 23<sup>rd</sup> Sangguniang Bayan (SB) of the Municipality of Kananga, Leyte

Case No. : Administrative Case No. K-ADM-2023-002

For : Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Section I, Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte, Philippines.  
Violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act) and R.A. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees).

**PREVENTIVE SUSPENSION ORDER**

This pertains to the complaint filed by Sabeniano Bignay before Sangguniang Bayan (SB) of the Municipality of Kananga, Leyte, Province of Leyte against Leah O. Empleo, incumbent Punong Barangay of Brgy. Tugbong, Kananga Leyte, Jerry P. Empleo and Emerita P. Lacno, both members of the Sangguniang Barangay of Barangay Tugbong, Kananga, Leyte.

Herein respondents were charged for violation of Section 3, (e) of the Republic Act No. 3019 otherwise known as Anti-Graft and Corrupt Practices Act and for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Sec.I Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte, Philippines.

At heart of the complaint lies the question of propriety and legality of the utilization of a 10,000 square meter portion of a parcel of land known as Lot No. 2 being a portion of the consolidation-subdivision survey of Lot 10184 and Lot 101986 covered by TCT No. T-15094 which is also tax

CERTIFIED TRUE COPY OF ORIGINAL WHEN PRESENTED

ATTY. MA. KRISNA BELA T. ...  
Municipalities of Kananga, Matag-ob, Merida, and Isabid, Leyte  
Roll of Attorneys No. 8210  
PTR No. 7872599-01/02/2024/ Umur City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Edkik@clmunicipamak@ashm.com  
Unit Contact No. 0967-324-6663





declared under the name of Juliana Nahine, located in Brgy. Tugbong, Kananga, Leyte.

To be more precise, the crux of the issue is whether or not the respondents violated existing laws in allegedly utilizing the aforementioned property as Relocation Site, subsequently subdividing and distributing it among nine individuals as their beneficiaries.

The distribution is contrary to the purpose for which the funds were allocated for the acquisition of said parcel of land, originally intended as Barangay Site of Barangay Tugbong, Kananga and not as a Relocation Site.

An Ad Hoc Committee chaired by Hon. Resurreccion C. Capanas was created for the instant administrative case. Said Ad Hoc Committee then resolved to grant the motion of the complainant to place the Respondents under preventive suspension while the trial is ongoing.

Consequently, in its Resolution No. 23R.24-552 Series of 2024, the Sangguniang Bayan of Kananga adopted the abovementioned resolution of the Ad Hoc Committee recommending to this Office to place the respondents under preventive suspension for a period of Sixty days which shall take effect prior to the hearing on the reception of evidence. The copy of said Resolution is hereto attached as **Annex A**.

Relatedly, Section 2, Rule V of Resolution No. 22R.21-576 or the Rules of Procedure in Administrative Cases of the Sangguniang Bayan of Kananga provides that:

xxx

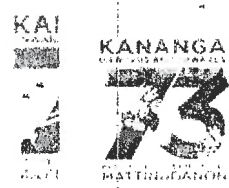
*"It shall then be the ministerial on the part of the mayor to issue an order to impose a preventive suspension of the respondent once recommended by the Sanggunian."*

xxx

In view of the foregoing recommendations of the Ad Hoc Committee as adopted by the Sangguniang Bayan, considering further that the respondents continued to stay in the office and may influence potential witnesses and may prejudice the case filed against them due to their continued access to documentary evidence relative thereto, this Office exercises its power to place respondents under preventive suspension.

**WHEREFORE**, pursuant to Section 2, Rule V of Resolution No. 22R.21-576 or the Rules of Procedure in Administrative Cases of the Sangguniang Bayan of Kananga, **LEAH O. EMPLEO** and **JERRY P. EMPLEO** of Barangay of Brgy. Tugbong, Kananga, Leyte and **EMERITA P. LACNO**, both members of the Sangguniang Barangay of

CERTIFIED TRUE AND FAITHFUL COPY OF ORIGINAL WHEN PRESENTED



ATTEST: **JERRY P. EMPLEO**, Mayor  
ATTEST: **EMERITA P. LACNO**, Sangguniang Barangay  
IRP No. 329784/02/17/2023/1 s/c 62140  
PTR No. 8872520/04/02/17/2023/1 s/c 62140  
MCLP (Newly Adopted) to Div. 2/2024/Office City  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Ayala Streets  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Ayala Streets  
Contact No. 0967-324-6643





Barangay Tugbong, Kananga, Leyte are hereby placed under **PREVENTIVE SUSPENSION for SIXTY (60) DAYS**. The period of preventive suspension shall be effective upon service to the respondents of a copy of this Order.

Further, Sangguniang Barangay Member, **Honorable ERIC S. CANDIDO** who is the first-ranking Sangguniang Barangay member, is directed to assume as **Acting Punong Barangay** of Barangay Tugbong, Kananga, Leyte during the period that respondent Leah O. Empleo is serving her preventive suspension.

**SO ORDERED.**

Municipality of Kananga, Leyte, Philippines, February 26, 2024.

**MANUEL VICENTE M. TORRES**  
Mayor

Copy furnished:

SABENIANO BIGNAY  
Brgy. Tugbong, Kananga, Leyte

LEAH O. EMPLEO *2/28/24*  
Brgy. Tugbong, Kananga, Leyte

*emerita p. lacno 2/28/24*  
EMERITA P. LACNO  
Brgy. Tugbong, Kananga, Leyte

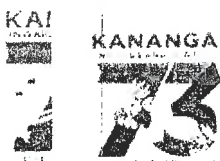
JERRY P. EMPLEO  
Brgy. Tugbong, Kananga, Leyte

HON. RESURRECCION C. CAPANAS  
SB Member  
Ad Hoc Committee Chairman

ERIC S. CANDIDO  
Sangguningang Barangay member  
Brgy. Tugbong, Kananga, Leyte

CERTIFIED TRUE AND FAITHFUL COPY ORIGINAL WHEN PRESENTED

*Ma. Krishna*  
**ATTY. MA. KRISHNA TUMAMAK**  
ATTY. MA. KRISHNA TUMAMAK  
Municipalities of Kananga, Marikina, and Muntinlupa, Leyte  
Commission No. ORM-22-09-02-SC, Linn. Kananga, Leyte  
Roll of Attorneys No. 22140  
Commission Exp. Date: 31/12/2024  
IBP No. 329204/12/17/2023, 1st Chapter  
PTR No. 387399/01/02/2023, 1st Chapter  
MCLB (Newly Admitted on the Roll) Other City  
Unit 4, 2/F, E. Kan Bldg. corner Basil and Araya Streets  
Unit 4, 2/F, E. Kan Bldg. corner Basil and Araya Streets  
E-mail: [krishna@tummak.com](mailto:krishna@tummak.com)  
Contact No. 0967-324-6663





Hon. Miguel Jorge P. Tan  
Vice Mayor  
Office of the Vice Mayor, Kananga, Leyte

Glenn Amon  
MLGOO, Kananga, Leyte

Atty. Dennis L. Hibaya  
Atty. Ariel S. Baltazar  
Counsels for the Complainant  
617 Ground Floor, CCM Bldg.,  
J. Navarro St., Ormoc City, Philippines  
Tel. # (053) 255-7586

Atty. Ma. Kriska Angela H. Tumamak  
Atty. Gerentstein T. Banzon  
Banzon Law Office  
Unit 4, 2/F JE Tan Bldg.,  
Cor. Rizal and Aviles St., Ormoc City

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED



*Kriska*  
*Banzon*  
**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isab Leyte  
Commission No. ORM-22-09-018-NC Unit December 31, 2024  
Roll of Attorneys No. 82140  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7812599/ 01/02/2024/ Ormoc City  
MCLE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F JE Tan Bldg, corner Rizal and Aviles Streets  
Email: [kriskatumamak@glenn.com](mailto:kriskatumamak@glenn.com)  
Contact No. 0967-324-6663





Annex A

### Sangguniang Bayan of Kananga

#### 23<sup>rd</sup> SANGGUNIANG BAYAN

RESOLUTION NO. 23R.24-552

Series of 2024

A RESOLUTION ADOPTING THE RESOLUTION NO. 02, DATED FEBRUARY 12, 2024 OF THE AD HOC COMMITTEE FOR CASE NO. K-ADM-2023-002 AND RECOMMENDING TO THE HONORABLE MAYOR MANUEL VICENTE M. TORRES TO PLACE THE RESPONDENTS IN ADMIN CASE NO. K-ADM-2023-002, LEAH O. EMPLEO, EMERITA P. LACNO AND JERRY P. EMPLEO, UNDER PREVENTIVE SUSPENSION FOR A PERIOD OF SIXTY (60) DAYS, WHICH THE SAME SHALL TAKE EFFECT PRIOR TO THE HEARING ON THE RECEPTION OF EVIDENCE ON MARCH 1, 2024.

WHEREAS, on February 12, 2024, the Ad Hoc Committee for Case No. K-ADM-2023-002 convened to resolve the motion of the complainant thru counsel to place the respondents under preventive suspension while the trial is going-on on the account that the respondents are incumbent barangay officials of Barangay Tugbong, Kananga, Leyte;

WHEREAS, the Ad Hoc Committee for Case No. K-ADM-2023-002 approved its Resolution No. 2, dated February 12, 2024, which the dispositive portion states, that:

“WHEREFORE, premises considered, the oral motion of complainant to subject the respondents to preventive suspension is hereby granted pursuant to Rule V, Section 1 of Resolution No. 22R.21-576 or Rules of Procedure in Administrative Cases of the Sangguniang Bayan of Kananga and the applicable jurisprudence. This Ad Hoc Committee for Admin Case No. NO. K-ADM-2023-002 recommends to the Sangguniang Bayan (Plenary) to adopt this resolution and recommend to the Honorable Mayor Manuel Vicente M. Torres to place the respondents Leah O. Empleo, Emerita P. Lacno and Jerry P. Empleo under Preventive Suspension for a period of SIXTY (60) DAYS, preferably to commence prior to the start of the reception of evidence on March 1, 2024.

SO ORDERED.”

WHEREAS, in determining whether the respondents may be preventively suspended by reason of the administrative case, the Ad Hoc Committee for Case No. K-ADM-2023-002 based its ruling on the Decision of the Supreme Court, particularly the case of Espiritu versus Melgar, G.R. No. 100874, February 13, 1992, which provides, that:

“Clearly, the provincial governor of Oriental Mindoro is authorized by law to preventively suspend the municipal mayor of Naujan at anytime after the issues had been joined and any of the following grounds were shown to exist:

1. When there is reasonable ground to believe that the respondent has committed the act or acts complained of;
2. When the evidence of culpability is strong;
3. When the gravity of the offense so warrants; or
4. When the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.

There is nothing improper in suspending an officer before the charges against him are heard and before he is given an opportunity to prove his innocence (Nera v. Garcia and Elicaño, 106 Phil. 1031). Preventive suspension is allowed so

**ATTEST:**  
Municipality of Kananga, Marikina, Misamis Occidental, and Isabel, Leyte  
Roll of Attorneys No. 83490  
IBP No. 329701/12/17/2023/ Leyte Chapter  
PTR No. 2872591/01/02/2024  
MCLB (Newly Attached to the Bay) May 30, 2022  
Unit 4, 2/F J.F. ...  
Contact No. 0967-324-6663  
Contact No. 0967-324-6663

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

COPIED TRUE AND  
ORIGINAL WHEN  
PRESENTED

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

that the respondent may not hamper the normal course of the investigation through the use of his influence and authority over possible witnesses (Lacson v. Roque, 92 Phil. 456)."

WHEREAS, the conjunction used in the enumerated grounds for preventive suspension is "or", which means the existence of any grounds may warrant the preventive suspension of the respondents;

WHEREAS, in this case, all the Members of the Ad Hoc Committee found out the existence of three (3) grounds, namely: 1. There is reasonable ground to believe that the respondent has committed the act or acts complained of, 2. The evidence of culpability is strong, and, 3. The continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.

WHEREAS, under Rule V, Section 1 of Resolution No. 22R.21-576 or the Rules of Procedure in Administrative Cases of the Sangguniang Bayan of Kananga, it is provided, that:

"SECTION 1. Preventive suspension may be imposed at any time after the issues are joined, when the evidence of guilt is strong, and given the gravity of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence. Provided, that, any single preventive suspension of local elective officials shall not extend beyond sixty (60) days: Provided, further, that in the event that several administrative cases are filed against an elective official, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension.";

WHEREAS, Section 63 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that:

"SEC. 63. Preventive Suspension. - (a) Preventive suspension may be imposed:

- (1) By the President, if the respondent is an elective official of a province, a highly urbanized or an independent component city;
- (2) By the governor, if the respondent is an elective official of a component city or municipality; or
- (3) By the mayor, if the respondent is an elective official of the barangay.

(b) Preventive suspension may be imposed at any time after the issues are joined, when the evidence of guilt is strong, and given the gravity of the offense, there is great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence: Provided, That, any single preventive suspension of local elective officials shall not extend beyond sixty (60) days: Provided, further, That in the event that several administrative cases are filed against an elective official, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension.

*[Handwritten signatures and initials on the left margin]*

*[Large handwritten signature on the right margin]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

ATTY. N. M. ...  
Municipalities of Kabanga, Marikina, ...  
Commission No. ORM-22-09-1138160 and ...  
IBP No. 3297044-02 ...  
PTR No. 782599/ ...  
Unit 4, 2/B/C/E (1<sup>st</sup> Bldg. ...  
Contact No. 0967-324-6663



NOW THEREFORE, on motion of SB Member Resurreccion C. Capanas, duly seconded by all SB Members present, be it:

RESOLVED, as it is hereby resolved, to adopt the Resolution No. 02, dated February 12, 2024, of the Ad Hoc Committee for Case No. K-ADM-2023-002.

RESOLVED FURTHER, to recommend to the Honorable Mayor Manuel Vicente M. Torres to place the Respondents in Admin Case No. K-ADM-2023-002, Leah O. Empleo, Emerita P. Lacno and Jerry P. Empleo, under Preventive Suspension for a period of Sixty (60) days, which the same shall take effect prior to the Hearing on the Reception of Evidence on March 1, 2024.

RESOLVED FURTHERMORE, to furnish copies of this resolution to the Office of the Municipal Mayor of this Municipality, Office of the MLGOO of the DILG in Kananga, the parties to the case of Bignay versus Empleo, et. al. docketed as Case No. K-ADM-2023-002 before this Sangguniang Bayan, and all others concerned.

UNANIMOUSLY APPROVED.

Voting Results: In favor: 10 Against: None

Adopted and Approved on February 26, 2024 during SB Regular Session at the SB Session Hall.

I HEREBY CERTIFY to the correctness of the afore-quoted Resolution.

ATTY. ALLAN R. CASTRO  
Board Secretary V  
(Secretary to the Sanggunian)

APPROVED BY:

HON. MIGUEL JORGE P. TAN  
Vice Mayor & Presiding Officer

ATTESTED BY:

HON. FERNANDO M. ASEO  
SB Member / Floor Leader

HON. BRENZON C. CABINTOY  
SB Member

HON. RESURRECCION C. CAPANA  
SB Member / Asst. Floor Leader

HON. ALMA N. ORFANO  
SB Member

HON. RUDY B. COGAY  
SB Member

HON. MINERVA M. BULAWIT  
SB Member

HON. RICHIE C. CRUZ  
SB Member

HON. ALLAN C. ESPINOSA  
SB Member

HON. VICTORIANO L. GLOBALA  
Liga Ng Mga Barangay President/  
Ex-officio Member

HON. MARY DANIELA L. CUBERO  
Pambayang Pederasyon Ng Sangguniang  
Kabataan President / Ex-officio Member

ATTY. MA. KRISKAN...  
ATTY. N...  
Municipality of Kananga...  
Commission No. 08...  
PTR No. 702...  
MCLB (Newly Admitted) ...  
Unit 4, 2/F L.F. Tan Bldg. corner Rizal and Aviles Streets  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

REPUBLIC OF THE PHILIPPINES  
OFFICE OF THE PROVINCIAL GOVERNOR  
PROVINCE OF LEYTE

Leyte Provincial Government Complex  
West Bypass Road, Brgy. Guindapunan,  
6501 Palo, Leyte

RECEIVED  
7/8/24  
10:36

MAYOR'S OFFICE  
RECEIVED  
By: *[Signature]*  
Date: 09/07/2024

**APPEAL IN RE: PREVENTIVE SUSPENSION ORDER OF PUNONG BARANGAY LEAH O. EMPLEO, SANGGUNIANG BARANGAY MEMBER EMERITA P. LACNO AND SANGGUNIANG BARANGAY MEMBER JERRY P. EMPLEO DATED FEBRUARY 26, 2024 ISSUED BY MANUEL VICENTE M. TORRES (in his capacity as Municipal Mayor of Municipality of Kananga, Leyte)**

**LEAH O. EMPLEO, EMRITA P. LACNO AND JERRY P. EMPLEO;**  
**Respondents-Appellants;**

*Versus*

**MANUEL VICENTE M. TORRES; Appellee**

X-----X

**APPEAL MEMORANDUM**

1. Respondents-Appellant Leah O. Empleo is the incumbent Punong Barangay of Brgy. Tugbong, Kananga, Leyte; Emerita P. Lacno and Jerry P. Empleo are incumbent Sangguniang Barangay Members of Brgy. Tugbong, Kananga, Leyte; all of them are now under preventive suspension. Respondents-appellants may be served with summons and processes of this Honorable Office on the address abovementioned.
2. Appellee Manuel Vicente M. Torres is the incumbent Municipal Mayor of the Municipality of Kananga, Leyte and in which he may be served with summons and processes of this Honorable Office on the Office of the Municipal Mayor, Kananga, Leyte.

**NATURE OF THE APPEAL**

3. This is an appeal from the Preventive Suspension Order dated February 26, 2024 issued by respondent-appellee placing respondents-appellants under preventive suspension for sixty (60) days.

CERTIFIED TRUE AND CORRECT COPY OF ORIGINAL FILE PRESENTED

The preventive suspension order was served and received by respondents-appellants on February 28, 2024;

*[Signature]*  
**ATTY. MA. KRISTINA GAZA H. TUMAMAK**  
Municipal Office of Kananga, Leyte  
Commission No. ORM-23-001-16-PC, dated December 31, 2024  
Municipal Office, 8688 Avenida de los Reyes, 2400 Palo, and Isabel, Leyte  
Contact No. 0967-324-6663 and 0967-324-6665  
PTR No. 7872899/0140272024/014088 Leyte  
MCLH  
Unit 4, 2/F, E Tan Bldg. corner Rizal and Aviles Streets  
Email: [krismatg@skgca.gov.ph](mailto:krismatg@skgca.gov.ph)  
Contact No. 0967-324-6663 and Aviles Streets  
Email: [krismatg@skgca.gov.ph](mailto:krismatg@skgca.gov.ph)  
Contact No. 0967-324-6663



5. This appeal to the Office of the Governor is based on the right of respondents-appellants to appeal the preventive suspension issued by the Municipal Mayor as the implementing officer.
6. Section 465 (b) (1) (x) of Republic Act No. 7160 provides, to wit:

SECTION 465. The Chief Executive: Powers, Duties, Functions, and Compensation. – xxx

(b) For efficient, effective and economical governance the purpose of which is the general welfare of the province and its inhabitants pursuant to Section 16 of this Code, the provincial governor shall:

(1) Exercise general supervision and control over all programs, projects, services, and activities of the provincial government, and in this connection, shall:

x x x

(x) *Ensure that all executive officials and employees of the province faithfully discharge their duties and functions as provided by law and this Code, and cause to be instituted administrative or judicial proceedings against any official or employee of the province who may have committed an offense in the performance of his official duties;*

x x x

(2) Enforce all laws and ordinances relative to the governance of the province and the exercise of the appropriate corporate powers provided for under Section 22 of this Code, implement all approved policies, programs, projects, services and activities of the province and, in addition to the foregoing, shall:

(i) *Ensure that the acts of the component cities and municipalities of the province and of its officials and employees are within the scope of their prescribed powers, duties and functions;*

### STATEMENT OF FACTS

7. That on December 7, 2023, Sabeniano Bignay filed a complaint before Sangguniang Bayan (SB), Municipality of Kananga against respondents-appellants for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Sec. 1, Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte, Philippines; Violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act) and R.A. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees). Attached herein is the copy of the complaint marked as EXHIBIT 'A'.

RECEIVED  
MUNICIPALITY OF KANANGA  
OFFICE OF THE  
MAYOR  
JAN 10 2024

ATTY. MA. KRISTINA M. GARCIA  
Municipal Council of Kananga, Province of Leyte  
Commission No. 101012023/2023/2023/2023  
IBP No. 32805/2023/2023/2023  
PTR No. 287599/2023/2023/2023  
MCLB Newly Admitted to the Bar  
Unit 4, 2/F, E. Canales Corner Bldg and Sales Office  
Unit 4, 2/F, E. Canales Corner Bldg and Sales Office  
Contact No. 0967-324-6663

8. Orders were subsequently issued by the SB of Kananga and herein attached as EXHIBITS "B" and "C";
9. On January 2, 2024, a formal entry of appearance as counsel for the respondents with attached verified answer was filed. Herein attached as EXHIBIT "D";
10. A comment was filed by respondents-appellants on the oral motion filed by complainant to subject the former to preventive suspension. The said comment is attached as EXHIBIT "E";
11. A copy of the Pre-trial Order dated February 12, 2024 is also attached herein as EXHIBIT "F";
12. On February 12, 2024, Resolution no. 02 was issued by the Adhoc Committee of SB of Kananga granting the oral motion of complainant to subject herein respondents-appellants to preventive suspension and thereby recommends to the SB (Plenary) to adopt the said resolution and recommends the same to Mayor Manuel Vicente M. Torres to place respondents-appellants under preventive suspension for a period of 60 days. Copy of Resolution no. 02 is herein attached and marked as EXHIBIT "G";
13. Resolution No. 23R.24-552. Series of 2024 was adopted and approved by the 23<sup>rd</sup> SB of Kananga on February 26, 2024 adopting Resolution no. 02 dated February 12, 2024. A copy of Resolution No. 23R.24-552, series of 2024 is herein attached as EXHIBIT "H";
14. Upon the adoption and approval of Resolution no. 23R.24-552, series of 2024, a preventive suspension order was issued by the Office of the Municipal Mayor of Kananga through Manuel Vicente M. Torres. Herein attached as EXHIBIT "I". Hence this appeal.

**ISSUE**

WHETHER OR NOT THE PREVENTIVE SUSPENSION OF RESPONDENTS-APPELLANTS IS PROPER AND IN CONSONANCE WITH SECTION 63 (b) OF RA 7160 AS ENUNCIATED IN SECTION 1 AND SECTION 2, RULE V OF RESOLUTION NO. 22R.21-576 OR THE RULES OF PROCEDURE IN ADMINISTRATIVE CASES OF THE SANGGUNIANG BAYAN OF KANANGA.

**ARGUMENTS AND DISCUSSIONS**

CERTIFIED TRUE AND  
 CERTIFIED IN KANANGA  
 ORIGINAL WHERE THE  
 PRESENTED

  
 ATTY. RICHARD J. TORRES, **TUMAMAK**  
 Municipality of Kananga, Misamis Occidental, Leyte  
 Commissioned Notary Public until December 31, 2024  
 IBP No. 3297914124192933, Leyte Chapter  
 PTR No. 202401/02202303indow Gilgopher  
 MCLB (Netherlands) 30:0023 .iv  
 Unit 4, 2/F, Ed. Ten, Bigatoman Rizal and Aviles Streets  
 Undangin, Marikina City, Metro Manila  
 Contact No. 0967-324-6663, 6664



1. Sec. 1, Rule V of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Leyte<sup>1</sup> provides, to wit:

Section 1. Preventive suspension may be imposed at any time after the issues are joined, when the evidence of guilt is strong, and given the gravity of the offense, there is great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence: Provided, That, any single preventive suspension of local elective officials shall not extend beyond sixty (60) days: Provided, further, That in the event that several administrative cases are filed against an elective official, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension. (Section 63 (b) of RA 7160).

2. Section 63 (a) (3) of RA 7160 also provides:

Section 63. Preventive Suspension.-

- (a) Preventive suspension may be imposed:  
xxx

(3) By the mayor, if the respondent is an elective official of the barangay.

3. In the case of *Espiritu vs. Melgar*<sup>2</sup>, the Supreme Court held that:

“Clearly, the provincial governor of Oriental Mindoro is authorized by law to preventively suspend the municipal mayor of Naujan at anytime after the issues had been joined and any of the following grounds were shown to exist:

1. When there is reasonable ground to believe that the respondent has committed the act or acts complained of;
2. When the evidence of culpability is strong;
3. When the gravity of the offense so warrants: or
4. When the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.”

4. In the instant case, the Office of the Sangguniang Barangay of barangay Tugbong clearly made a request for a Barangay Relocation and that the same was acted upon by the Sangguniang Bayan of Kananga under a valid ordinance, among others, that such other

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

<sup>1</sup> EXHIBIT “J”

<sup>2</sup> G.R. no. 100874, February 13, 1992

ATTY. MA. KRISTINA M. MAMAK  
Municipality of Kananga, Marikina, Iloilo and Isabel, Leyte  
Commission No. 01M-22-09-01 (NC Until December 31, 2024)  
Roll of Attorney's No. 82340  
Group: IBP No. 329704 / 12/17/2023 / Leyte Chapter  
PTR No. 792599 / 01/03/2024 / Oriental City  
MCIAP (Newly Admitted to the Bar) May 30, 2022  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: [kristinamamak@ibp.org.ph](mailto:kristinamamak@ibp.org.ph)  
Unit 4, 2/F Contact No. 0967-324-6663  
Contact No. 0967-324-6663

documents relative to the valid purchase of the subject property up to the implementation of the same. Documents relative thereto are attached to the complaint and answer which are attached in this appeal.

5. Respondents-Appellants cannot be faulted upon and commit the acts complained of on the ground that their request to acquire the land subject of the deed of donation was for the intended purpose of barangay relocation site. Moreover, respondents-appellants relied in good faith that the acquisition up to the execution of the Deed of donation was regularly prepared, considering that it was prepared and notarized by a lawyer. Hence, there is no reasonable ground to believe that respondents-appellants had committed the acts complained of.
6. In addition, the evidences presented by the complainant are not strong as to implicate respondents-appellants of the subject deed of donation entered into by then Mayor Rowena Codilla and Respondent Leah Empleo in behalf of BLGU-Tugbong, Kananga, Leyte, the latter merely relied on the regularity of the transaction as it was authorized by the LGU of Kananga and BLGU-Tugbong. Clearly, the deed of donation executed by LGU-Kananga through then Mayor Rowena Codilla clearly provides that the said subject property is for Barangay relocation site. Considering that the language of the deed of donation was clear and made and prepared by the LGU-Kananga, the same was valid and relied upon the respondent-appellant Leah O. Empleo. Moreover, respondents-appellants Emerita P. Lacno and Jerry P. Empleo were not parties to the deed of donation. Undoubtedly, evidence of culpability on the part of respondents-appellants is not strong. In fact, respondents-appellants did not commit any offense to begin with.
7. Lastly, respondents-appellants' continuance in their office could not influence the witnesses or pose a threat to the safety and integrity of the records and other evidence. The witnesses of complainant are employees of the LGU-Kananga who are occupying high positions in the government and cannot be subject to any influence, either directly or indirectly by the respondents-appellants who are mere officials of barangay Tugbong. Also, the records and other evidences of the instant case are actually in the possession of the Sangguniang Bayan and offices under the LGU-Kananga since the transactions were entered into by the LGU-Kananga themselves.

8. Although Section 2, Rule V of the Rules of Procedure in Administrative Cases of the Sangguniang Bayan of Kananga provides, to wit:

CERTIFIED TRUE AND CORRECT COPY OF THE ORIGINAL WRITEN PRESENTED

**ATTY. MA. KRISTINA L. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipal Office of Kananga, City of Ormoc, Leyte  
M. Gombanson Building, 198, Isabel, Leyte  
Commission No. ORM-21-118-18-19-20-21-22-23  
JRP No. 92976-19-19-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100  
UPTR No. 27812590/181/02/Joby's Office  
MCRES (Newly Submitted to the Bureau 3/6/2022)  
Unit 4, 2/F, E-mail: [ma.kristina.tumamak@cityoformoc.gov.ph](mailto:ma.kristina.tumamak@cityoformoc.gov.ph)  
Unit 4, 2/F, E-mail: [ma.kristina.tumamak@cityoformoc.gov.ph](mailto:ma.kristina.tumamak@cityoformoc.gov.ph)  
Contact No. 0967-324-6663



"It shall then be ministerial on the part of the mayor to issue an order to impose a preventive suspension of the respondent once recommended by the Sanggunian."

However, the same is not absolute especially in cases where it becomes imperative in the higher interest of justice especially when the facts of the case are clear. Like in the instant case, all the grounds for the imposition of preventive suspension are absent.

9. Given the foregoing, all the elements that would justify the preventive suspension of respondents-appellants are absent.

10. The filing of this instant case against respondents-appellants was motivated by partisan political considerations not favourable to herein respondents. The power to suspend preventively a local elective official could be prone to abuse, hence, frustrating the will of the electorate. If and when the respondents would be subjected to preventive suspension despite the absence of any of the elements therein, then clearly abuse of authority is committed.


### PRAYER

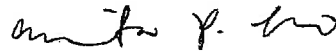
**WHEREFORE**, in the light of the foregoing premises, it is respectfully prayed to this Honorable Office that the Preventive Suspension Order dated February 26, 2024 issued by Municipal Mayor Manuel Vicente M. Torres against respondents-appellants be **REVERSE** and **SET ASIDE** and that respondents-appellants be allowed to continue exercising their power to their respective offices.

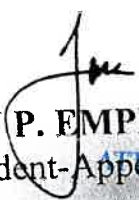
Other reliefs just and equitable under the premises are likewise prayed for.

Done this 5<sup>th</sup> day of March 2024 in Ormoc City , Leyte, Philippines.

Most respectfully submitted:

  
**LEAH O. EMPLEO**  
Respondent-Appellant

  
**EMERITA P. LACNO**  
Respondent-Appellant

  
**JERRY P. EMPLEO**  
Respondent-Appellant

  
**ATTY. MA. KRISTINA M. H. TOMAMAK**  
Municipal Attorney General  
Municipality of Ormoc, Province of Leyte  
Commission No. 003-2019-015-NCU and December 31, 2024  
Tel. No. (053) 821-4000  
Municipal Office Building, 17th Floor, Chapter  
Municipal Office Building, 17th Floor, Chapter  
Ormoc City  
Leyte  
Contact No. 0967-324-6663

RECEIVED AND  
PRESENTED

Republic of the Philippines)  
City of Ormoc )S.S.  
x -----//

**VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING**

WE, **LEAH O. EMPLEO, EMERITA P. LACNO and JERRY P. EMPLEO**, all of legal age, Filipino citizens and a resident of Brgy. Tugbong, Municipality of Kananga, Leyte, Philippines, after being sworn in accordance with law, hereby depose and say:

1. That we are the respondents-appellants in the instant case;
2. That we have caused the preparation of the above Appeal memorandum and we have read the same and know the contents thereof;
3. That the allegations contained therein are true and correct of our own personal knowledge and based on authentic records and documents.
4. That the Appeal is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
5. That the factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
6. That we further certify that: (a) we have not theretofore commenced any other action or proceeding or filed any claim involving the same issues or matter in any court, tribunal, or quasi-judicial agency and, to the best of my knowledge, no such action or proceeding is pending therein; (b) if I should thereafter learn that the same or similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or any other tribunal or quasi-judicial agency, I undertake to report such fact within five (5) days therefrom to the court or agency wherein the original pleading and sworn certification contemplated herein have been filed;
7. That I fully understand that failure on my part to comply with the foregoing requirement shall be cause for the dismissal of this request;

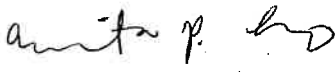
**IN WITNESS WHEREOF, WE have hereunto set our hands this 6<sup>th</sup> day of March 2024 in Ormoc City, Leyte, Philippines**

**ATTY. MA. KRISKA M. TUMAMAK**  
MCLV (Newly Admitted to the Bar, March 30, 2023)  
Unit 4, 2/F, J. ... 2nd Bldg. corner Rizal and Aviles Streets  
Email: ...  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL BY THE  
PRESENTING



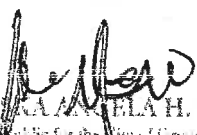
  
**LEAH G. EMPLEO**  
Driver's License  
H012-09-000103

  
**EMERITA P. LACNO**  
COMELEC I.D  
3726-0136A-K1066EPL20000

  
**JERRY P. EMPLEO**  
Driver's License  
H03-91-014177

**SUBSCRIBED AND SWORN TO** before me this 6<sup>th</sup> day of March 2024 in Ormoc City, Philippines, affiants personally appeared before me and exhibited to me their competent evidence of identities as indicated above.

Doc. No. 37  
Page No. 89  
Book No. 01  
Series of 2024

  
**ATTY. MA. KRISKA ANNELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Florida and Isabel Leyte  
Commission No. CRM-2289-015-NC Until December 31, 2024  
Roll of Attorney's No. 8110  
IBP No. 329761/12/17/2021/ Leyte Chapter  
PTR No. 7472499/01/02/2021/ Ormoc City  
M.C.L.E. (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F, L. L. Tan Bldg., corner Rizal and Aviles Streets  
Ormoc, Leyte  
Email: kriskaannela@ormoccity.gov.ph  
Contact No. 0967-324-6663

Copy Furnished:

**MANUEL VICENTE M. TORRES**  
Municipal Mayor  
Office of the Municipal Mayor  
Kananga, Leyte

CERTIFIED TRUE AND  
CORRECT COPY OF THE  
ORIGINAL WHEN  
PRESENTED

  
**ATTY. MA. KRISKA ANNELA H. TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Florida and Isabel Leyte  
Commission No. CRM-2289-015-NC Until December 31, 2024  
Roll of Attorney's No. 8110  
IBP No. 329761/12/17/2021/ Leyte Chapter  
PTR No. 7472499/01/02/2021/ Ormoc City  
M.C.L.E. (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F, L. L. Tan Bldg., corner Rizal and Aviles Streets  
Ormoc, Leyte  
Email: kriskaannela@ormoccity.gov.ph  
Contact No. 0967-324-6663



Republic of the Republic  
**DEPARTMENT OF JUSTICE**  
**OFFICE OF THE PROVINCIAL PROSECUTOR**  
Province of Leyte  
Bulwagan Ng Katarungan  
Magsaysay Blvd., Tacloban City



THE MUNICIPALITY OF  
KANANGA, LEYTE  
represented by Mayor Manuel  
Vicente M. Torres,

NPS Docket No. VIII-02g- INV-23J-  
0019

Complainant,

-versus-

LEAH O. EPLEO, EMERITA  
P. LACNO, BEATRIZ C.  
NAHINE, ALIPIO C.  
CABALEJO, JR., GERARDO  
D. ODAN, JERRY P. EMPLEO,  
ELMER S. RUADO and  
ROWENA N. CODILLA,

FOR: Illegal Use of Public Funds of  
Property (Violation of Article  
220 of the Revised Penal D.  
Code)

Respondents.

Date MR Assigned: 01/24/24

Date MR Resolved: 02/23/24

Date Promulgated : 28 FEB 2024

X-----X

**REVIEW RESOLUTION ON THE MOTION FOR  
RECONSIDERATION**

The dispositive portion of the questioned Resolution reads:

“Finding probable cause to believe that the crime of Illegal of  
Public Funds of Property (technical malversation) has been committed  
by all of the above-named respondents, it is respectfully recommended  
that –

1. An Information for Illegal Use of Public Funds of Property (technical malversation) as defined and penalized under Article 220 of the Revised Penal Code be filed against respondent former Mayor Rowena N. Codilla before the SANDIGANBAYAN.
2. A separate Information for the same crime be filed against respondents Leah O. Empleo (Punong Barangay) and Sangguniang Barangay Members Emerita P. Lachno, Beatriz C. Nahine, Alipio C. Cabalejo, Jr., Gerardo D. Odan, Jerry P. Empleo, and Elmer S. Ruado, before the 2<sup>nd</sup> MUNICIPAL CIRCUIT TRIAL COURT OF KANANGA-MATAG-OB.

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

ATTY. MA KRISKA TUMAMAL  
Notary Public for the City of Ormoc  
Commission No. ORRP-22-09-018-NC, C. not December 31, 2023  
Rizal and Aviles Streets  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamal@vsn.net  
Contact No. 0967-324-6663



Separate Informations would have to be filed for the following reasons: (1) pursuant to Section 4 of PD 1606, as amended by Section 2 of RA 10660, it is the Sandiganbayan that exercises original and exclusive jurisdiction over offenses or felonies committed by the public officials and employees (classified as Grade 27 and higher) in relation to their Office. The position of Mayor of Kananga, Leyte is classified as Grade 27 under the Compensation and Position Classification Act of 1989; and (2) with respect to the respondent barangay officials, aside from occupying a position classified as having a salary grade below 27, this Office finds no evidence of "conspiracy" between them and the respondent former Mayor, hence, there is no reason to lump them under one Information.

Be that as it may, the recommended bail for the temporary liberty of the respondents is fixed at Eighteen Thousand Pesos (18,000.00) each."

Aggrieved by the foregoing, respondents seek to reverse the same by raising the following grounds:

1. The Ombudsman has the primary jurisdiction over cases cognizable by the Sandiganbayan. Thus, the preliminary investigation shall be conducted before the Office of the Ombudsman.
2. The 3<sup>rd</sup> element of the crime of Illegal Use of Public Funds or Property, that is, that public funds have been appropriated by law or ordinance, is wanting; and
3. The 4<sup>th</sup> element, supra, that the respondents applied the same to a public use other than that for which such fund or property has been appropriated is also wanting.

After going through all the records of the case, the undersigned finds for the respondents and finds merit in the instant Motion for Reconsideration.

Respondents are wrong in saying that this Office has no jurisdiction to conduct the preliminary investigation of cases for the Sandiganbayan, as the same is within the jurisdiction of the Ombudsman. This has long been settled by the Supreme Court in Honasan II v. Panel of Investigating Prosecutors of the DOJ, G.R. No. 159747, April 13, 2004, where it ruled that the duty of the Ombudsman to conduct investigations is concurrent with other investigating bodies, hence the act of this Office in taking cognizance of the complaint filed before it, is proper.

They are however correct in saying that indeed, not all of the elements for the crime of Illegal Use of Public Funds or Property (Technical Malversation) are present. Respondents never applied the public funds or property to a public use other than that for which such fund or property has been appropriated. Thus, the fourth element of the crime is wanting.

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL  
PRESENTS

Notary Public for the City of Quezon  
Commission No. ORAL-22-09-019-NGC until December 31, 2024  
IBP No. 329704/12417/20234 Leyte Chapter  
MCLP (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E. Tan Bldg. corner Rizal and Aviles Streets  
Email: luiskumarak@ yahoo.com  
Contact No. 0967-324-6663

As borne by the records, respondent former Mayor Rowena Codilla made a purchase request for the procurement of 10,000 square meters of Lot No. 2-Pcs-19337 located in Barangay Tugbong Kananga, Leyte covered by TCT No. T-15094. Thereafter the Sangguniang Bayan of Kananga resolved to authorize respondent former mayor to purchase the same for the barangay site of Barangay Tugbong, Kananga, Leyte.

On August 18, 2018, the Office of the Sangguniang Barangay of Barangay Tugbong, Kananga, Leyte headed by respondent Punong Barangay Leah O. Empleo passed Resolution No 029 series of 2018 requesting the local government unit of Kananga thru Hon. Rowena N. Codilla, Municipal Mayor, to allocate fund for the purchase of lot for Barangay Relocation Site of Barangay Tugbong, Kananga, Leyte, amounting to One Million Four Hundred Thousand Pesos (Php 1,400,000.00).

The purchase of the property came through in January 2019 and on May 15, 2019, the Sangguniang Bayan of Kananga passed Resolution No. 21R.19.629 authorizing respondent former Mayor Rowena Codilla to donate to Barangay Tugbong, Kananga, Leyte the acquired property located in their barangay intended for their Barangay Site.

On June 25, 2019, a Deed of Donation was executed by respondent former Mayor Rowena Codilla representing the LGU of Kananga, Leyte to the Barangay LGU of Tugbong, Kananga, Leyte represented by Punong Barangay Leah O. Empleo. In said Deed of Donation, it was stated that the donated property shall be exclusively used as barangay relocation site/expansion of built-up area for its residents.

After receiving said donated property, herein respondent Punong Barangay Leah Empleo used the same as a relocation site and caused the subdivision and distribution of the lot to nine (9) individuals.

Complainant avers that herein respondents made public use of the property other than that for which said property was appropriated because the property was intended for the barangay site of Brgy. Tugbong and not for a relocation site.

The undersigned thinks otherwise and is not convinced that herein respondents committed the crime they are accused of.

First and foremost, the Deed of Donation executed by respondent former Mayor Rowena Codilla states that the property is to be used exclusively for barangay relocation site/expansion of built-up area for its residents. Said statement is in accordance with the request of the Barangay LGU of Brgy Tugbong as they clearly indicated in their resolution that they wanted the property as a Barangay relocation site. Likewise, Resolution No.21R.18-523, series of 2018 passed by the Sangguniang Bayan of Kananga,

CERTIFIED TRUE AND FAITHFUL COPY OF ORIGINAL DEED

ATTY. MA. KRISKA ANTONIO MAMAY  
Municipalities of Kananga, Matagupe, Misamis and Isabel  
Roll of Attorneys No. 23140  
PTR No. 782599/01/02/2024/ Ormoc City  
MCLR (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskaantonio@abdo.com  
Contact No. 0967-324-6663



Leyte, granted authority to respondent former Mayor Rowena Codilla to purchase the property intended for the Barangay Site of Barangay Tugbong, Kananga, Leyte. They likewise included in one of their "whereas" clauses that the reason for the purchase of the property is because of the increasing population of the locality of Brgy. Tugbong giving rise to an increase in the demand for delivery of basic services as well as bigger area for government facilities. Clearly, a Barangay Relocation Site is included in the basic necessities of the barangay and is also considered a government facility.

Respondents therefore simply used the property in accordance with the purpose for which the appropriation was made and requested and therefore cannot be faulted and made criminally liable as they never used or misused the property.

**WHEREFORE**, foregoing premises considered, the instant Motion for Reconsideration is granted and the cases against herein respondents are **DISMISSED** for lack of probable cause.

February 28, 2024, Tacloban City for Ormoc City.

  
**MA. ARLENE HUNAMAYOR-CORDOVEZ**

Provincial Prosecutor


MCLE Comp. VII No. 0004037

Issued on July 19, 2021

Copy Furnished:

1. Mayor Manuel Vicente M. Torres
2. Rowena N. Codilla
3. Leah O. Empleo
4. Emerita P. Iacno
5. Beatriz C. Nahine
6. Alipio C. Cabalejo, Jr.
7. Gerardo D. Odan
8. Jerry P. Empleo
9. Elmer S. Ruado
10. Atty. Adelito M. Solibaga, Jr
11. Atty. Norberto B. Robel, Jr
12. Atty. Ruben LL. Palomino

**ATTY. MA. KRISKA ANGELO H. TUMAMAK**

  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82440  
IBP No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLE (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@ahm.com  
Contact No. 0967-324-6663

CERTIFIED TRUE AND  
FAITHFUL COPY OF THE  
ORIGINAL WHEN  
PRESENTED

REPUBLIC OF THE PHILIPPINES  
OFFICE OF THE OMBUDSMAN

VISAYAS

M. Velez St., Guadalupe  
Cebu City

LEAH O. EMPLEO,  
EMERITA P. LACNO and  
JERRY P. EMPLEO,  
*Complainants,*

OMB: \_\_\_\_\_

-versus-

For: Abuse of Authority under  
Sec. 60, par. 1 (e) of RA No.  
7160

MIGUEL JORGE P. TAN, in  
his capacity as Vice-Mayor;  
FERNANDO M. ASEO,  
ALMA N. ORFANO, RICHIE  
C. CRUZ, BRENZON C.  
CABINTOY, RUDY B.  
COGAY, ALLAN C.  
ESPINOSA, MARY  
DANIELA L. CUBERO,  
RESURRECCION C.  
CAPANAS, MINERVA M.  
BULAWIT and VICTORIANO  
L. GLOBA, in their capacity  
as SB Members;  
*Respondents.*

X-----X

**JUDICIAL AFFIDAVIT**  
**(LEAH O. EMPLEO)**

**I. PERSONAL CIRCUMSTANCES OF THE WITNESS AND EXAMINING LAWYER**

I, **LEAH O. EMPLEO**, having been sworn to oath in accordance with law, hereby depose and state, THAT:

1. I am a Filipino, of legal age, married and a resident of Brgy. Tugbong, Kananga, Leyte;
2. My examination as a witness in this case is conducted and taken under the supervision of Atty. Ma. Kriska Angela H.



Tumamak of Banzon Law Office, with office address at 2/F J.E Tan Bldg., cor. Rizal and Aviles Streets, Ormoc City;

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

## II. PURPOSE/S OF THE TESTIMONY

The testimony of the witness is being offered to prove that:

1. She will testify as to the material averments in the verified complaint;
2. She is one of the respondents to the administrative case filed by one Sabeniano Bignay which is still pending before the Office of the Sangguniang Bayan of Kananga docketed as case no. K-AMD-2023-002;
3. That the Ad Hoc Committee hearing the administrative case issued Resolution no. 23R.24-552 recommending to Mayor Manuel Vicente M. Torres (Mayor Torres) to place her along with Emerita P. Lacno and Jerry Empleo under preventive suspension for 60 days which took effect on march 1, 2024;
4. That a preventive suspension order was issued by the Office of the Mayor Torres;
5. That a criminal case for illegal use of public funds of property (Art. 220 of the RPC) involving the same subject matter in the administrative case before the SB of Kananga was dismissed for lack of probable cause;
6. She will identify relevant documents pertaining to this case and testify to other matters relating herein.

## III. QUESTIONS ASKED OF THE WITNESS AND HER CORRESPONDING ANSWERS

Preliminary Question:

Atty. Tumamak:

Ms. Witness, you are hereby informed that this Judicial Affidavit to be taken from you is in connection with the administrative case originally filed with the Office of the Ombudsman and indorsed to the Sangguniang Panlalawigan, Province of Leyte entitled "Leah O. Empleo, et. al vs. Miguel Jorge P. Tan, et. al, docketed as IC-OV-APR-24-0204 for abuse of authority under

Sec. 60, par. 1 (e) of RA No. 7160. Do you swear to tell the truth, the whole truth and nothing but the truth?

Witness: Yes Ma'am.

Q1: Why are you here in our office, ma'am?

A: To file a complaint and to execute my Judicial Affidavit pertaining to the case that we filed.

Q2: What is this case Ms. Witness?

A: This case is a case of Abuse of Authority under Sec. 60, par. 1 (e) of RA 7160 committed by all the members of Sagguniang Bayan (SB) of Municipality of Kananga and Vice-Mayor Jorge P. Tan in his capacity as Vice-Mayor.

Q3: By the way Ms. Witness, what is your current occupation?

A: I am the current Punong Barangay of Brgy. Tugbong in Kananga, Leyte.

Q4: May I ask Ms. Witness as to what prompted you to file this administrative case against all the respondents?

A: Actually ma'am, on December 7, 2023, a complaint was filed by Sabeniano Bignay (Mr. Bignay) before the Office of the Sangguniang Bayan of the Municipality of Kananga, Leyte against me, Emerita P. Lacno and Jerry P. Empleo for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Sec. 1, Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte, Philippines; Violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), and R.A. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees).

Q5: Do you have a copy of the Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga?

A: Yes ma'am.

Q6: I have here a copy of Resolution no. 22R.21-576, series of 2021 or 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte marked as **EXHIBIT "A"** which is already attached to your Verified complaint, is this the one you are referring to Ms. Witness?

A: Yes ma'am.



Q7: What is the status of the administrative case filed against you, Emerita Lacno and Jerry Empleo?

A: The said administrative case is still pending before the Office of the Sangguniang Bayan of Kananga and docketed as case no. K-AMD-2023-002.

Q8: I have here a copy of the Complaint filed on December 7, 2023 marked as **EXHIBIT "B"** which is already attached to your Verified complaint, is this the one you are referring to Ms. Witness?

A: Yes ma'am.

Q9: When you received a copy of the administrative complaint filed against you, what did you do?

A: We came to your office to engage your law firm as our counsel and on January 2, 2024, a formal entry of appearance as counsel with attached verified answer was filed.

Q10: I have here a copy of the Formal entry of appearance as counsel for the respondents with attached verified answer dated January 2, 2024 marked as **EXHIBIT "C"** which is already attached to your Verified complaint, is this the one you are referring to Ms. Witness?

A: Yes ma'am.

Q11: What happened next Ms. Witness?

A: Complainant in that case filed before the SB of Kananga, through his counsel, orally filed a motion to place me, Emerita Lacno and Jerry Empleo under preventive suspension.

Q12: What did you do thereafter?

A: We filed a Comment on the said oral motion.

Q13: I have here a copy of the Comment (to the oral motion of complainant to subject respondents to preventive suspension) dated January 30, 2024 marked as **EXHIBIT "D"** which is already attached to the Verified complaint, is this the one you are referring to Ms. Witness?

A: Yes ma'am.

Q14: What happened next Ms. Witness?

A: Subsequently, Resolution No. 02 dated February 12, 2024, granting the oral motion filed by complainant to place us under preventive suspension was issued by the Sangguniang Bayan of Kananga. Moreover, members of the Sangguniang Bayan of Kananga adopted and approved Resolution no. 23R.24-552, series of 2024 thereby adopting Resolution No. 02 thereby recommending to the Honorable Mayor Manuel Vicente M. Torres to place me, Emerita Lacno and Jerry Empleo under preventive suspension for a period of sixty (60) days, which shall

take effect prior to the hearing on the reception of evidence on March 1, 2024.

Q15: I have here a copy of Resolution No. 02 dated February 12, 2024 and Resolution no. 23R.24-552 dated February 26, 2024 which were already marked as **EXHIBITS "E" and "F"**, respectively and already attached to your verified complaint, are these the ones you were referring to?

A: Yes ma'am.


Q16: Were you placed under preventive suspension Ms. Witness?

A: Yes ma'am. A Preventive Suspension Order was issued on February 26, 2024 by Municipal Mayor Manuel Vicente M. Torres.

Q17: I have here a copy of the Preventive Suspension Order dated February 26, 2024 which was already marked as **EXHIBIT "G"**, and already attached to your verified complaint, is this the one you are referring to?

A: Yes ma'am.

Q18: When you were preventively suspended Ms. Witness, what did you do?

 A: We filed an Appeal Memorandum before the Office of the Provincial Governor, Province of Leyte on March 8, 2024.

Q19: I have here a copy of the Appeal Memorandum filed on March 8, 2024 which was already marked as **EXHIBIT "H"**, and already attached to your verified complaint, is this the one you are referring to?

A: Yes ma'am.

Q20: What can you say regarding the preventive suspension imposed by herein respondents?

A: First and foremost ma'am, the administrative complaint they filed against us is clearly politically motivated because we were on the opposition side of the current administration of LGU Kananga during the last barangay election. In fact ma'am, they also filed an election protest against me before the MCTC, Kananga-Matag-ob. Fortunately, the court ruled in my favor. They were not contended of the cases they filed, they also filed a criminal case against me, Emerita Laco, Jerry Empleo along with Beatriz C. Nahine, Alipio C. Cabalejo, Jr., Gerardo D. Odan, Elmer S. Ruado and former Mayor of Kananga, Rowena N. Codilla.

Q21: May I ask Ms. Witness, what criminal case did they file?

A: The Municipality of Kananga, Leyte represented by Mayor Manuel Vicente M. Torres filed a case for Illegal use of public funds of property (Violation of Article 220 of the Revised Penal Code).



Q22: What is the status of the said criminal case Ms, Witness?

A: Based on the Review Resolution on the motion for reconsideration that we filed, same was granted and the case was dismissed for lack of probable cause. However, they still file a petition for review of the said case.

Q23: I have here a copy of the Review Resolution on the Motion for Reconsideration promulgated on February 28, 2024 which was already marked as **EXHIBIT "I"**, and already attached to your verified complaint, is this the one you are referring to?

A: Yes ma'am.

Q24: What do you asked of this Honorable Office?

A: I want this Honorable Office to know that the power to suspend preventively a local elective official is evidently prone to abuse and hence, frustrating the will of the electorate. The respondents knew very well that there is an absence of any of the grounds to validly place a person under preventive suspension. Despite the absence of any of the grounds, they still placed us under preventive suspension without any valid and legal basis. I want this Honorable Office to find all the respondents liable of abuse of authority under Sec. 60, par. 1 (e) of RA 7160.

Q25: Do you have anything more to say to this Honorable Office?

A: None as of this moment ma'am.

-I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Panlalawigan, Province of Leyte which has proper jurisdiction, where this case is pending, in lieu of my direct testimony in the above-captioned case.

AFFIANT FURTHER SAYETH NAUGHT.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 4<sup>th</sup> day of September 2024, in Ormoc City, Philippines.

**LEAH O. EMPLEO**  
Affiant

DL No. H012-09-000103

**SUBSCRIBED AND SWORN TO** before me this 2<sup>nd</sup> day of September 2024 in Ormoc City, Philippines, affiant personally appeared before me and exhibited to me her competent evidence of identity as indicated above.

**ATTY. MARK KRISK N. MANABAN TIMAMAY**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Mag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82140  
IBI No. 329704/ 12/17/2023/ Leyte Chapter  
PTR No. 7872599/ 01/02/2024/ Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: [leiskammanabanc@alm.com](mailto:leiskammanabanc@alm.com)  
Contact No. 0967-324-6663

Doc. No. 26  
Page No. 6  
Book No. 02  
Series of 20 24

**SWORN ATTESTATION OF THE LAWYER**

I, **ATTY. MA. KRISKA ANGELA H. TUMAMAK**, Filipino, of legal age, married, with business address at Banzon Law Office, Cor. Rizal and Aviles Street, Ormoc City, after having been sworn to oath in accordance with law, hereby depose and state, THAT:

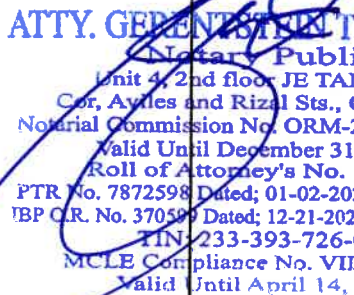
- a. I am the lawyer who conducted the examination of the witness on September 4, 2024 in Banzon Law Office located at 2/F JE Tan Building, Corner Rizal and Aviles Streets, Ormoc City;
- b. I have faithfully recorded the questions asked and the answers given by the witness; and
- c. I or any other person present during the taking of this judicial affidavit, did not coach the witness regarding the latter's answers.

**IN WITNESS WHEREOF**, I hereunto affix my signature this 2<sup>nd</sup> day of September 2024 at Ormoc City, Leyte, Philippines.

  
**MA. KRISKA ANGELA H. TUMAMAK**  
 Examining Attorney  
 Roll No. 82440

**SUBSCRIBED AND SWORN TO** before me this 2<sup>nd</sup> day of September 2024 at Ormoc City, Leyte, Philippines. Affiant exhibited to me her IBP ID as proof of identity.

Doc. No. 240 ;  
 Page No. 49 ;  
 Book No. 11 ;  
 Series of 2024.

  
**ATTY. GERONIMO T. BANZON**  
 Notary Public  
 Unit 4, 2nd floor, JE TAN Bldg.  
 Cor. Aviles and Rizal Sts., Ormoc City  
 Notarial Commission No. ORM-22-12-034-NC  
 Valid Until December 31, 2024  
 Roll of Attorney's No. 53280  
 PTR No. 7872598 Dated; 01-02-2024, Ormoc Cit.  
 IBP C.R. No. 370599 Dated; 12-21-2023, Leyte Chaptr  
 TIN: 233-393-726-000  
 MCLE Compliance No. VII-0016334  
 Valid Until April 14, 2025



REPUBLIC OF THE PHILIPPINES  
OFFICE OF THE OMBUDSMAN  
VISAYAS

M. Velez St., Guadalupe  
Cebu City

LEAH O. EMPLEO,  
EMERITA P. LACNO and  
JERRY P. EMPLEO,  
*Complainants,*

OMB: \_\_\_\_\_

-versus-

For: Abuse of Authority under  
Sec. 60, par. 1 (e) of RA No.  
7160

*Amira P. L.*  
MIGUEL JORGE P. TAN, in  
his capacity as Vice-Mayor;  
FERNANDO M. ASEO,  
ALMA N. ORFANO, RICHIE  
C. CRUZ, BRENZON C.  
CABINTOY, RUDY B.  
COGAY, ALLAN C.  
ESPINOSA, MARY  
DANIELA L. CUBERO,  
RESURRECCION C.  
CAPANAS, MINERVA M.  
BULAWIT and VICTORIANO  
L. GLOBALA, in their capacity  
as SB Members;  
*Respondents.*

X-----X

JUDICIAL AFFIDAVIT  
(EMERITA P. LACNO)

I. PERSONAL CIRCUMSTANCES OF THE WITNESS AND  
EXAMINING LAWYER

I, EMERITA P. LACNO, having been sworn to oath in  
accordance with law, hereby depose and state, THAT:

1. I am a Filipino, of legal age, married and a resident of Brgy. Tugbong, Kananga, Leyte;
2. My examination as a witness in this case is conducted and taken under the supervision of Atty. Ma. Kriska Angela H.

Tumamak of Banzon Law Office, with office address at 2/F J.E Tan Bldg., cor. Rizal and Aviles Streets, Ormoc City;

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

## II. PURPOSE/S OF THE TESTIMONY

The testimony of the witness is being offered to prove that:

1. She will testify as to the material averments in the verified complaint;
2. She is one of the respondents to the administrative case filed by one Sabeniano Bignay which is still pending before the Office of the Sangguniang Bayan of Kananga docketed as case no. K-AMD-2023-002;
3. That the Ad Hoc Committee hearing the administrative case issued Resolution no. 23R.24-552 recommending to Mayor Manuel Vicente M. Torres (Mayor Torres) to place her along with Leah O. Empleo and Jerry Empleo under preventive suspension for 60 days which took effect on march 1, 2024;
4. That a preventive suspension order was issued by the Office of the Mayor Torres;
5. That a criminal case for illegal use of public funds of property (Art. 220 of the RPC) involving the same subject matter in the administrative case before the SB of Kananga was dismissed for lack of probable cause;
6. She will identify relevant documents pertaining to this case and testify to other matters relating herein.

*Amira R. R.*

## III. QUESTIONS ASKED OF THE WITNESS AND HER CORRESPONDING ANSWERS

Preliminary Question:

Atty. Tumamak:

Ms. Witness, you are hereby informed that this Judicial Affidavit to be taken from you is in connection with the administrative case originally filed with the Office of the Ombudsman and indorsed to the Sangguniang Panlalawigan, Province of Leyte entitled "Leah O. Empleo, et. al vs. Miguel Jorge P. Tan, et. al, docketed as IC-OV-APR-24-0204 for abuse of authority under



Sec. 60, par. 1 (e) of RA No. 7160. Do you swear to tell the truth, the whole truth and nothing but the truth?

Witness: Yes Ma'am.

Q1: Why are you here in our office, ma'am?

A: To file a complaint and to execute my Judicial Affidavit pertaining to the case that we filed.

Q2: What is this case Ms. Witness?

A: This case is a case of Abuse of Authority under Sec. 60, par. 1 (e) of RA 7160 committed by all the members of Sangguniang Bayan (SB) of Municipality of Kananga and Vice-Mayor Jorge P. Tan in his capacity as Vice-Mayor.

Q3: By the way Ms. Witness, what is your current occupation?

A: I am currently elected as one of the Sangguniang Barangay Members of Brgy. Tugbong in Kananga, Leyte.

Q4: May I ask Ms. Witness as to what prompted you to file this administrative case against all the respondents?

A: On December 7, 2023, a complaint was filed by Sabeniano Bignay (Mr. Bignay) before the Office of the Sangguniang Bayan of the Municipality of Kananga, Leyte against me, Leah O. Empleo and Jerry P. Empleo for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Sec. 1, Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte, Philippines; Violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), and R.A. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees).

Q5: What is the status of the administrative case filed against you, Leah O. Empleo and Jerry Empleo?

A: The said administrative case is still pending before the Office of the Sangguniang Bayan of Kananga and docketed as case no. K-AMD-2023-002.

Q6: When you received a copy of the administrative complaint filed against you, what did you do?

A: We came to your office to engage your law firm as our counsel and on January 2, 2024, a formal entry of appearance as counsel with attached verified answer was filed.

Q7: What happened next Ms. Witness?

A: Complainant in that case filed before the SB of Kananga, through his counsel, orally filed a motion to place me, Leah O. Empleo and Jerry Empleo under preventive suspension.

Q8: What did you do thereafter?

A: We filed a Comment on the said oral motion.

Q9: What happened next Ms. Witness?

A: Subsequently, Resolution No. 02 dated February 12, 2024, granting the oral motion filed by complainant to place us under preventive suspension was issued by the Sangguniang Bayan of Kananga. Moreover, members of the Sangguniang Bayan of Kananga adopted and approved Resolution no. 23R.24-552, series of 2024 thereby adopting Resolution No. 02 thereby recommending to the Honorable Mayor Manuel Vicente M. Torres to place me, Leah O. Empleo and Jerry Empleo under preventive suspension for a period of sixty (60) days, which shall take effect prior to the hearing on the reception of evidence on March 1, 2024.

Q10: Were you placed under preventive suspension Ms. Witness?

A: Yes ma'am. A Preventive Suspension Order was issued on February 26, 2024 by Municipal Mayor Manuel Vicente M. Torres.

Q11: When you were preventively suspended Ms. Witness, what did you do?

A: We filed an Appeal Memorandum before the Office of the Provincial Governor, Province of Leyte on March 8, 2024.

Q12: What can you say regarding the preventive suspension imposed by herein respondents against you?

A: The administrative case they filed against us is clearly a political harassment. The cases they filed against us are clearly politically motivated.

Q13: What do you asked of this Honorable Office?

A: I want this Honorable Office to know that the power to suspend preventively a local elective official is evidently prone to abuse and hence, frustrating the will of the electorate. The respondents knew very well that there is an absence of any of the grounds to validly place a person under preventive suspension. Despite the absence of any of the grounds, they still placed us under preventive suspension without any valid and legal basis. I want this Honorable Office to find all the respondents liable of abuse of authority under Sec. 60, par. 1 (e) of RA 7160.

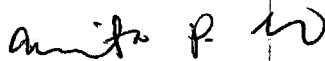
Q14: Do you have anything more to say to this Honorable Office?

A: None as of this moment ma'am.

-I have executed this Judicial Affidavit to attest to the truth of the foregoing the same to be submitted to the Sangguniang Panlalawigan, Province of Leyte which has proper jurisdiction, where this case is pending, in lieu of my direct testimony in the above-captioned case.

AFFIANT FURTHER SAYETH NAUGHT.

IN WITNESS WHEREOF, I have hereunto set my hand this 2<sup>nd</sup> day of September 2024, in Ormoc City, Philippines.



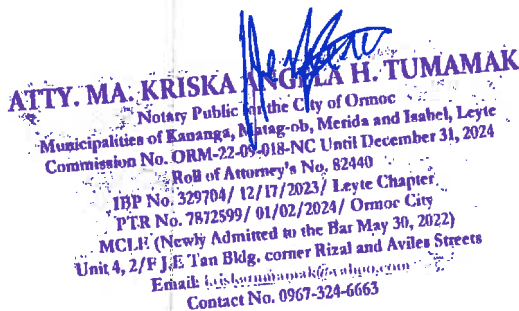
**EMERITA P. LACNO**

Affiant

COMELEC ID NO. 3726-0136A

**SUBSCRIBED AND SWORN TO** before me this 2<sup>nd</sup> day of September 2024 in Ormoc City, Philippines, affiant personally appeared before me and exhibited to me her competent evidence of identity as indicated above.

Doc No. 28 ;  
Page No. 6 ;  
Book No. 02 ;  
Series of 2024.



**ATTY. MA. KRISKA ANGELA H. TUMAMAK**  
Notary Public in the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82440  
IBP No. 329704 / 12/17/2023 / Leyte Chapter  
PTR No. 7872599 / 01/02/2024 / Ormoc City  
MCLP (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F JJE Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@ahp.com.ph  
Contact No. 0967-324-6663



**SWORN ATTESTATION OF THE LAWYER**

I, **ATTY. MA. KRISKA ANGELA H. TUMAMAK**, Filipino, of legal age, married, with business address at Banzon Law Office, Cor. Rizal and Aviles Street, Ormoc City, after having been sworn to oath in accordance with law, hereby depose and state, THAT:

- a. I am the lawyer who conducted the examination of the witness on September 4, 2024 in Banzon Law Office located at 2/F JE Tan Building, Corner Rizal and Aviles Streets, Ormoc City;
- b. I have faithfully recorded the questions asked and the answers given by the witness; and
- c. I or any other person present during the taking of this judicial affidavit, did not coach the witness regarding the latter's answers.

**IN WITNESS WHEREOF**, I hereunto affix my signature this 2<sup>nd</sup> day of September 2024 at Ormoc City, Leyte, Philippines.

*anitu p*

**MA. KRISKA ANGELA H. TUMAMAK**  
 Examining Attorney  
 Roll No. 82440

**SUBSCRIBED AND SWORN TO** before me this 2<sup>nd</sup> day of September 2024 at Ormoc City, Leyte, Philippines. Affiant exhibited to me her IBP ID as proof of identity.

Doc. No. 242 ;  
 Page No. 50 ;  
 Book No. 11 ;  
 Series of 2024.

**ATTY. GERENTSTEIN T. BANZON**  
 Notary Public  
 Unit 4, 2nd floor JE TAN Bldg.  
 Cor. Aviles and Rizal Sts., Ormoc City  
 Notarial Commission No. ORM-22-12-034-NC  
 Valid Until December 31, 2024  
 Roll of Attorney's No. 53280  
 PTR No. 2872598 Dated; 01-02-2024, Ormoc City  
 BP O.R. No. 370599 Dated; 12-21-2023, Leyte Chapter  
 TIN: 233-393-726-000  
 MCLE Compliance No. VII-0016334  
 Valid Until April 14, 2025

IV.

REPUBLIC OF THE PHILIPPINES  
OFFICE OF THE OMBUDSMAN

**VISAYAS**

M. Velez St., Guadalupe  
Cebu City

**LEAH O. EMPLEO,**  
**EMERITA P. LACNO and**  
**JERRY P. EMPLEO,**  
*Complainants,*

OMB: \_\_\_\_\_

-versus-

For: Abuse of Authority under  
Sec. 60, par. 1 (e) of RA No.  
7160

**MIGUEL JORGE P. TAN,** in  
his capacity as Vice-Mayor;  
**FERNANDO M. ASEO,**  
**ALMA N. ORFANO, RICHIE**  
**C. CRUZ, BRENZON C.**  
**CABINTOY, RUDY B.**  
**COGAY, ALLAN C.**  
**ESPINOSA, MARY**  
**DANIELA L. CUBERO,**  
**RESURRECCION C.**  
**CAPANAS, MINERVA M.**  
**BULAWIT and VICTORIANO**  
**L. GLOBALA,** in their capacity  
as SB Members;

*Respondents.*

X-----X

**JUDICIAL AFFIDAVIT**  
**(JERRY P. EMPLEO)**

**I. PERSONAL CIRCUMSTANCES OF THE WITNESS AND  
EXAMINING LAWYER**

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

1. I am a Filipino, of legal age, married and a resident of Brgy. Tugbong, Kananga, Leyte;
2. My examination as a witness in this case is conducted and taken under the supervision of Atty. Ma. Kriska Angela H.

Tumamak of Banzon Law Office, with office address at 2/F J.E Tan Bldg., cor. Rizal and Aviles Streets, Ormoc City;

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

## II. PURPOSE/S OF THE TESTIMONY

The testimony of the witness is being offered to prove that:

1. He will testify as to the material averments in the verified complaint;
2. He is one of the respondents to the administrative case filed by one Sabeniano Bignay which is still pending before the Office of the Sangguniang Bayan of Kananga docketed as case no. K-AMD-2023-002;
3. That the Ad Hoc Committee hearing the administrative case issued Resolution no. 23R.24-552 recommending to Mayor Manuel Vicente M. Torres (Mayor Torres) to place him along with Leah O. Empleo and Emerita P. Lacno under preventive suspension for 60 days which took effect on march 1, 2024;
4. That a preventive suspension order was issued by the Office of the Mayor Torres;
5. That a criminal case for illegal use of public funds of property (Art. 220 of the RPC) involving the same subject matter in the administrative case before the SB of Kananga was dismissed for lack of probable cause;
6. He will identify relevant documents pertaining to this case and testify to other matters relating herein.

## III. QUESTIONS ASKED OF THE WITNESS AND HIS CORRESPONDING ANSWERS

### Preliminary Question:

Atty. Tumamak:

Mr. Witness, you are hereby informed that this Judicial Affidavit to be taken from you is in connection with the administrative case originally filed with the Office of the Ombudsman and indorsed to the Sangguniang Panlalawigan, Province of Leyte entitled "Leah O. Empleo, et. al vs. Miguel Jorge P. Tan, et. al, docketed as IC-OV-APR-24-0204 for abuse of authority under



Sec. 60, par. 1 (e) of RA No. 7160. Do you swear to tell the truth, the whole truth and nothing but the truth?

Witness: Yes Ma'am.

Q1: Why are you here in our office, sir?

A: To file a complaint and to execute my Judicial Affidavit pertaining to the case that we filed.

Q2: What is this case Mr. Witness?

A: This case is a case of Abuse of Authority under Sec. 60, par. 1 (e) of RA 7160 committed by all the members of Sangguniang Bayan (SB) of Municipality of Kananga and Vice-Mayor Jorge P. Tan in his capacity as Vice-Mayor.

Q3: By the way Mr. Witness, what is your current occupation?

A: I am currently elected as one of the Sangguniang Barangay Members of Brgy. Tugbong in Kananga, Leyte.

Q4: May I ask Ms. Witness as to what prompted you to file this administrative case against all the respondents?

A: On December 7, 2023, a complaint was filed by Sabeniano Bignay (Mr. Bignay) before the Office of the Sangguniang Bayan of the Municipality of Kananga, Leyte against me, Leah O. Empleo and Emerita P. Lacno for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Sec. 1, Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte, Philippines; Violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), and R.A. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees).

Q5: What is the status of the administrative case filed against you, Emerita Lacno and Leah O. Empleo?

A: The said administrative case is still pending before the Office of the Sangguniang Bayan of Kananga and docketed as case no. K-AMD-2023-002.

Q6: When you received a copy of the administrative complaint filed against you, what did you do?

A: We came to your office to engage your law firm as our counsel and on January 2, 2024, a formal entry of appearance as counsel with attached verified answer was filed.

Q7: What happened next Mr. Witness?

A: Complainant in that case filed before the SB of Kananga, through his counsel, orally filed a motion to place me, Leah O. Empleo and Emerita P. Lacno under preventive suspension.

Q8: What did you do thereafter?

A: We filed a Comment on the said oral motion.

Q9: What happened next Mr. Witness?

A: Subsequently, Resolution No. 02 dated February 12, 2024, granting the oral motion filed by complainant to place us under preventive suspension was issued by the Sangguniang Bayan of Kananga. Moreover, members of the Sangguniang Bayan of Kananga adopted and approved Resolution no. 23R.24-552, series of 2024 thereby adopting Resolution No. 02 thereby recommending to the Honorable Mayor Manuel Vicente M. Torres to place me, Leah O. Empleo and Jerry Empleo under preventive suspension for a period of sixty (60) days, which shall take effect prior to the hearing on the reception of evidence on March 1, 2024.

Q10: Were you placed under preventive suspension Mr. Witness?

A: Yes ma'am. A Preventive Suspension Order was issued on February 26, 2024 by Municipal Mayor Manuel Vicente M. Torres.

Q11: When you were preventively suspended Mr. Witness, what did you do?

A: We filed an Appeal Memorandum before the Office of the Provincial Governor, Province of Leyte on March 8, 2024.

Q12: What can you say regarding the preventive suspension imposed by herein respondents against you?

A: The administrative case they filed against us is clearly a political harassment. The cases they filed against us are clearly politically motivated.

Q13: What do you asked of this Honorable Office?

A: I want this Honorable Office to know that the power to suspend preventively a local elective official is evidently prone to abuse and hence, frustrating the will of the electorate. The respondents knew very well that there is an absence of any of the grounds to validly place a person under preventive suspension. Despite the absence of any of the grounds, they still placed us under preventive suspension without any valid and legal basis. I want this Honorable Office to find all the respondents liable of abuse of authority under Sec. 60, par. 1 (e) of RA 7160.

Q14: Do you have anything more to say to this Honorable Office?

A: None as of this moment ma'am.

-I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Panlalawigan, Province of Leyte which has proper jurisdiction, where this case is pending, in lieu of my direct testimony in the above-captioned case.

AFFIANT FURTHER SAYETH NAUGHT.


IN WITNESS WHEREOF, I have hereunto set my hand this 2<sup>nd</sup> day of September 2024, in Ormoc City, Philippines.

  
**JERRY P. EMPLEO**  
Affiant

DL NO. H03-91-014177

SUBSCRIBED AND SWORN TO before me this 2<sup>nd</sup> day of September 2024 in Ormoc City, Philippines, affiant personally appeared before me and exhibited to me her competent evidence of identity as indicated above.

Doc No. 27 ;  
Page No. 4 ;  
Book No. 2 ;  
Series of 2024.

  
**ATTY. MAKRISKA ANCELITA TUMAMAK**  
Notary Public for the City of Ormoc  
(Municipalities of Ormoc, Misamis Occidental and Isabela, Leyte)  
Commission NO: ORR-22-09-018 NO. Until December 31, 2024  
D-Roll Accreditation No. 82040  
JBP No. 3397047, 12/19/2023, 11<sup>th</sup> Chapter  
PAPER No. 38725091, 10/02/2024, Ormoc City  
POMG (Newly Instituted to the Bar May 30, 2022)  
(Unit 4, 2/F, E. San Pedro Center, Rizal and Aviles Streets)  
Entablado, Ormoc City, Leyte  
Contact No. 09673246663



**SWORN ATTESTATION OF THE LAWYER**

I, **ATTY. MA. KRISKA ANGELA H. TUMAMAK**, Filipino, of legal age, married, with business address at Banzon Law Office, Cor. Rizal and Aviles Street, Ormoc City, after having been sworn to oath in accordance with law, hereby depose and state, THAT:

- a. I am the lawyer who conducted the examination of the witness on September 4, 2024 in Banzon Law Office located at 2/F JE Tan Building, Corner Rizal and Aviles Streets, Ormoc City;
- b. I have faithfully recorded the questions asked and the answers given by the witness; and
- c. I or any other person present during the taking of this judicial affidavit, did not coach the witness regarding the latter's answers.

*Handwritten mark*  
**IN WITNESS WHEREOF**, I hereunto affix my signature this 2<sup>nd</sup> day of September 2024 at Ormoc City, Leyte, Philippines.

*Handwritten signature*  
**MA. KRISKA ANGELA H. TUMAMAK**  
Examining Attorney  
Roll No. 82440

**SUBSCRIBED AND SWORN TO** before me this 2<sup>nd</sup> day of September 2024 at Ormoc City, Leyte, Philippines. Affiant exhibited to me her IBP ID as proof of identity.

Doc. No. 241 ;  
Page No. 50 ;  
Book No. 11 ;  
Series of 2024.

IV.

*Handwritten signature*  
**ATTY. GERENTSTEIN T. BANZON**  
Notary Public  
Unit 4, 2nd floor JE TAN Bldg.  
Cor. Aviles and Rizal Sts., Ormoc City  
Notarial Commission No. ORM-22-12-034-NC  
Valid Until December 31, 2024  
Roll of Attorney's No. 53280  
PTR No. 9872598 Dated; 01-02-2024, Ormoc Cit,  
BPO.R. No. 370599 Dated; 12-21-2023, Leyte Chapt  
TIN: 233-393-726-000  
MCLE Compliance No. VII-0016334  
Valid Until April 14 2025

REPUBLIC OF THE PHILIPPINES  
OFFICE OF THE OMBUDSMAN  
VISAYAS  
M. Velez St., Guadalupe  
Cebu City



LEAH O. EMPLEO,  
EMERITA P. LACNO and  
JERRY P. EMPLEO,  
*Complainants,*

OMB: \_\_\_\_\_



versus-

For: Abuse of Authority under  
Sec. 60, par. 1 (e) of RA No.  
7160

MIGUEL JORGE P. TAN, in  
his capacity as Vice-Mayor;  
FERNANDO M. ASEO,  
ALMA N. ORFANO, RICHIE  
C. CRUZ, BRENZON C.  
CABINTOY, RUDY B.  
COGAY, ALLAN C.  
ESPINOSA, MARY  
DANIELA L. CUBERO,  
RESURRECCION C.  
CAPANAS, MINERVA M.  
BULAWIT and VICTORIANO  
L. GLOBA, in their capacity  
as SB Members;  
*Respondents.*

X-----X

JUDICIAL AFFIDAVIT  
(LEAH O. EMPLEO)

I. **PERSONAL CIRCUMSTANCES OF THE WITNESS AND EXAMINING LAWYER**

I, **LEAH O. EMPLEO**, having been sworn to oath in accordance with law, hereby depose and state, THAT:

1. I am a Filipino, of legal age, married and a resident of Brgy. Tugbong, Kananga, Leyte;
2. My examination as a witness in this case is conducted and taken under the supervision of Atty. Ma. Kriska Angela H.

Tumamak of Banzon Law Office, with office address at 2/F J.E Tan Bldg., cor. Rizal and Aviles Streets, Ormoc City;

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

## II. PURPOSE/S OF THE TESTIMONY

The testimony of the witness is being offered to prove that:

1. She will testify as to the material averments in the verified complaint;
2. She is one of the respondents to the administrative case filed by one Sabeniano Bignay which is still pending before the Office of the Sangguniang Bayan of Kananga docketed as case no. K-AMD-2023-002;
3. That the Ad Hoc Committee hearing the administrative case issued Resolution no. 23R.24-552 recommending to Mayor Manuel Vicente M. Torres (Mayor Torres) to place her along with Emerita P. Lacno and Jerry Empleo under preventive suspension for 60 days which took effect on march 1, 2024;
4. That a preventive suspension order was issued by the Office of the Mayor Torres;
5. That a criminal case for illegal use of public funds of property (Art. 220 of the RPC) involving the same subject matter in the administrative case before the SB of Kananga was dismissed for lack of probable cause;
6. She will identify relevant documents pertaining to this case and testify to other matters relating herein.



## III. QUESTIONS ASKED OF THE WITNESS AND HER CORRESPONDING ANSWERS

Preliminary Question:

Atty. Tumamak:

Ms. Witness, you are hereby informed that this Judicial Affidavit to be taken from you is in connection with the administrative case originally filed with the Office of the Ombudsman and indorsed to the Sangguniang Panlalawigan, Province of Leyte entitled "Leah O. Empleo, et. al vs. Miguel Jorge P. Tan, et. al, docketed as IC-OV-APR-24-0204 for abuse of authority under



Sec. 60, par. 1 (e) of RA No. 7160. Do you swear to tell the truth, the whole truth and nothing but the truth?

Witness: Yes Ma'am.

Q1: Why are you here in our office, ma'am?

A: To file a complaint and to execute my Judicial Affidavit pertaining to the case that we filed.

Q2: What is this case Ms. Witness?

A: This case is a case of Abuse of Authority under Sec. 60, par. 1 (e) of RA 7160 committed by all the members of Sangguniang Bayan (SB) of Municipality of Kananga and Vice-Mayor Jorge P. Tan in his capacity as Vice-Mayor.

Q3: By the way Ms. Witness, what is your current occupation?

A: I am the current Punong Barangay of Brgy. Tugbong in Kananga, Leyte.

Q4: May I ask Ms. Witness as to what prompted you to file this administrative case against all the respondents?

A: Actually ma'am, on December 7, 2023, a complaint was filed by Sabeniano Bignay (Mr. Bignay) before the Office of the Sangguniang Bayan of the Municipality of Kananga, Leyte against me, Emerita P. Lacno and Jerry P. Empleo for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Sec. 1, Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte, Philippines; Violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), and R.A. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees).

Q5: Do you have a copy of the Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga?

A: Yes ma'am.

Q6: I have here a copy of Resolution no. 22R.21-576, series of 2021 or 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte marked as **EXHIBIT "A"** which is already attached to your Verified complaint, is this the one you are referring to Ms. Witness?

A: Yes ma'am.

Q7: What is the status of the administrative case filed against you, Emerita Lacno and Jerry Empleo?

A: The said administrative case is still pending before the Office of the Sangguniang Bayan of Kananga and docketed as case no. K-AMD-2023-002.

Q8: I have here a copy of the Complaint filed on December 7, 2023 marked as **EXHIBIT "B"** which is already attached to your Verified complaint, is this the one you are referring to Ms. Witness?

A: Yes ma'am.

Q9: When you received a copy of the administrative complaint filed against you, what did you do?

A: We came to your office to engage your law firm as our counsel and on January 2, 2024, a formal entry of appearance as counsel with attached verified answer was filed.

Q10: I have here a copy of the Formal entry of appearance as counsel for the respondents with attached verified answer dated January 2, 2024 marked as **EXHIBIT "C"** which is already attached to your Verified complaint, is this the one you are referring to Ms. Witness?

A: Yes ma'am.

Q11: What happened next Ms. Witness?

A: Complainant in that case filed before the SB of Kananga, through his counsel, orally filed a motion to place me, Emerita Lacno and Jerry Empleo under preventive suspension.

Q12: What did you do thereafter?

A: We filed a Comment on the said oral motion.

Q13: I have here a copy of the Comment (to the oral motion of complainant to subject respondents to preventive suspension) dated January 30, 2024 marked as **EXHIBIT "D"** which is already attached to the Verified complaint, is this the one you are referring to Ms. Witness?

A: Yes ma'am.

Q14: What happened next Ms. Witness?

A: Subsequently, Resolution No. 02 dated February 12, 2024, granting the oral motion filed by complainant to place us under preventive suspension was issued by the Sangguniang Bayan of Kananga. Moreover, members of the Sangguniang Bayan of Kananga adopted and approved Resolution no. 23R.24-552, series of 2024 thereby adopting Resolution No. 02 thereby recommending to the Honorable Mayor Manuel Vicente M. Torres to place me, Emerita Lacno and Jerry Empleo under preventive suspension for a period of sixty (60) days, which shall

take effect prior to the hearing on the reception of evidence on March 1, 2024.

Q15: I have here a copy of Resolution No. 02 dated February 12, 2024 and Resolution no. 23R.24-552 dated February 26, 2024 which were already marked as **EXHIBITS "E" and "F"**, respectively and already attached to your verified complaint, are these the ones you were referring to?

A: Yes ma'am.

Q16: Were you placed under preventive suspension Ms. Witness?

A: Yes ma'am. A Preventive Suspension Order was issued on February 26, 2024 by Municipal Mayor Manuel Vicente M. Torres.

Q17: I have here a copy of the Preventive Suspension Order dated February 26, 2024 which was already marked as **EXHIBIT "G"**, and already attached to your verified complaint, is this the one you are referring to?

A: Yes ma'am.


Q18: When you were preventively suspended Ms. Witness, what did you do?

A: We filed an Appeal Memorandum before the Office of the Provincial Governor, Province of Leyte on March 8, 2024.

Q19: I have here a copy of the Appeal Memorandum filed on March 8, 2024 which was already marked as **EXHIBIT "H"**, and already attached to your verified complaint, is this the one you are referring to?

A: Yes ma'am.

Q20: What can you say regarding the preventive suspension imposed by herein respondents?

 A: First and foremost ma'am, the administrative complaint they filed against us is clearly politically motivated because we were on the opposition side of the current administration of LGU Kananga during the last barangay election. In fact ma'am, they also filed an election protest against me before the MCTC, Kananga-Matag-ob. Fortunately, the court ruled in my favor. They were not contended of the cases they filed, they also filed a criminal case against me, Emerita Laco, Jerry Empleo along with Beatriz C. Nahine, Alipio C. Cabalejo, Jr., Gerardo D. Odan, Elmer S. Ruado and former Mayor of Kananga, Rowena N. Codilla.

Q21: May I ask Ms. Witness, what criminal case did they file?

A: The Municipality of Kananga, Leyte represented by Mayor Manuel Vicente M. Torres filed a case for Illegal use of public funds of property (Violation of Article 220 of the Revised Penal Code).



Q22: What is the status of the said criminal case Ms, Witness?

A: Based on the Review Resolution on the motion for reconsideration that we filed, same was granted and the case was dismissed for lack of probable cause. However, they still file a petition for review of the said case.

Q23: I have here a copy of the Review Resolution on the Motion for Reconsideration promulgated on February 28, 2024 which was already marked as **EXHIBIT "I"**, and already attached to your verified complaint, is this the one you are referring to?

A: Yes ma'am.

Q24: What do you asked of this Honorable Office?

A: I want this Honorable Office to know that the power to suspend preventively a local elective official is evidently prone to abuse and hence, frustrating the will of the electorate. The respondents knew very well that there is an absence of any of the grounds to validly place a person under preventive suspension. Despite the absence of any of the grounds, they still placed us under preventive suspension without any valid and legal basis. I want this Honorable Office to find all the respondents liable of abuse of authority under Sec. 60, par. 1 (e) of RA 7160.

Q25: Do you have anything more to say to this Honorable Office?

A: None as of this moment ma'am.

-I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Panlalawigan, Province of Leyte which has proper jurisdiction, where this case is pending, in lieu of my direct testimony in the above-captioned case.

AFFIANT FURTHER SAYETH NAUGHT.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 4<sup>th</sup> day of September 2024, in Ormoc City, Philippines.

SEP 02 2024

**LEAH O. EMPLEO**

Affiant

DL No. H012-09-000103

**SUBSCRIBED AND SWORN TO** before me this 2<sup>nd</sup> day of September 2024 in Ormoc City, Philippines, affiant personally appeared before me and exhibited to me her competent evidence of identity as indicated above.

**ATTY. MARY KRISTINA TUMAMAK**  
Notary Public for the City of Ormoc  
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-09-018-NC Until December 31, 2024  
Roll of Attorney's No. 82440  
IBP No. 329704 / 12/17/2023 / Leyte Chapter  
PTR No. 7812599 / 01/02/2024 / Ormoc City  
MCLB (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets  
Email: kristinatumamak@yahoo.com  
Contact No. 0967-324-6663

Doc. No. 26  
Page No. 6  
Book No. 02  
Series of 20 24

**SWORN ATTESTATION OF THE LAWYER**


I, **ATTY. MA. KRISKA ANGELA H. TUMAMAK**, Filipino, of legal age, married, with business address at Banzon Law Office, Cor. Rizal and Aviles Street, Ormoc City, after having been sworn to oath in accordance with law, hereby depose and state, THAT:

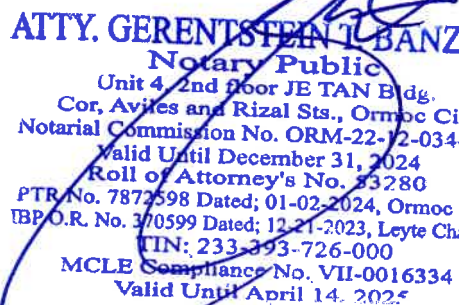
- a. I am the lawyer who conducted the examination of the witness on September 4, 2024 in Banzon Law Office located at 2/F JE Tan Building, Corner Rizal and Aviles Streets, Ormoc City;
- b. I have faithfully recorded the questions asked and the answers given by the witness; and
- c. I or any other person present during the taking of this judicial affidavit, did not coach the witness regarding the latter's answers.

**IN WITNESS WHEREOF**, I hereunto affix my signature this 2<sup>nd</sup> day of September 2024 at Ormoc City, Leyte, Philippines.

  
**MA. KRISKA ANGELA H. TUMAMAK**  
Examining Attorney  
Roll No. 82440

**SUBSCRIBED AND SWORN TO** before me this 2<sup>nd</sup> day of September 2024 at Ormoc City, Leyte, Philippines. Affiant exhibited to me her IBP ID as proof of identity.

  
Doc. No. 240 ;  
Page No. 49 ;  
Book No. II ;  
Series of 2024.

  
**ATTY. GERENTSTEIN T. BANZON**  
Notary Public  
Unit 4, 2nd floor JE TAN Bldg.  
Cor. Aviles and Rizal Sts., Ormoc City  
Notarial Commission No. ORM-22-12-034-NC  
Valid Until December 31, 2024  
Roll of Attorney's No. 53280  
PTR No. 7872598 Dated; 01-02-2024, Ormoc City,  
IBP O.R. No. 370599 Dated; 12-21-2023, Leyte Chapter  
TIN: 233-393-726-000  
MCLE Compliance No. VII-0016334  
Valid Until April 14, 2025

REPUBLIC OF THE PHILIPPINES  
OFFICE OF THE OMBUDSMAN  
VISAYAS

M. Velez St., Guadalupe  
Cebu City

LEAH O. EMPLEO,  
EMERITA P. LACNO and  
JERRY P. EMPLEO,  
*Complainants,*

OMB: \_\_\_\_\_

-versus-

For: Abuse of Authority under  
Sec. 60, par. 1 (e) of RA No.  
7160

MIGUEL JORGE P. TAN, in  
his capacity as Vice-Mayor;  
FERNANDO M. ASEO,  
ALMA N. ORFANO, RICHIE  
C. CRUZ, BRENZON C.  
CABINTOY, RUDY B.  
COGAY, ALLAN C.  
ESPINOSA, MARY  
DANIELA L. CUBERO,  
RESURRECCION C.  
CAPANAS, MINERVA M.  
BULAWIT and VICTORIANO  
L. GLOBA, in their capacity  
as SB Members;  
*Respondents.*

X-----X

JUDICIAL AFFIDAVIT  
(EMERITA P. LACNO)

I. **PERSONAL CIRCUMSTANCES OF THE WITNESS AND  
EXAMINING LAWYER**

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

1. I am a Filipino, of legal age, married and a resident of Brgy. Tugbong, Kananga, Leyte;
2. My examination as a witness in this case is conducted and taken under the supervision of Atty. Ma. Kriska Angela H.

write R b



Tumamak of Banzon Law Office, with office address at 2/F J.E Tan Bldg., cor. Rizal and Aviles Streets, Ormoc City;

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

## II. PURPOSE/S OF THE TESTIMONY

The testimony of the witness is being offered to prove that:

1. She will testify as to the material averments in the verified complaint;
2. She is one of the respondents to the administrative case filed by one Sabeniano Bignay which is still pending before the Office of the Sangguniang Bayan of Kananga docketed as case no. K-AMD-2023-002;
3. That the Ad Hoc Committee hearing the administrative case issued Resolution no. 23R.24-552 recommending to Mayor Manuel Vicente M. Torres (Mayor Torres) to place her along with Leah O. Empleo and Jerry Empleo under preventive suspension for 60 days which took effect on march 1, 2024;
4. That a preventive suspension order was issued by the Office of the Mayor Torres;
5. That a criminal case for illegal use of public funds of property (Art. 220 of the RPC) involving the same subject matter in the administrative case before the SB of Kananga was dismissed for lack of probable cause;
6. She will identify relevant documents pertaining to this case and testify to other matters relating herein.

*Amida P*

## III. QUESTIONS ASKED OF THE WITNESS AND HER CORRESPONDING ANSWERS

Preliminary Question:

Atty. Tumamak:

Ms. Witness, you are hereby informed that this Judicial Affidavit to be taken from you is in connection with the administrative case originally filed with the Office of the Ombudsman and indorsed to the Sangguniang Panlalawigan, Province of Leyte entitled "Leah O. Empleo, et. al vs. Miguel Jorge P. Tan, et. al, docketed as IC-OV-APR-24-0204 for abuse of authority under

Sec. 60, par. 1 (e) of RA No. 7160. Do you swear to tell the truth, the whole truth and nothing but the truth?

Witness: Yes Ma'am.

Q1: Why are you here in our office, ma'am?

A: To file a complaint and to execute my Judicial Affidavit pertaining to the case that we filed.

Q2: What is this case Ms. Witness?

A: This case is a case of Abuse of Authority under Sec. 60, par. 1 (e) of RA 7160 committed by all the members of Sangguniang Bayan (SB) of Municipality of Kananga and Vice-Mayor Jorge P. Tan in his capacity as Vice-Mayor.

Q3: By the way Ms. Witness, what is your current occupation?

A: I am currently elected as one of the Sangguniang Barangay Members of Brgy. Tugbong in Kananga, Leyte.

Q4: May I ask Ms. Witness as to what prompted you to file this administrative case against all the respondents?

A: On December 7, 2023, a complaint was filed by Sabeniano Bignay (Mr. Bignay) before the Office of the Sangguniang Bayan of the Municipality of Kananga, Leyte against me, Leah O. Empleo and Jerry P. Empleo for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Sec. 1, Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte, Philippines; Violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), and R.A. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees).

Q5: What is the status of the administrative case filed against you, Leah O. Empleo and Jerry Empleo?

A: The said administrative case is still pending before the Office of the Sangguniang Bayan of Kananga and docketed as case no. K-AMD-2023-002.

Q6: When you received a copy of the administrative complaint filed against you, what did you do?

A: We came to your office to engage your law firm as our counsel and on January 2, 2024, a formal entry of appearance as counsel with attached verified answer was filed.

Q7: What happened next Ms. Witness?

A: Complainant in that case filed before the SB of Kananga, through his counsel, orally filed a motion to place me, Leah O. Empleo and Jerry Empleo under preventive suspension.

Q8: What did you do thereafter?

A: We filed a Comment on the said oral motion.

Q9: What happened next Ms. Witness?

A: Subsequently, Resolution No. 02 dated February 12, 2024, granting the oral motion filed by complainant to place us under preventive suspension was issued by the Sangguniang Bayan of Kananga. Moreover, members of the Sangguniang Bayan of Kananga adopted and approved Resolution no. 23R.24-552, series of 2024 thereby adopting Resolution No. 02 thereby recommending to the Honorable Mayor Manuel Vicente M. Torres to place me, Leah O. Empleo and Jerry Empleo under preventive suspension for a period of sixty (60) days, which shall take effect prior to the hearing on the reception of evidence on March 1, 2024.

Q10: Were you placed under preventive suspension Ms. Witness?

A: Yes ma'am. A Preventive Suspension Order was issued on February 26, 2024 by Municipal Mayor Manuel Vicente M. Torres.

Q11: When you were preventively suspended Ms. Witness, what did you do?

A: We filed an Appeal Memorandum before the Office of the Provincial Governor, Province of Leyte on March 8, 2024.

Q12: What can you say regarding the preventive suspension imposed by herein respondents against you?

A: The administrative case they filed against us is clearly a political harassment. The cases they filed against us are clearly politically motivated.

Q13: What do you asked of this Honorable Office?

A: I want this Honorable Office to know that the power to suspend preventively a local elective official is evidently prone to abuse and hence, frustrating the will of the electorate. The respondents knew very well that there is an absence of any of the grounds to validly place a person under preventive suspension. Despite the absence of any of the grounds, they still placed us under preventive suspension without any valid and legal basis. I want this Honorable Office to find all the respondents liable of abuse of authority under Sec. 60, par. 1 (e) of RA 7160.

Q14: Do you have anything more to say to this Honorable Office?

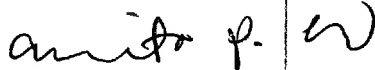
A: None as of this moment ma'am.



-I have executed this Judicial Affidavit to attest to the truth of the foregoing the same to be submitted to the Sangguniang Panlalawigan, Province of Leyte which has proper jurisdiction, where this case is pending, in lieu of my direct testimony in the above-captioned case.

AFFIANT FURTHER SAYETH NAUGHT.

IN WITNESS WHEREOF, I have hereunto set my hand this 2<sup>nd</sup> day of September 2024, in Ormoc City, Philippines.



**EMERITA P. LACNO**

Affiant

COMELEC ID NO. 3726-0136A

**SUBSCRIBED AND SWORN TO** before me this 2<sup>nd</sup> day of September 2024 in Ormoc City, Philippines, affiant personally appeared before me and exhibited to me her competent evidence of identity as indicated above.

Doc No. 28 ;  
Page No. 6 ;  
Book No. 2 ;  
Series of 2024.



**ATTY. MA. KRISKA M. CECILIA H. TUMAMAK**

Notary Public for the City of Ormoc  
Municipalities of Kananga, Mag-ob, Merida and Isabel, Leyte  
Commission No. ORM-22-B-018-NC Until December 31, 2024  
Roll of Attorney's No. 82140  
IBP No. 329704/12/17/2023/ Leyte Chapter  
PTR No. 7872599/01/02/2024/ Ormoc City  
MCLP (Newly Admitted to the Bar May 30, 2022)  
Unit 4, 2/F J.F. Tan Bldg. corner Rizal and Aviles Streets  
Email: kriskatumamak@yahoo.com  
Contact No. 0967-324-6663

**SWORN ATTESTATION OF THE LAWYER**

I, **ATTY. MA. KRISKA ANGELA H. TUMAMAK**, Filipino, of legal age, married, with business address at Banzon Law Office, Cor. Rizal and Aviles Street, Ormoc City, after having been sworn to oath in accordance with law, hereby depose and state, THAT:

- a. I am the lawyer who conducted the examination of the witness on September 4, 2024 in Banzon Law Office located at 2/F JE Tan Building, Corner Rizal and Aviles Streets, Ormoc City;
- b. I have faithfully recorded the questions asked and the answers given by the witness; and
- c. I or any other person present during the taking of this judicial affidavit, did not coach the witness regarding the latter's answers.

**IN WITNESS WHEREOF**, I hereunto affix my signature this 2<sup>nd</sup> day of September 2024 at Ormoc City, Leyte, Philippines.

**MA. KRISKA ANGELA H. TUMAMAK**  
Examining Attorney  
Roll No. 82440

**SUBSCRIBED AND SWORN TO** before me this 2<sup>nd</sup> day of September 2024 at Ormoc City, Leyte, Philippines. Affiant exhibited to me her IBP ID as proof of identity.

Doc. No. 242 ;  
Page No. 56 ;  
Book No. 11 ;  
Series of 2024.

**ATTY. GERENTSTEIN F. BANZON**  
Notary Public  
Unit 4, 2nd floor JE TAN Bldg.  
Cor. Aviles and Rizal Str., Ormoc City  
Notarial Commission No. ORM-22-12-034-NC  
Valid Until December 31, 2024  
Roll of Attorney's No. 53280  
PTR No. 7872598 Dated; 01-02-2024, Ormoc Cit.  
BP O.R. No. 370599 Dated; 12-21-2023, Leyte Chaptr  
TIN: 233-393-726-000  
MCLE Compliance No. VII-0016334  
Valid Until April 14, 2025

IV.

REPUBLIC OF THE PHILIPPINES  
OFFICE OF THE OMBUDSMAN  
VISAYAS

M. Velez St., Guadalupe  
Cebu City

LEAH O. EMPLEO,  
EMERITA P. LACNO and  
JERRY P. EMPLEO,  
*Complainants,*

OMB: \_\_\_\_\_

-versus-

For: Abuse of Authority under  
Sec. 60, par. 1 (e) of RA No.  
7160

MIGUEL JORGE P. TAN, in  
his capacity as Vice-Mayor;  
FERNANDO M. ASEO,  
ALMA N. ORFANO, RICHIE  
C. CRUZ, BRENZON C.  
CABINTOY, RUDY B.  
COGAY, ALLAN C.  
ESPINOSA, MARY  
DANIELA L. CUBERO,  
RESURRECCION C.  
CAPANAS, MINERVA M.  
BULAWIT and VICTORIANO  
L. GLOBA, in their capacity  
as SB Members;  
*Respondents.*

X-----X

JUDICIAL AFFIDAVIT  
(JERRY P. EMPLEO)

I. **PERSONAL CIRCUMSTANCES OF THE WITNESS AND EXAMINING LAWYER**

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

1. I am a Filipino, of legal age, married and a resident of Brgy. Tugbong, Kananga, Leyte;
2. My examination as a witness in this case is conducted and taken under the supervision of Atty. Ma. Kriska Angela H.



Tumamak of Banzon Law Office, with office address at 2/F J.E Tan Bldg., cor. Rizal and Aviles Streets, Ormoc City;

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

## II. PURPOSE/S OF THE TESTIMONY

The testimony of the witness is being offered to prove that:

1. He will testify as to the material averments in the verified complaint;
2. He is one of the respondents to the administrative case filed by one Sabeniano Bignay which is still pending before the Office of the Sangguniang Bayan of Kananga docketed as case no. K-AMD-2023-002;
3. That the Ad Hoc Committee hearing the administrative case issued Resolution no. 23R.24-552 recommending to Mayor Manuel Vicente M. Torres (Mayor Torres) to place him along with Leah O. Empleo and Emerita P. Lacro under preventive suspension for 60 days which took effect on march 1, 2024;
4. That a preventive suspension order was issued by the Office of the Mayor Torres;
5. That a criminal case for illegal use of public funds of property (Art. 220 of the RPC) involving the same subject matter in the administrative case before the SB of Kananga was dismissed for lack of probable cause;
6. He will identify relevant documents pertaining to this case and testify to other matters relating herein.

## III. QUESTIONS ASKED OF THE WITNESS AND HIS CORRESPONDING ANSWERS

### Preliminary Question:

Atty. Tumamak:

Mr. Witness, you are hereby informed that this Judicial Affidavit to be taken from you is in connection with the administrative case originally filed with the Office of the Ombudsman and indorsed to the Sangguniang Panlalawigan, Province of Leyte entitled "Leah O. Empleo, et. al vs. Miguel Jorge P. Tan, et. al, docketed as IC-OV-APR-24-0204 for abuse of authority under

Sec. 60, par. 1 (e) of RA No. 7160. Do you swear to tell the truth, the whole truth and nothing but the truth?

Witness: Yes Ma'am.

Q1: Why are you here in our office, sir?

A: To file a complaint and to execute my Judicial Affidavit pertaining to the case that we filed.

Q2: What is this case Mr. Witness?

A: This case is a case of Abuse of Authority under Sec. 60, par. 1 (e) of RA 7160 committed by all the members of Sagguniang Bayan (SB) of Municipality of Kananga and Vice-Mayor Jorge P. Tan in his capacity as Vice-Mayor.

Q3: By the way Mr. Witness, what is your current occupation?

A: I am currently elected as one of the Sangguniang Barangay Members of Brgy. Tugbong in Kananga, Leyte.

Q4: May I ask Ms. Witness as to what prompted you to file this administrative case against all the respondents?

A: On December 7, 2023, a complaint was filed by Sabeniano Bignay (Mr. Bignay) before the Office of the Sangguniang Bayan of the Municipality of Kananga, Leyte against me, Leah O. Empleo and Emerita P. Lacno for Dishonesty, Oppression, Misconduct in Office, Gross Negligence, Dereliction of Duty, Abuse of Authority under Sec. 1, Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Province of Leyte, Philippines; Violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), and R.A. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees).

Q5: What is the status of the administrative case filed against you, Emerita Lacno and Leah O. Empleo?

A: The said administrative case is still pending before the Office of the Sangguniang Bayan of Kananga and docketed as case no. K-AMD-2023-002.

Q6: When you received a copy of the administrative complaint filed against you, what did you do?

A: We came to your office to engage your law firm as our counsel and on January 2, 2024, a formal entry of appearance as counsel with attached verified answer was filed.

Q7: What happened next Mr. Witness?

A: Complainant in that case filed before the SB of Kananga, through his counsel, orally filed a motion to place me, Leah O. Empleo and Emerita P. Lacno under preventive suspension.

Q8: What did you do thereafter?

A: We filed a Comment on the said oral motion.

Q9: What happened next Mr. Witness?

A: Subsequently, Resolution No. 02 dated February 12, 2024, granting the oral motion filed by complainant to place us under preventive suspension was issued by the Sangguniang Bayan of Kananga. Moreover, members of the Sangguniang Bayan of Kananga adopted and approved Resolution no. 23R.24-552, series of 2024 thereby adopting Resolution No. 02 thereby recommending to the Honorable Mayor Manuel Vicente M. Torres to place me, Leah O. Empleo and Jerry Empleo under preventive suspension for a period of sixty (60) days, which shall take effect prior to the hearing on the reception of evidence on March 1, 2024.

Q10: Were you placed under preventive suspension Mr. Witness?

A: Yes ma'am. A Preventive Suspension Order was issued on February 26, 2024 by Municipal Mayor Manuel Vicente M. Torres.

Q11: When you were preventively suspended Mr. Witness, what did you do?

A: We filed an Appeal Memorandum before the Office of the Provincial Governor, Province of Leyte on March 8, 2024.

Q12: What can you say regarding the preventive suspension imposed by herein respondents against you?

A: The administrative case they filed against us is clearly a political harassment. The cases they filed against us are clearly politically motivated.

Q13: What do you asked of this Honorable Office?

A: I want this Honorable Office to know that the power to suspend preventively a local elective official is evidently prone to abuse and hence, frustrating the will of the electorate. The respondents knew very well that there is an absence of any of the grounds to validly place a person under preventive suspension. Despite the absence of any of the grounds, they still placed us under preventive suspension without any valid and legal basis. I want this Honorable Office to find all the respondents liable of abuse of authority under Sec. 60, par. 1 (e) of RA 7160.

Q14: Do you have anything more to say to this Honorable Office?

A: None as of this moment ma'am.



-I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Panlalawigan, Province of Leyte which has proper jurisdiction, where this case is pending, in lieu of my direct testimony in the above-captioned case.

AFFIANT FURTHER SAYETH NAUGHT.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 2<sup>nd</sup> day of September 2024, in Ormoc City, Philippines.

  
**JERRY P. EMPLEO**

Affiant

DL NO. H03-91-014177

**SUBSCRIBED AND SWORN TO** before me this 2<sup>nd</sup> day of September 2024 in Ormoc City, Philippines, affiant personally appeared before me and exhibited to me her competent evidence of identity as indicated above.

Doc No. 27 ;  
Page No. 6 ;  
Book No. 2 ;  
Series of 2024.

  
**ATTY. MA. KRISKA ANGELI H. TUMAMAK**

Notary Public for the City of Ormoc

Municipalities of Kawanga, Maag-ob, Merida and Isabel, Leyte

Commission No. OPM-22-09-018-NC Until December 31, 2024

Roll of Attorney's No. 82140

IBP No. 329704/ 12/17/2023/ Leyte Chapter

PTR No. 7822599/ 01/02/2021/ Ormoc City

MCLJ (Newly Admitted to the Bar May 30, 2022)

Unit 4, 2/F J.I. Pan Bldg. corner Rizal and Aviles Streets

Email: kriskatumamak@yahoo.com

Contact No. 0967-324-6663

**SWORN ATTESTATION OF THE LAWYER**

I, **ATTY. MA. KRISKA ANGELA H. TUMAMAK**, Filipino, of legal age, married, with business address at Banzon Law Office, Cor. Rizal and Aviles Street, Ormoc City, after having been sworn to oath in accordance with law, hereby depose and state, THAT:

- a. I am the lawyer who conducted the examination of the witness on September 4, 2024 in Banzon Law Office located at 2/F JE Tan Building, Corner Rizal and Aviles Streets, Ormoc City;
- b. I have faithfully recorded the questions asked and the answers given by the witness; and
- c. I or any other person present during the taking of this judicial affidavit, did not coach the witness regarding the latter's answers.

**IN WITNESS WHEREOF**, I hereunto affix my signature this 2<sup>nd</sup> day of September 2024 at Ormoc City, Leyte, Philippines.

**MA. KRISKA ANGELA H. TUMAMAK**  
Examining Attorney  
Roll No. 82440

**SUBSCRIBED AND SWORN TO** before me this 2<sup>nd</sup> day of September 2024 at Ormoc City, Leyte, Philippines. Affiant exhibited to me her IBP ID as proof of identity.

Doc. No. 241 ;  
Page No. 50 ;  
Book No. 11 ;  
Series of 2024.

**ATTY. GERENTSTEIN T. BANZON**  
Notary Public  
Unit 4, 2nd floor JE TAN Bldg.  
Cor. Aviles and Rizal Sts., Ormoc City  
Notarial Commission No. ORM-22-12-034-NC  
Valid Until December 31, 2024  
Roll of Attorney's No. 53280  
PTR No. 7872598 Dated; 01-02-2024, Ormoc Cit,  
IBP O.R. No. 370599 Dated; 12-21-2023, Leyte Chaptr  
TIN: 233-393-726-000  
MCELE Compliance No. VII-0016334  
Valid Until April 14, 2025

IV.