Item No.: 12

SB's COPY Date: 13 2024 NOV

SANGGUNIANG PANLALAWIGAN
RECEIVED
OCT 30 2024
PROVINCE OF LEYTE

October 30, 2024

Office of the Secretary
Sangguniang Panlalawigan
New Provincial Capitol
Leyte Provincial Complex
West Bypass Road,
Brgyl Guindapunan, 6501
Palo, Leyte

Greetings:

The undersigned, for himself, and for and in behalf of other respondents in a case captioned as Leah Empleo et. al., vs. Miguel Jorge P. Tan et. al., with case no. IC-OV-APR-24-0204, is respectfully submitting their Verified Answer before the Office of the Secretary of the Sangguniang Panlalawigan of the Provincial Government of Leyte.

Attached herewith are the following:

1. The verified answer with its Exhibits with proof of service to DILG, Office of the Provincial Governor and the counsel of the complainants; and

2. CD containing the scanned copy of the verified answer and its exhibits.

Thank you.

Very respectfully yours,

RESURRECCION C. CAPANAS

SB copy

SANGGUNIANG PANLALAWIGAN
RECEIVED
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PROVINCE OF LEYTE

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
PROVINCE OF LEYTE
-oOo-

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

IC-OV-APR-24-0204

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

- versus –

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

VERIFIED ANSWER

Respondents, MIGUEL JORGE P. TAN, 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, and to this Honorable August Body, most respectfully allege and aver, THAT:

I. STATEMENT OF MATERIAL DATE

1. On October 16, 2024, respondents received an Order from the Sangguniang Panlalawigan (SP) of the Province of Leyte directing them to file an answer to the complaint of Leah O. Empleo, et al. within fifteen (15) days from receipt thereof. Attached to said Order are the following:

a) Indorsement IC-OV-APR-24-0204 Cebu City from the Office of the Ombudsman, Area Office for the Visayas dated Apr 16, 2024;
b) Compliance with Entry of Appearance as Counsel of the Complainants (In re: LETTER dated July 8, 2024) dated 2 September 2024;
c) Verified Complaint dated 2 September 2024; and
d) Judicial Affidavit (Leah O. Empleo, Emerita P. Lacno, Jerry P. Empleo).

2. Thus, respondents have until October 31, 2024 within which to file the said answer.

3. Hence, this compliance.

II. DENIALS AND STATEMENT OF FACTS

4. Respondents specifically deny the allegations in the complaint filed by Leah O. Empleo, et al. The truth of the matter are as follows:

i. On December 7, 2023, a complaint was filed by Sabeniano Bignay before the Office of the Sangguniang Bayan of Kananga 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 Section 1, Rule IV of the 2021 Rules of Procedure of the Sangguniang Bayan of Kananga, Province of Leyte; Violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act) and Republic Act No. 6713 Code of Conduct and Ethical Standards for Public Officials and Employees). The said Administrative Case docketed as case no. K-ADM-2023-002 is still pending before the Office of the Sangguniang Bayan of Kananga.

ii. The complaint pertains to the illegal acts of the complainants in illegally partitioning and distributing the LGU Kananga-owned land to individuals as relocation site instead of a new Barangay Site as expressly indicated in the deed of donation. The land subject of this case is 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 declared under the name of Julianan Nahine, located at Brgy. Tugbong, Kananga, Leyte.

iii. On January 26, 2024, during the scheduled Pre-Hearing/Pre-Trial Conference of K-ADM-2023-002, after the factual and legal issues have been joined, counsel of Sabeniano Bignay orally moved to place herein complainants under preventive suspension, pursuant the Rules of Procedure of the Sangguniang Bayan of Kananga in Conducting Administrative Cases.

iv. Subsequently, on February 12, 2024, the Adhoc Committee of the Sangguniang Bayan of Kananga issued Resolution No. 2 placing Leah O. Empleo, et al. under preventive suspension. The copy of said Adhoc Committee Resolution is hereto attached as **Exhibit 1**.

v. On February 26, 2024, the Sangguniang Bayan of Kananga during its regular session enacted and approved Resolution No. 23R.24-552 series of 2024 adopting Resolution No. 02 of the said Adhoc Committee, thereby recommending to the Municipal Mayor Manuel Vicente M. Torres to place complainants Leah Empleo, Emerita Lacno and Jerry Empleo under preventive suspension for a period of sixty (60) days which shall take effect prior to the reception of evidence on March 1, 2024. The copy of said SB Resolution is hereto attached as **Exhibit 2**.

vi. On February 26, 2024, Mayor Manuel Vicente M. Torres issued a Preventive Suspension Order to Leah Empleo, Emerita Lacno and Jerry Empleo. The copy of the preventive suspension is hereto attached as **Exhibit 3**.

vii. The said Preventive Suspension Order was served upon and received by the complainants on February 28, 2024.

viii. Thereafter, the complainants served the said Preventive Suspension Order as evidenced by Hon. Eric Candido assuming the Office of the Punong Barangay of Tugbong being the next high ranking official of the barangay.

ix. On March 1, 2024 was the start of the formal investigation of the Sangguniang Bayan of Kananga on the administrative case filed against Leah O. Empleo, et al. On the said date, presentation of witnesses also began.

x. On March 8, 2024, herein complainants appealed their Preventive Suspension Order before the Office of the Governor of Leyte. The Office of the Municipal Mayor of

Kananga received a copy of the said Appeal. However, the Office of the Sangguniang Bayan of Kananga did not receive any. The copy of the Appeal is hereto attached as **Exhibit 4**.

xi. The Office of the Mayor seasonably filed its Comment to said Appeal. Until now, the appeal has not yet been resolved. The copy of the Comment is hereto attached as **Exhibit 5**.

xii. On the succeeding scheduled hearings of the Sangguniang Bayan of Kananga on the administrative complaint up to the present, the complainant nor its counsel did not provide any information that they have filed an appeal before the Office of the Governor of Leyte, nor furnished the said office a copy thereof.

xiii. Sometime in April 2024, herein complainants Leah Empleo, Emerita Lacno, and Jerry Empleo assumed back to their respective offices as officials of the Barangay Tugbong after the lapse of the sixty-day (60) period of their preventive suspension.

xiv. Until today, the administrative case docketed as case no. K-ADM-2023-002 before the Office of the Sangguniang Bayan of Kananga against herein complainants is still pending with the formal investigation ongoing.

xv. The complainant, Mr. Sabeniano Bignay in the said case before SB, already offered his exhibits in writing. The copy of the Judicial Affidavits of the witnesses, (Mr. Proceso Tomas R. Pabio, Mrs. Susan S. Del Monte, Mr. Sylvio Y. Quillo Jr., Engr. Ruscoe Hermoso, Atty. Allan Castro and Atty. Adelito M. Solibaga Jr. of Mr. Bignay is hereto attached as **Exhibits 6, 7, 8, 9, 10** and **11**, respectively.

III. ISSUE

5. Are respondents guilty of violating Sec. 60, paragraph I (e) of Republic Act No. 7160 (Local Government Code) for Abuse of Authority?

IV. DISCUSSION AND ARGUMENTS

Respondents are NOT liable for Abuse of Authority under Sec. 60, par. I (e) of Republic Act No. 7160

6. Abuse of authority is not defined under Section 60, par. 1 (e) of R.A. No. 7160. Neither was it defined under the Civil Service rules. Thus, recourse to the opinion of the Department of Interior and Local Government is made which defined it as the "intentional or improper use of government resources. It includes but not limited to misuse of title, position or authority and tools, vehicles, etc.".[1]

7. There is completely absence of any abuse of authority in this case.

8. *First*, the complainants presented no sufficient evidence to prove the alleged abuse of authority allegedly committed by the respondents. The complaint simply narrated the purported bases why the complainants should not be placed under preventive suspension.[2] Not a single allegation, much less any proof was shown of any abuse of authority allegedly committed by the respondents.

9. *Second*, distinction must be made between the suspension order issued by the Municipal Mayor and the resolution adopted by the respondents in recommending to the Municipal Mayor to place the complainants under preventive suspension. As stated above, the complaint disputed the issuance of the suspension order[3] plain and simple. Nothing was attributed to the resolution adopted by the respondents in recommending to the Municipal Mayor to place the complainants under preventive suspension.

10. *Third*, the resolution adopted by the respondents in recommending to the Municipal Mayor to place the complainants under preventive suspension was a recommendation which may or may not be adopted by the Municipal Mayor. Put simply, the said recommendation was not a final action.

11. *Fourth*, Sec. 1, Rule V of Resolution No. 22R.21-576 or the Rules of Procedure of the Sangguniang Bayan (SB) of Kananga on Administrative Cases provide that "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 Republic Act No. 7160). In this case, the resolution adopted by the

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[1] Please see Opinion of Hon. Wencelito T. Andanar, Undersecretary, Department of Interior and Local Government dated 26 September 2006.
[2] Please see Verified Complaint, pages 6-7.
[3] Please see Verified Complaint, pages 6-7.

respondents in recommending to the Municipal Mayor to place the complainants under preventive suspension was based on the following:

(a) There is reasonable ground to believe that the respondent has committed the act or acts complained of;
(b) The evidence of culpability is strong; and
(c) The continuance in office of the respondents could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.

12. Clearly, the foregoing facts are in compliance with the afore-stated Rules of Procedure of the SB of Kananga.

Sections 60 to 68 of the Local Government Code of 1991 provide for the grounds and procedure for the filing of administrative case against an erring elective barangay official before the Sangguniang Panlungsod or Sangguniang Bayan.

13. The Local Government Code of the Philippines provides for the grounds and procedure for the filing of administrative case against erring Barangay Officials before the Sangguniang Panlungsod or Sangguniang Bayan.

14. Particularly, Section 60 of the said Code provides:

"SEC. 60. *Grounds for Disciplinary Actions*. - An elective local official may be disciplined, suspended, or removed from office on any of the following grounds:
(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 prision mayor;
(e) Abuse of authority;
(f) 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;
(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 this Code and other laws. An elective local official may be

removed from office on the grounds enumerated above by order of the proper court."

15. Further, Section 61 of the same Code also provides,

> "SEC. 61. *Form and Filing of Administrative Complaints.* - A verified complaint against any erring local elective official shall be prepared as follows:
> (a) A complaint against any elective official of a province, a highly urbanized city, an independent component city or component city shall be filed before the Office of the President;
> (b) A complaint against any elective official of a municipality shall be filed before the sangguniang panlalaw igan whose decision may be appealed to the Office of the President; and
> (c) ***A complaint against any elective barangay official shall be filed before the sangguniang panlungsod or sangguniang bayan concerned whose decision shall be final and executory.***" (Emphasis supplied)

16. Section 62 of the same Code also provides for the procedure how the concerned Sangguniang Bayan should proceed once a complaint is filed before it.

> "SEC. 62. *Notice of Hearing.* - (a) Within seven (7) days after the administrative complaint is filed, the Office of the President or the sanggunian concerned, as the case may be, shall require the respondent to submit his verified answer within fifteen (15) days from receipt thereof, and commence the investigation of the case within ten (10) days after receipt of such answer of the respondent.
> (b) When the respondent is an elective official of a province or highly urbanized city, such hearing and investigation shall be conducted in the place where he renders or holds office. For all other local elective officials, the venue shall be the place where the sanggunian concerned is located.
> (c) However, no investigation shall be held within ninety (90) days immediately prior to any local election, and no preventive suspension shall be imposed within the said period. If preventive suspension has been imposed prior to the 90-day period immediately preceding local election, it shall be deemed automatically lifted upon the start of aforesaid period."

17. In consonance with the above-mentioned provisions of the Local Government Code, on February 10, 2021, the 22nd Sangguniang Bayan of the Municipality of Kananga, Leyte passed a Resolution No. 22R.21-576 which is also known as the Rules of Procedure in Administrative Cases of the Sangguniang Bayan of Kananga.

18. In the application to the case at bar, the herein respondents are only doing their job and complying with their duties as mandated by the Local Government Code of the Philippines and SB Resolution No. 22R.21-576.

19. As stated, a verified administrative complaint was filed by Mr. Bignay against the herein complainants before the Sangguniang Bayan of the Municipality of Kananga, Leyte.

20. In compliance with the procedure laid down by Section 61-62 of the Local Government Code and SB Resolution No. 22R.21-576, the herein complainants were served with summons and copy of the complaint and were directed to submit/file their respective verified answer.

21. After their verified answers were received by the Sangguniang Bayan of Kananga, Leyte, pre-trial conference was set and actually conducted, and trial ensued.

There are sufficient grounds to place the Respondents under preventive suspension.

22. Section 63 of the Local Government Code authorizes the Mayor to place an elective barangay official under preventive suspension. Said section states:

> "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.
xxxx" (Emphasis supplied)

23. Based on the foregoing, a preventive suspension may be imposed by the Mayor on an elective Barangay Official (at any time after the issues are joined), it would be enough that (a) ***there is reasonable ground to believe that the respondent has committed that act or acts complained of***, (b) the ***evidence of culpability is strong***, (c) ***the gravity of the offense so warrants***, or (d) ***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]

24. To reiterate, based on the complaint of Mr. Bignay and the documentary evidence attached to it, the herein complainants (Leah P. Empleo, Emerita P. Lacno and Jerry P. Empleo) were charged for violation of Section 3, (e) of Republic Act No. 3019 also known as Anti-Graft and Corrupt Practices Act, which particularly states,

> "***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)

25. They were also charged with 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 which provides that:

> "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

[4] *Hagad v. Gozo-dadole, GR108072, 12.12.95)*

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 prision 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." (Emphasis supplied)

26. It is the humble submission of the respondents that they did not gravely abuse their discretion in issuing the subject SB Resolution, which recommended the preventive suspension of the herein complainants for sixty (60) days as it complied with the following elements, to wit: (a) ***there is reasonable ground to believe that the respondent has committed that act or acts complained of***, (b) the ***evidence of culpability is strong***, (c) ***the gravity of the offense so warrants***, or (d) ***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***.

27. ~~Based on the complaint of Mr. Bignay, the herein respondents~~ found reasonable ground to believe that the herein complainants (Leah P. ~~Empleo, Emerita P. Lacno and Jerry P. Empleo) have committed the acts~~ complained of or violated the laws charged/filed against them. Again, they were charged for violation of Section 3, (e) of Republic Act No. 3019 and 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.

28. Mr. Bignay also attached documentary evidence which strongly show/prove that the herein complainants (Leah P. Empleo, Emerita P. Lacno and Jerry P. Empleo) are culpable of the offense charged. The gravity of the

offense that the herein complainants (Leah P. Empleo, Emerita P. Lacno and Jerry P. Empleo) committed warranted the issuance of said preventive suspension.

29. Further, the continuance in office of the herein complainants (Leah P. Empleo, Emerita P. Lacno and Jerry P. Empleo) could influence the witnesses and pose a threat to the safety and integrity of the records and other evidence, considering that evidences, like the list of the persons that they illegally identified as their beneficiaries (which included members of the Sangguniang Barangay and other officials of the Barangay, the copy of subdivision plan of the land and the like were in their custody.

30. In the case of Espiritu vs. Melgar[5], the Supreme Court held:

> "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."

31. In other cases, the Supreme Court also held:

> "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 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).

32. Thus, based on the foregoing, it is respectfully submitted that the subject resolution recommending to the Municipal Mayor for the preventive suspension of the herein complainants does not amount to or constitutes abuse of authority.

The appeal of the Complainants on the preventive suspension order is still

[5] G.R. No. 100874, February 13, 1992.

PENDING before the Office of the Governor of the Province of Leyte.

33. The complainants are not truthful to this Honorable Office.

34. Respondents were not made aware that, on March 8, 2024, after they received the suspension order, Leah Empleo, Emerita Lacno, and Jerry Empleo appealed their suspension before the Office of the Governor of Leyte and that the said appeal is still pending before the Office of the Governor to this day.

35. In fact, in the complaint, it is alleged that the complainants filed an appeal memorandum before the Office of the Governor of Leyte.[6]

36. Considering that the propriety of the preventive suspension of the complainants is still *litis pendentia*, it may be prudent, with due respect, to await the decision of the Office of the Governor of Leyte on the matter to avoid the possibility of conflicting decisions which may be rendered by this Honorable Office and the said Office of the Governor.

There are fatal defects in the complaint.

37. Section 10, Rule XVI of Resolution No. 202-817 Revised Internal Rules of the Sangguniang Panlalawigan of Leyte provides that no complaint shall be given due course unless the same is in writing and verified and must be accompanied by the judicial affidavits of the complainant and of his/her witnesses. The present complaint is however fatally defective by reason of the following:

(a) The Verification was executed on 2 September 2024, the complainants attested under oath, among others, that they have read the verified complaint, the allegations are true and correct, and that the factual allegations have evidentiary support. However, in the Sworn Attestation of the Lawyer which was attached to the judicial affidavit of Leah Empleo, paragraph 1, the lawyer attested under oath that she was the one who conducted the examination of the witness, Leah Empleo on 4 September 2024 and yet the same was executed on 2 September 2024 and notarized on the same day;

(b) It is clearly perjurious on the part of Leah Empleo to state under oath in her judicial affidavit that the conduct of her examination happened on 2 September 2024 when the lawyer who executed the sworn attestation contradicted it and stated that the

[6] Please see Verified Complaint, page 3.

examination upon her happened on 4 September 2024;

(c) It is highly impossible for that lawyer to attest to have conducted the examination on 4 September 2024 when the attestation was executed and notarized two (2) days before the said date;

(d) False certification against forum shopping – there is no statement of the pending appeal on the propriety of the suspension order elevated by the complainants before the Office of the Governor of Leyte.

38. Thus, in view of the foregoing fatal defects, the complaint cannot be given due course, with due respect.

39. This is without prejudice to the criminal liabilities of the witness and of the lawyer for perjury under Article 183 of the Revised Penal Code.

40. In **Union Bank of the Phils. v. People, G.R. No. 192565, (28 February 2012), 683 Phil 108-127**, the Supreme Court mentioned of the historical background of the crime of perjury which includes an execution of an affidavit that contained a falsity and held in the following wise:

> "Under the circumstances, Article 183 of the RPC is indeed the applicable provision; thus, jurisdiction and venue should be determined on the basis of this article which penalizes one who "make[s] an affidavit, upon any material matter before a competent person authorized to administer an oath in cases in which the law so requires." The constitutive act of the offense is the making of an affidavit; thus, the criminal act is consummated when the statement containing a falsity is subscribed and sworn before a duly authorized person."

Complainants' attempt to mislead this Honorable Office.

41. The complainants were **trying to mislead** this Honorable Office that the Office of the provincial Prosecutor, Province of Leyte has already dismissed the case against complainant in criminal case for illegal use of public funds of property (violation of Article 220 of the Revised Penal Code filed by the Municipality of Kananga, Leyte through its Mayor Manuel Vicente M. Torres. This is very misleading. The complainants miserably failed to inform this Honorable Office that the Regional Prosecutor's Office of Region VIII declared that Resolution of the Leyte Provincial Prosecutor is not yet final as it is subject to the approval or disapproval of the Office of the Ombudsman.

42. The Resolution of Regional State Prosecutor (RSP) VIII in said case which was docketed as NPS No. VIII-02g-INV-23J-00109 and captioned as The Municipality of Kananga, Leyte, represented by Mayor Manuel Vicente M. Torres, complainant-appellant vs. Leah O. Empleo et. al., for illegal use of public funds or property (violation of article 220 of the Revised Penal Code) promulgated on August 7, 2024, directed the Office of the Provincial Prosecutor of Leyte to forward the records of the said case to the Office of the Ombudsman in compliance with the pertinent sections of Rule 112 of the Revised Rules on Criminal Procedures and OMB-DOJ MOA dated March 29, 2012. The copy of said RSP Resolution is hereto attached as **Exhibit 12**.

By way of manifestation, LGU Kananga, Leyte filed a criminal cases against the complainants before the Office of the Provincial Prosecutor.

43. By way of manifestation, this is to respectfully manifest that in a Resolution promulgated on December 29, 2023, the Honorable Provincial Prosecutor, Hon. Arlene Hunamayor-Cordovez approved the findings of probable cause against the herein complainants for the crime charged. The dispositive portion of which is hereunder reproduced to wit:

> "Finding probable cause to believe that the crime of Illegal Use 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. Lacno, Beatriz C. Nahine, Alipio C. Cabalejo, Jr., Gerardo D. Odan, Jerry P. Empleo, and Elmer S. Ruado, before the 2nd MUNICIPAL CIRCUIT TRIAL COURT OF KANANGA-MATAG-OB.
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> XXXX
>
> Be that as it may, the recommended bail for temporary liberty of the respondents is fixed at Eighteen Thousand Pesos (18,000.00) each.

Ormoc City, Philippines, December 21, 2023.

ERWIN JAMES B. FABRIGA
Senior Assistant Provincial Prosecutor
MCLE Exemption No. VII-Acad003588
Valid until April 14, 2025

Reviewed by:

MELISSA I. RUBILLOS-MACAPUGAS
Deputy Provincial Prosecutor
MCLE Compliance No. VII-0004037
Valid until April 14, 2025

Approved:

MA. ARLENE HUNAMAYOR-CORDOVEZ
Provincial Prosecutor"

44. However, the aforementioned December 21, 2023-Resolution which was approved by the Honorable Provincial Prosecutor was **REVERSED** on February 28, 2024 which was received by the Office of the Mayor of Kananga, Leyte on March 22, 2024.

45. Thus, on April 5, 2024, the LGU-Kananga through its Municipal Mayor Hon. Manuel Vicente M. Torres filed a motion for reconsideration to said Resolution. On May 10, 2024, the LGU-Kananga received the April 30, 2024-Resolution denying the said motion for reconsideration.

46. The LGU Kananga, through Mayor Torres, seasonably filed a petition for review before the Regional State Prosecutor's Office VIII which directed the Office of the Provincial Prosecutor to forward the entire records of the case to the Office of the Ombudsman for its approval or disapproval.

PRAYER

WHEREFORE, premises considered, it is mot respectfully prayed of this Honorable Office to:

a) DISMISS outright the complaint on the following grounds:

1. Fatal defects in the verification and certification of the complaint as well as in the supporting judicial affidavit of Leah O. Empleo;
2. Prematurity and the pendency of the same matter before the Office of the Governor of Leyte;

b) DISMISS the complaint for lack of merit.

Respondents further pray for such other relief and remedies just and equitable under the premises.

Kananga, Leyte, (for Palo, Leyte) Philippines. October 29, 2024

Respectfully submitted:

MIGUEL JORGE P. TAN
Respondent

FERNANDO M. ASEO
Respondent

BRENZON C. CABINTOY
Respondent

RESURRECCION C. CAPANAS
Respondent

ALMA N. ORFANO
Respondent

RUDY B. COGAY
Respondent

MINERVA M. BULAWIT
Respondent

RICHIE C. CRUZ
Respondent

ALLAN C. ESPINOSA
Respondent

VICTORIANO L. GLOBA
Respondent

MARY DANIELA L. CUBERO
Respondent

VERIFICATION

We, MIGUEL JORGE P. TAN, 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, all of legal ages, Filipino citizens, and residents of Kananga, Leyte, Philippines, after having been duly sworn in accordance with law, hereby depose and state, THAT:

1. We are the respondents of the above-entitled case;
2. We have caused the preparation and filing of this Answer; and
3. We have read and understood the allegations contained therein and that the same are true and correct of my 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; and
5. The factual allegations therein have evidentiary support or, if specifically, so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.

IN WITNESS WHEREOF, we have hereunto set our hands on _____, in Kananga, Leyte, Philippines.

MIGUEL JORGE P. TAN
Respondent

FERNANDO M. ASEO
Respondent

ALMA M. ORFANO
Respondent

RICHIE C. CRUZ
Respondent

BRENZON C. CABINTOY
Respondent

RUDY B. COGAY
Respondent

ALLAN C. ESPINOSA
Respondent

MARY DANIELA L. CUBERO
Respondent

RESURRECCION C. CAPANAS
Respondent

MINERVA M. BULAWIT
Respondent

VICTORIANO L. GLOBA
Respondent

SUBSCRIBED AND SWORN to before me, this OCT 2 9 2024 in Kananga, Leyte, Leyte, Philippines, personally appeared the following:

Names	Competent Evidence of Identity
Miguel Jorge P. Tan	UMID CRN 0111-2369813-6
Fernando M. Aseo	Driver's License H03-18-003883 (expiry: 2032/11/04)
Resurreccion C. Capanas	Driver's License G01-10-000226 (expiry: 2033/09/06)
Brenzon C. Cabintoy	Driver's License H03-99-031312 (expiry: 2034/07/22)
Alma N. Orfano	Driver's License H12-11-002273 (expiry: 2032/04/29)
Rudy B. Cogay	UMID CRN 0111-3068725-3
Minerva M. Bulawit	TIN ID 436-081-029
Richie C. Cruz	SSS ID 06-2323384-3
Allan C. Espinosa	Driver's License H03-93-017891 (expiry: 2024/11/28)
Victoriano L. Globa	Driver's License H03-15-000723 (expiry:2026/03/06)
Mary Daniela L. Cubero	PHILHEALTH ID 08-252016351-0

with their respective identification documents as shown above and avowed under penalty of law as to the truth of the contents hereof.

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

Doc. No. 203;
Page No. 42;
Book No. 19;
Series of 2024

ATTY. ALLAN C. CASTRO
NOTARY PUBLIC
Real St., Poblacion, Kananga, Leyte
ATTORNEY'S ROLL NO. 56468
N.C. No. ORM-22-12-040-NC;
valid until Dec 31, 2024
PTR No. 8439133; 1/2/2024; Leyte
IBP LT No. 011676; Leyte

Copy furnished (by registered mail):

BANZON LAW OFFICE
Counsel for the complainants
Unit 4, 2/F JE Tan Bldg., Cor. Rizal and A

THE PROVINCIAL GOVERNOR
Province of Leyte
Office of the Provincial Governor, Palo,

THE PROVINCIAL OFFICE
Department of Interior and Local Gove
Palo, Leyte

REGISTRY RECEIPT
Post Office
RE 833 034 560 ZZ
Posted on 30 OCT 2024
Preserve this receipt for reference in case of inquiry
Postmaster/Teller

REGISTRY RECEIPT
Post Office
RE 833 034 556 ZZ
30 OCT 2024

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RE 833 034 542 ZZ
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30 OCT 2024
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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

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

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. ASEO
SB Member

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

SB File

Exhibit 2

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

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

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."

SB File

Exhibit 1

REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
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.

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 Sangguniang)

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. 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 Federasyon Ng Sangguniang
Kabataan President/ *Ex-officio Member*

Annex 4
Exhibit 3

REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF KANANGA

Office of the Mayor Manuel Vicente M. Torres

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 23rd 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 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).

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.1 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

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. Resurrecccion 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**, 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 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
Brgy. Tugbong, Kananga, Leyte

JERRY P. EMPLEO 2/28/24 – 6:00 PM
Brgy. Tugbong, Kananga, Leyte

HON. RESURRECCCION C. CAPANAS 2-29-24
SB Member
Ad Hoc Committee Chairman

ERIC S. CANDIDO 2-29-24
Sangguninga Barangay member
Brgy. Tugbong, Kananga, Leyte

received by: 02-29-24

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

Glenn Amon received by: 11:32 AM 02-29-2024
MLGOO, Kananga, Leyte

Atty. Dennis L. Hibaya
Atty. Ariel S. Baltazar 02-29-2024/12:57
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

REGISTRY RECEIPT
RE 446 507 608 ZZ
Post Office R
Letter/Package No. KANANGA, LEYTE
Posted on PHILIPPINES 20
FEB 29 2024
Preserve this receipt for reference in case of inquiry
No.
Postmaster/Teller

The Mayor

Exhibit 4

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PROVINCIAL GOVERNOR
PROVINCE OF LEYTE
Leyte Provincial Government Complex
West Bypass Road, Brgy. Guindapunan,
6501 Palo, Leyte

MAYOR'S OFFICE
RECEIVED
By:
Date: 03/07/2024

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.

4. The preventive suspension order was served and received by respondents-appellants on February 28, 2024;

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";

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 23rd 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

1. Sec. 1, Rule V of the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga, Leyte[1] 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*[2], 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 Site and that the same was acted upon by the Sangguniang Bayan of Kananga under a valid ordinance, among others and such other

---

[1] EXHIBIT "J"
[2] G.R no. 100874, February 13, 1992

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:

> "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 5th 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

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 6th day of March 2024 in Ormoc City, Leyte, Philippines.

LEAH O. 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 6th 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. 97 ;
Page No. 89
Book No. 01
Series of 2024

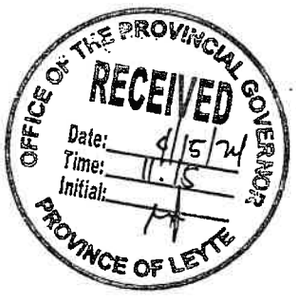
ATTY. MA. KRISKA ANGELA H. TUMAMAK
Notary Public for the City of Ormoc
Municipalities of Kananga, Matag-ob, Merida and Isabel, Leyte
Commission No. ORM 12 20 018-NC Until December 31, 2024
Roll of Attorney's No. 69040
IBP No. 337704/ 12/22/ 2023/ Leyte Chapter
PTR No. 7[illegible]/ 01/02/2024/ Ormoc City
MCLE (Newly Admitted to the Bar May 30, 2023)
Unit 4, 2/F J.E Tan Bldg. corner Rizal and Aviles Streets
[illegible]
Contact No. 0907-224-[illegible]

Copy Furnished:

MANUEL VICENTE M. TORRES
Municipal Mayor
Office of the Municipal Mayor
Kananga, Leyte

Exhibit 5

Republic of the Philippines
OFFICE OF THE PROVINCIAL GOVERNOR
PROVINCE OF LEYTE
Leyte Provincial Government Complex
West Bypass Road, Brgy. Guindapunan
6501 Palo, Leyte
-oOo-



APPEAL IN RE: PREVENTIVE SUSPENSION ORDER OF PUNONG BARANGAY LEAH O. EMPLEO, SANGGUNIANG BARANGAY MEMBER EMERITA P. LACNO AND SANGGUNIANG BARANGAY MEMBER JERRY P. EMLEO DATE FEBRUARY 26, 2024 ISSUED BY MANUEL M. TORRES (*in his capacity as Municipal Mayor of Municipality of Kananga, Leyte*)

LEAH O. EMPLEO, EMERITA P. LACNO AND JERRY P. EMPLEO,
Respondents-Appellants,

versus

MANUEL VICENTE M. TORRES,
Appellee.
x----------x

VERIFIED COMMENT/OPPOSITION
(to RESPONDENTS-APPELLANTS' APPEAL MEMORANDUM DATED March 5, 2024) with ENTRY OF APPEARANCE

APPELLEE, MANUEL VICENTE M. TORRES, through the undersigned counsel unto this Honorable Office, most respectfully submits this COMMENT/OPPOSITION to the Memorandum of Appeal filed by the Respondent-Appellant dated March 5, 2024 on the Preventive Suspension Order dated February 26, 2024.

MATERIAL DATES

1. On April 8, 2024, the Municipal Mayor's Office of the Municipality of Kananga, Leyte received an Order dated April 4, 2024 from the Office of the Provincial Governor of Leyte, Hon. Carlos Jericho L. Petilla, through his Provincial Administrator, Corazon M. Alvero through email directing the appellee to file his Comment or Opposition to said appeal personally within ten (10) days from receipt of said Order. Thus, the filing of this Comment/Opposition on April 15, 2024 is well within the reglementary period.

STATEMENT OF FACTS AND CASE

2. A complaint was filed by Sabeniano Bignay before the 23rd 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 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 of the Municipality of Kananga, Province of Leyte, Philippines and for 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. Copy of the complaint is hereto attached as **Annex "1"**.

3. The complaint pertains to the illegal acts of the respondents in partitioning and distributing the LGU Kananga-owned land to individuals as relocation site instead of a new Barangay Site as expressly indicated in the deed of donation. The land subject of this case is 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 declared under the name of Julianan Nahine, located at Brgy. Tugbong, Kananga, Leyte.

4. Pre-trial conference was conducted, and the trial of said administrative complaint is ongoing. The parties are both represented by their legal counsels.

5. An Ad Hoc Committee of the 23rd Sangguniang Bayan (SB) of the Municipality of Kananga, Leyte was created, which was chaired by Hon. Resurreccion C. Capanas for the said administrative case.

6. On February 12, 2024, a Resolution No. 02 was issued by the said Adhoc Committee which granted the oral motion of complainant and after the respondents-appellants submitted their comment to said motion,

to subject the respondents-appellants under preventive suspension. Said AdHoc Committee Resolution No. 02 recommends to the SB (Plenary) for its adoption of the said resolution. It further recommends to place the respondents-appellants under preventive suspension for a period of 60 days. Copy of Resolution No. 02 is herein attached as **Annex "2".**

7. Consequently, in its Resolution No. 23R.24-552 Series of 2024, the 23rd SB of Kananga, Leyte adopted the abovementioned resolution of the Ad Hoc Committee and recommend to the Office of the Mayor of Kananga, Leyte to place the respondents-appellants under preventive suspension for a period of Sixty days. The copy of said Resolution is hereto attached as **Annex "3".**

8. Based Section 2, Rule V of Resolution No. 22R.21-576 or the Rules of Procedure in Administrative Cases of the Sangguniang Bayan of Kananga, Leyte 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

9. Thus, on February 26, 2024, the appellee issued a preventive suspension order placing the respondents-appellants under preventive suspension for sixty (60) days. Copy of the Preventive Suspension Order is hereto attached as **Annex "4"**.

ISSUE

Whether or not the Order for Preventive Suspension issued by Honorable Mayor Manuel Vicente M. Torres of the Municipality of Kananga, Leyte placing the respondents-appellants under preventive suspension for sixty (60) days is appealable to the Office of the Provincial Governor of Leyte.

DISCUSSION

The subject Order for Preventive Suspension issued by Honorable Mayor Manuel Vicente M. Torres of the Municipality of Kananga, Leyte placing the respondents-appellants under

preventive suspension for sixty (60) days is <u>NOT SUBJECT TO APPEAL</u> to the Office of the Provincial Governor of Leyte.

10. The following provisions of R.A. 7160 or the Local Government Code of 1991are pertinent to the case at hand, to wit:

A. SECTION 63. Preventive Suspension. – (a) Preventive suspension may be imposed:

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

(b) **<u>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</u>:** 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.

xxxx

B. SECTION 66. Form and Notice of Decision. – (a) 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 Office of the President or the sanggunian concerned shall render a decision in writing stating clearly and distinctly the facts and the reasons for such decision. Copies of said decision shall immediately be furnished the respondent and all interested parties.
(b) 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 so suspended as long as he meets the qualifications required for the office.
(c) The penalty of removal from office as a result of an administrative investigation shall be considered a bar to the candidacy of the respondent for any elective position.

C. SECTION 67. Administrative Appeals. – **Decisions** in administrative cases may, within thirty (30) days from receipt thereof, be appealed to the following:
(a) The ***sangguniang panlalawigan, in the case of decisions of the sangguniang panlungsod of component cities and the sangguniang bayan***; and
(b) The Office of the President, in the case of decisions of the sangguniang panlalawigan and the sangguniang panlungsod of highly urbanized cities and independent component cities. (Emphasis supplied)

Preventive Suspension Order is not considered as DECISION which can be subject to appeal

11. It can be deduced from the foregoing that a preventive suspension is imposed during the stage while the investigation is still pending. The recommendation of the Ad Hoc Committee as adopted by the Sangguniang Bayan to exercise its power to place respondents-appellants under preventive suspension is based on the ground that "the respondents-appellants continued 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".

12. Accordingly, an Order imposing preventive suspension against the respondents-appellants is not a **FINAL DECISION** on the merits on the case or one that finally and completely disposes a case in an administrative complaint against an elective official. It is only interlocutory in character because it does not still put an end to the proceedings. The disciplinary authority, after the imposition of preventive suspension, must still proceed to the hearing of the evidence to be presented by the other party in support of his claim or counterclaim.

13. In Stichon vs. Provincial Sheriff of Occidental Negros[1], the Supreme Court explained the rationale on the rule that no appeal may be taken from interlocutory order, thus:

> "The reason of the law in permitting appeal only from a final order or judgment, and not from interlocutory or

[1] G.R. No. L-1853, 27 February 1948.

> incidental one, is to avoid multiplicity of appeals in a single action, which must necessarily suspend the hearing and decision on the merits of the case during the pendency of the appeal. If such appeal were allowed the trial on the merits of the case should necessarily be delayed for a considerable length of time, and compel the adverse party to incur unnecessary expenses; for one of the parties may interpose as many appeals as incidental questions may be raised by him and interlocutory orders rendered or issued by the lower court."

14. A preventive suspension is a mere preventive measure, and not a penalty[2]; and hence, interlocutory in nature since it "does not terminate or finally dismiss or finally dispose of the case, but leaves something to be done by [the adjudicating body] before the case is finally decided on the merits."[3].

15. Considering that said Preventive Suspension Order is not a FINAL DECISION, the same cannot be subject to APPEAL to the Sangguniang Panlalawigan.

IMPROPER VENUE OF APPEAL
assuming that Preventive Suspension Order is appealable and the Office of the Provincial Governor lacks jurisdiction over the said appeal

16. Assuming without admitting that Preventive Suspension Order is appealable, Section 67 of the Local Government Code of 1991 is **very clear, Decisions in administrative cases** may be appealed within 30 days to **Sangguniang Panlalawigan, NOT** to the Office of the Provincial Governor, considering the latter does not have jurisdiction over the said appeal.

DILG OPINION No. 118 s. 2022 dated October 10, 2022 settles the issue that Preventive Suspension Order issued by the Sangguniang Bayan is NOT subject to appeal

17. The DILG OPINION No. 118 s. 2022 dated October 10, 2022 which was issued by Atty. Juan Victor R. Llamas, Undersecretary for

---

[2] *Quimbo v. Gervacio*, 503 Phil. 886, 891 [2005]
[3] *Metropolitan Bank & Trust Company v. CA*, 408 Phil. 686, 694 [2001]; see also *Banares II v. Balising*, 384 Phil. 567, 577 [2000]

External, Legal and Legislative Affairs of the Department of Interior and Local Government (DILG) categorically opined:

> "Also it may be well to stress that Section 67 of the Local Government Code of 1991 (which deals with administrative appeals) comes after Section 66 (which on the other hand deals with the termination of investigation and rendition of decision thereafter). In both Sections 66 and 67 of the Local Government Code of 1991, the word **"decision"** was mentioned.
>
> The decision of the sangguniang bayan contemplated in Section 67 (a) of the Local Government Code of 1991, which is the proper subject of the administrative appeals to the sangguniang panlalawigan, is one which renders the judgment on the merits in the case or one that finally and completely disposes a case in an administrative complaint against an elective official.
>
> Accordingly, ***the resolution or order of the Sangguniang Bayan placing Punong Barangay Cecile R. Villfuerte under preventive suspension cannot yet be appealed before the Sangguniang Panlalawigan and accordingly, the latter cannot order the stay of the preventive suspension***.[4]" (Emphasis supplied)

18. The copy of the DILG OPINION No. 118 s. 2022 dated October 10, 2022 is hereto attached of easy reference as **Annex 5**.

19. In application to the case at bar, the Preventive Suspension Order issued by Hon. Manuel Vicente M. Torres that placed the respondents-appellants under preventive suspension for sixty (60) days is not and cannot be subject to appeal to the Sangguniang Panlalawigan or to the Office of the Provincial Governor of Leyte.

ENTRY OF APPEARANCE

20. Further, the undersigned counsel hereby respectfully enters his appearance as Municipal Legal Officer-Designate for the appellee.

21. It is respectfully requested that the undersigned be furnished with copies of all orders and decisions which may be issued or rendered in the above-entitled case, as well as all motions and pleadings that may be filed by the parties.

---

[4] Page 2 of DILG OPINION No. 118 s. 2022 dated October 10, 2022.

LGU Kananga, Leyte filed a motion for reconsideration of the Resolution of the Office of the Provincial Prosecutor in reversing her own previous Resolution finding probable cause for illegal use of public funds/properties against the respondents

22. On April 5, 2024, the Office of the Mayor of Kananga, Leyte received a Manifestation from the respondents-appellants that the criminal case filed against them before the Office of the Provincial Prosecutor was DISMISSED. They attached the copy of the Resolution of the Office of the Provincial Prosecutor.

23. This is to formally inform your good office that LGU-Kananga has seasonably filed its Motion for Reconsideration on the Resolution of the Office of the Provincial Prosecutor reversing its previous Resolution.

24. By way of manifestation, this is to respectfully manifest that the in a Resolution promulgated on December 29, 2023, the Honorable Provincial Prosecutor, Hon. Arlene Hunamayor-Cordovez approved the findings of probable cause against the herein respondents for the crime charged. The dispositive portion of which is hereunder reproduced to wit:

> "Finding probable cause to believe that the crime of Illegal Use 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. Lacno, Beatriz C. Nahine, Alipio C. Cabalejo, Jr., Gerardo D. Odan, Jerry P. Empleo, and Elmer S. Ruado, before the 2nd MUNICIPAL CIRCUIT TRIAL COURT OF KANANGA-MATAG-OB.
>
> XXXX

Be that as it may, the recommended bail for temporary liberty of the respondents is fixed at Eighteen Thousand Pesos (18,000.00) each.

Ormoc City, Philippines, December 21, 2023.

ERWIN JAMES B. FABRIGA
Senior Assistant Provincial Prosecutor
MCLE Exemption No. VII-Acad003588
Valid until April 14, 2025

Reviewed by:

MELISSA I. RUBILLOS-MACAPUGAS
Deputy Provincial Prosecutor
MCLE Compliance No. VII-0004037
Valid until April 14, 2025

Approved:

MA. ARLENE HUNAMAYOR-CORDOVEZ
Provincial Prosecutor"

25. **In a very surprising twist of events**, the aforementioned December 21, 2023-Resolution which was approved by the Honorable Provincial Prosecutor was **REVERSED** on February 28, 2024 which was received by the Office of the Mayor of Kananga, Leyte on March 22, 2024. Thus, LGU Kananga through the herein appellee filed the corresponding motion for reconsideration.

PRAYER

WHEREFORE, premises, Appellee respectfully prays that the Honorable Office of the Provincial Governor of Leyte issue an ORDER **denying** this instant appeal.

And it is further prayed that the Municipal Legal Officer-Designate be furnished with copies of all orders, resolutions and decisions which may be issued or rendered in the above-entitled case, as well as all motions and pleadings that may be filed by the parties.

Such other relief this Honorable Offices deems just and equitable under the premises are likewise prayed for.

Done in Kananga, Leyte for the Palo, Leyte, Philippines on April 15, 2024.

Respectfully submitted:

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

By:

ATTY. ADELITO M. SOLIBAGA JR.
Municipal Attorney-Designate of Complainant
adelito_s@yahoo.com
NC No. ORM-22-12-038-NC issued on 01/01/2023
Valid until December 31, 2024,
PTR No. 7856400, 01/03/2024, Ormoc City
IBP No. 382627, 12/31/2023, Leyte
Roll of Attorney No. 51625
TIN 207-693-130
MCLE Compliance No. VI-0014640
Valid until April 14, 2025

Copy furnished by private courier:

LEAH O. EMPLEO
Brgy. Tugbong, Kananga, Leyte

Emerita p. Lacno
Brgy. Tugbong, Kananga, Leyte

Jerry P. Empleo
Brgy. Tugbong, Kananga, Leyte

VERIFICATION

I, MANUEL VICENTE M. TORRES, of legal age, Filipino, and a resident of and with postal address Brgy. Lonoy, Kananga, Leyte, Philippines, after having been duly sworn in accordance with law, hereby depose and say:

1. That I am the appellee in the above-entitled case;
2. That I have caused the preparation and filing of the comment/opposition in above-entitled case;
3. That I have read and understood the allegations contained therein and that the same are true and correct of our own personal knowledge or based on authentic documents and records;
4. The documents attached to the complaint are genuine and authentic and/or faithful reproductions of its originals;
5. The pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and
6. The factual allegations therein have evidentiary support or, if specifically, so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.

IN WITNESS WHEREOF, I hereunto set my hand on APR 1 2 2024, in Ormoc City, Leyte, Philippines.

MANUEL VICENTE M. TORRES
Affiant

SUBSCRIBED AND SWORN to before me on APR 1 2 2024, in the City of Ormoc, Leyte.

ATTY. DENNIS V. HIBAYA
Notary Public for the City of Ormoc
Municipalities of Kananga, Matag-ob,
Merida and Isabel
NC No. ORM-23-12-021-NC issued on 12/18/2023
Valid until December 31, 2025
PTR No. 7872859, 01/02/2024
IBP No. 381434, 12/29/2023
Roll of Attorney No. 76903
TIN: 922-420-348
MCLE Exemption Bar Matter No. 850, Sec. 3 (a)

Doc. No. 157;
Page No. 33;
Book No. II;
Series of 2024.

Exhibit 6

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

SABENIANO BIGNAY,
Complainant,

- versus -

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

x----------x

Admin Case No. K-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,

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).

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

Purpose:

To prove that the witness **PROCESO THOMAS R. PABIO** is the Municipal Accountant of the Municipality of Kananga, Leyte since June 1, 2020 up to the present.

To prove that on January 24, 2019, former Mayor Rowena N. Codilla signed the release of PhP 1,400,000.00 as payment for the purchase of Lot 2 as Barangay Site of Brgy. Tugbong, Leyte, which transaction was evidenced by

Disbursement Voucher No. 2019-01-0200 and Journal Entry Voucher No. 2019-01-000200.

To prove further that on January 24, 2019, PhP 1,400,000.00 was released to Glicerio Porcare as payee for the said transaction. He will testify relevant matters and identify relevant documents.

JUDICIAL AFFIDAVIT

I, **PROCESO THOMAS R. PABIO**, of legal age, Filipino, married and a resident of Kananga, Leyte, and presently the Municipal Accountant of the Local Government Unit of Kananga, Leyte, after having been duly sworn to in accordance with law, hereby deposes and states as follows:

Q1: Mr. witness, you said you are the Municipal Accountant of the Municipality of Kananga, Leyte, since when have you commenced your tenure as the Municipal Accountant of the Municipality of Kananga, Leyte?

A: Since June 1, 2020 up to the present.

Q2: Are you familiar with this instant case filed by Sabeniano Bignay against defendants Leah O. Empleo Emerita P. Lacno and Jerry P. Empleo?

A: Yes, because per our records, the subject property of the case was purchased by the Municipality of Kanangga as indicated in Disbursement Voucher No. 2019-01-0200 dated January 24, 2019 approved by then former Mayor Rowena Codilla .

Q3: What in particular is the property indicated in Disbursement Voucher No. 201-01-0200?

A: The property indicated in Disbursement Voucher No. 2019-01-0200 refers to a 10,000 square-meter portion of a parcel of land known as Lot No. 2, Pcs-19337 (Lots 10184 & 1795) located in Brgy. Tugbong Kananga, Leyte covered by TCT No. T-15094.

Q4: What was the purpose indicated in Disbursement Voucher No. 2019-01-0200?

A: Disbursement Voucher No. 2019-01-0200 was for the payment of the earlier mentioned property per Provincial Appraisal Committee Resolution No. 026-2018 and per Extrajudicial Settlement of Estate with Deed of Absolute Sale executed between the Municipality of Kananga, Leyte and the Hiers of Salomon Porcare and Juliana Nahine-Glicerio, Hermoneges and Franciso Porcare.

Q5: What other information were indicated in the disbursement voucher?

A: The disbursement voucher also indicated that an amount of Php 1,400,000.00 was released as payment of the earlier mentioned transaction and that said amount was received by payee Glicerio Nahine Porcare on January 24, 2019.

Q6: I have with me a copy of Disbursement Voucher No. 2019-01-0200 dated January 24, 2019 bearing the official logo of the Municipality of Kananga marked as **Exhibit G**, are you referring to this document?

A: Yes, I am.

Q7: What other documents were prepared for the purchase of the said property?

A: A Journal Entry Voucher dated January 24, 2019 was also prepared and approved to record the transaction of Disbursement Voucher No. 2019-01-0200 dated January 24, 2019.

Q8: What were the entries made on said Journal Entry Voucher?

A: A Debit of Php 1,400,000.00 was made for the account "Land" and a corresponding Credit of Php 1,400,000.00 was entered for the account "Cash in Bank".

Q9: What other information were indicated in the said Journal Entry Voucher?

A: Said voucher also indicated that it was for the payment of the procurement of real property, which particularly refers to a 10,000 square-meter portion of a parcel of land known as Lot No. 2 Pcs-19337 (Lots 10184 & 1795) located in Brgy. Tugbong Kananga, Leyte covered by TCT No. T-15094.

Q10: I have with me a copy of a Journal Entry Voucher with reference code CDJ No. 2019-01-000200 dated January 24, 2019, marked as **Exhibit H**, were you referring earlier to this document?

A: Yes, I am.

Q11: I have no further questions. Do you have anything else to add or amend in your statement?

A: None for the moment.

2. I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Bayan (SB), Municipality of Kananga, in lieu of my direct testimony in a case docketed as Admin. Case No. K-ADM-2023-002 **SABENIANO BIGNAY, complainant,** vs. **LEAH O. EMPLEO, EMERITA P. LACNO and JERRY P. EMPLEO, defendants.**

3. I further sayeth naught.

IN WITNESS WHEREOF, I have hereunto affixed my signature this _____ 2024 in Ormoc City, Philippines.

PROCESO THOMAS R. PABIO
Affiant/Witness

SUBSCRIBED AND SWORN TO before me this _____ 2024 in Ormoc City, Philippines.

Doc No. 61
Page No. 15
Book No. I
Series of 2024

ATTY. ARIEL S. BALTAZAR
Notary Public for the City of Ormoc
Municipalities of Kananga, Matag-ob,
Merida and Isabel
NC No. ORM-23-09-013-NC issued on 11/03/2023
Valid until December 31, 2024,
PTR No. 7872858, 01/02/2024, Ormoc City
IBP No. 301277, 01/02/2024, Leyte
Roll of Attorney No. 76594
TIN: 400-275-868
MCLE Exemption Bar Matter No. 850, Sec. 3 (a)

SWORN ATTESTATION

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

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

IN WITNESS WHEREOF, I have hereunto affixed my signature on _____ 2024 in Ormoc City, Philippines.

DENNIS L. HIBAYA

SUBSCRIBED AND SWORN TO before me on _____ 2024 in Ormoc City, Philippines.

ATTY. ARIEL S. BALTAZAR
Notary Public for the City of Ormoc
Municipalities of Kananga, Matag-ob,
Merida and Isabel
NC No. ORM-23-09-013-NC issued on 11/03/2023
Valid until December 31, 2024,
PTR No. 7872858, 01/02/2024, Ormoc City
IBP No. 301277, 01/02/2024, Leyte
Roll of Attorney No. 76594
TIN: 400-275-868
MCLE Exemption Bar Matter No. 850, Sec. 3 (a)

Doc No. 62
Page No. 15
Book No. I
Series of 2024

Barroon Law Office - 4/11/24

ANNEX G

Annex 24

Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF KANANGA

1/24/2019
GENERAL FUND

DISBURSEMENT VOUCHER

No. 2019 - 01 - 020

Mode of Payment	☐ check	☐ Cash	☐ Other
Payee	GLICERIO NAHINE PORCARE	TIN/Employee No.	Obligation Request No.
Address:	SITIO PUNAY, BGY. TUGBONG, KANANGA, LEYTE	Responsibility Center Office/Unit/Project	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

A. **Certified:** ☐ Allotment obligated for the purpose as indicated above. ☐ Supporting documents complete.		B. **Certified:** Funds Available	
Signature		Signature	
Printed Name	JOSEFINA G. FOGARTY	Printed Name	SUSAN S. DELMONTE
Date	1/24/19	Date	
Position	Municipal Accountant	Position	Municipal Treasurer / OIC
C. Approved for Payment		D. Received Payment	
Signature		Check No.	Bank Name
Printed Name	HON. ROWENA N. CODILLA	Signature	Glicerio Nahine Porcare
Date		Printed Name	MUNICIPAL TREASURER'S OFFICE
Position	Municipal Mayor	OR/Other Documents	JEV No. / Date

Annex H

Journal Entry Voucher 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			
TOTAL			1,400,000.00	1,400,000.00

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

Exhibit 7

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

SABENIANO BIGNAY,
Complainant,

- versus -

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

x----------x

Admin Case No. K-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,

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

x - - - - - - - - - - - - - - - - - /

Purpose:

To prove that the witness **Municipal Treasurer SUSAN S. DEL MONTE** is the Municipal Treasurer of the Municipality of Kananga, Leyte since November 9, 2012 up to the present. To prove that an amount of Php 1,400,000.00 was released to Glicerio Porcare per Disbursement Voucher No. 2019-01-0200 on January 24, 2019. She will testify relevant matters and identify relevant documents.

SB SECRETARY OFFICE
RECEIVED
By:
Date: 4/24/2024 1:48 PM

JUDICIAL AFFIDAVIT

I, **SUSAN S. DEL MONTE**, of legal age, Filipino, widow and a resident of Brgy. Poblacion, Kananga, Leyte, and presently the Municipal Treasurer of the Municipality of Kananga, Leyte, after having been duly sworn to in accordance with law, hereby deposes and states as follows:

Q1: Ms. Witness, you mentioned you are the Municipal Treasurer of the Municipality of Kananga, Leyte, since when have you commenced your tenure as the Municipal Treasurer of the Municipality of Kananga, Leyte?

A: Since year November 9, 2012 up to the present.

Q2: Are you familiar with this instant case filed by Sabeniano Bignay against defendants Leah O. Empleo Emerita P. Lacno and Jerry P. Empleo?

A: Yes, because per the records of our office, the property subject of this case was purchased by the Municipality of Kananga as contained in Disbursement Voucher No. 2019-01-0200 dated January 24, 2019 which was approved by then former Mayor Rowena Codilla.

Q3: What was the transaction as indicated in the said Disbursement Voucher?

A: The said voucher was for the payment of a 10,000 square-meter portion of a parcel of land known as Lot No. 2 Pcs-19337 (Lots 10184 & 1795) located in Brgy. Tugbong Kananga, Leyte covered by TCT No. T-15094 per Resolution No. 026-2018 and per Extrajudicial Settlement of Estate with Deed of Absolute Sale executed between the Municipality and Kananga and the Hiers of Salomon Porcare and Juliana Nahine-Glicerio, Hermoneges and Franciso Porcare.

Q4: Who was the payee as indicated in the said voucher?

A: A certain Glicerio Nahine Porcare was indicated as payee for the said Disbursement Voucher who received an amount of Php 1,400,000.00 on January 24, 2019.

Q5: I have with me a copy of Disbursement Voucher No. 2019-01-0200 dated January 24, 2019 marked as **Exhibit G**, are you referring to this document?

A: Yes, I am.

Q6: After the said Disbursement Voucher No. 2019-01-0200 dated January 24, 2019 was checked as complete with supporting documents by the Municipal Accounting Office, and approved for payment by the Municipal Mayor, what happened next?

A: Our Office, the Municipal Treasurer's Office (MTO) issued the corresponding check reflecting the purchase amount of the subject land.

Q7: Now, after issuing the check, what happened next?
A: Based on the said Disbursement Voucher, the payee, Glicerio Porcare was able to receive the payment as shown by his signature on said Voucher.

Q8: What else did your office do in so far as the release of the said amount to the payee of the said Disbursement Voucher is concerened?
A: I issued a Certification on October 16, 2023 certifying the payment of PhP 1,400,000.00 for the purchase of Lot No. 2 (LRC) PCS-19337 (Lots 10184 & 1795) with TCT No. 15094.

Q9: I have with me a copy of the Certification dated October 16, 2023 marked as **Exhibit FF**, are you referring to this one?
A: Yes, that is the one.

Q10: I have no further questions. Do you have anything else to add or amend in your statement?
A: None for the moment.

2. I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Bayan (SB), Municipality of Kananga, in lieu of my direct testimony in a case docketed as Admin. Case No. K-ADM-2023-002 **SABENIANO BIGNAY, complainant,** vs. **LEAH O. EMPLEO, EMERITA P. LACNO and JERRY P. EMPLEO, defendants.**

3. I further sayeth naught.

IN WITNESS WHEREOF, I have hereunto affixed my signature this APR 2 4 2024 in Ormoc City, Philippines.

SUSAN S. DEL MONTE
Affiant/Witness

SUBSCRIBED AND SWORN TO before me this APR 2 4 2024 in Ormoc City, Philippines.

ATTY. DENNIS L. HIBAYA
Notary Public for the City of Ormoc
Municipalities of Kananga, Matag-ob,
Merida and Isabel
NC No. ORM-24-12-020-NC issued on 12/18/2023
Valid until December 31, 2025
PTR No. 7872359, 01/02/2024
IBP No. 381434, 12/29/2023
Roll of Attorney No. 76803
TIN: 922-420-348
MCLE Exemption Bar Matter No. 850, Sec. 3 (a)

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2024

SWORN ATTESTATION

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

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

IN WITNESS WHEREOF, I have hereunto affixed my signature on APR 24 2024 in Ormoc City, Philippines.

DENNIS L. HIBAYA

SUBSCRIBED AND SWORN TO before me on APR 24 2024 in Ormoc City, Philippines.

ATTY. ARIEL S. BALTAZAR
Notary Public for the City of Ormoc
Municipalities of Kananga, Matag-ob,
Merida and Isabel
NC No. ORM-23-09-013-NC issued on 11/03/2023
Valid until December 31, 2024,
PTR No. 7872858, 01/02/2024, Ormoc City
IBP No. 301277, 01/02/2024, Leyte
Roll of Attorney No. 76594
TIN: 400-275-868
MCLE Exemption Bar Matter No. 850, Sec. 3 (a)

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2024

Ramzon Law Office - 4-24-24

ANNEX 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

ANNEX G

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	☐ check ☐ Cash ☐ Other		
Payee	GLICERIO NAHINE PORCARE	TIN/Employee No.	Obligation Request No.
Address:	SITIO PUNAY, BGY. TUGBONG, KANANGA, LEYTE	Office/Unit/Project	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**

A. **Certified:** ☐ Allotment obligated for the purpose as indicated above. ☐ Supporting documents complete.		B. **Certified:** Funds Available	
Signature		Signature	
Printed Name	JOSEFINA G. FOGARTY	Printed Name	SUSAN S. DELMONTE
Date	1/24/19	Date	
Position	Municipal Accountant	Position	Municipal Treasurer / OIC
C. Approved for Payment		D. Received Payment	
Signature		Check No.	Bank Name
Printed Name	HON. ROWENA N. CODILLA	Signature	Glicerio Nahine Porcare
Date		Printed Name	[illegible]
Position	Municipal Mayor	OR/Other Documents	JEV No. / Date

Exhibit 8

Sec. 4, Rule 6
Procedural Rules in admin cases filed before SB of Kananga

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

SABENIANO BIGNAY,
Complainant,

- versus -

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

x----------x

Admin Case No. K-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,

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).

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

Purpose:

To prove that he is the Municipal Budget Officer of the Municipality of Kananga, Leyte since February 3, 2014 up to the present.

To prove that PhP 1,400,000.00 was appropriated via supplemental appropriation ordinance for the purchase of Lot 2 as barangay Site of Brgy. Tugbong, Kananga, Leyte which was intended for the New Barangay Site of

said Barangay. That said appropriated fund was actually utilized to purchases said lot. He will testify relevant matters and identify relevant documents.

JUDICIAL AFFIDAVIT

I, **SYLVIO Y. QUILLO, JR. I**, of legal age, Filipino, married and a resident of Kananga, Leyte, and presently the Municipal Budget Officer of the Local Government Unit of Kananga, Leyte, after having been duly sworn to in accordance with law, hereby deposes and states as follows:

Q1: Mr. witness, you said you are the Municipal Budget Officer of the Municipality of Kananga, Leyte, since when have you become the Municipal Budget Officer of the Municipality of Kananga, Leyte?

A: Since year February 3, 2014 up to the present.

Q2: Are you familiar with this instant case filed by Sabeniano Bignay against defendants Leah O. Empleo Emerita P. Lacno and Jerry P. Empleo?

A: Yes, because the subject property of the case was indicated in a Purchase Request No. 2018-12-37 dated August 6, 2018 prepared and approved by then former Mayor Rowena Codilla.

Q3: What in particular is the property indicated in the Purchase Request prepared and approved by the former mayor Codilla?

A: To be precise, the property indicated in PR refers to a 10,000 square-meter portion of a parcel of land known as Lot No. 2 Pcs-19337 located in Brgy. Tugbong Kananga, Leyte covered by TCT No. T-15094.

Q4: Other than the subject property, what else was indicated in the said Purchase Request if any?

A: The Purchase Request (PR) expressly stated that the purpose of the purchase is for "Barangay Site of Barangay Tugbong, Kananga, Leyte".

Q5: After the PR was prepared what happened next?

A: It was forwarded to me in December 2018 for my certification that there was available fund for the purchase of said land.

Q6: What happened next after it was forwarded to you?

A: I verified the allotment of the PR as there was supplemental appropriation ordinance passed by SB on September 10, 2018.

Q7: Before the said Supplemental Ordinance was passed by SB, what action did your Office make in so far as the said supplemental appropriation ordinance is concerned?

A: I prepared the Statement of Supplemental Appropriation CY 2018 (Supplemental Budget No. 2) in which the Procurement of Lot at Brgy. Tugbong, Kananga, Leyte for Php 1,400,000.00 was proposed as Capital Outlay . Supplemental Budget No. 2 was later approved by then Mayor Rowena N. Codilla.

Q8: I have with me a copy of Statement of Supplemental Appropriation CY 2018 (Supplemental Budget No. 2) marked as **Exhibit GG**, are you referring to this document?

A: Yes, I am.

Q9: What other documents were prepared for the procurement of the said property?

A: As I mentioned earlier, on September 10, 2018, the Sangguniang Bayan under the former Vice Mayor Codilla, also passed a Supplemental Appropriation Ordinance No. 21L.18-048 series of 2018 which budgeted an amount of Php 1,400,000.00 for the purchase of subject property. The supplemental appropriation ordinance paved way for the eventual purchase of the subject property. The said Sangguniang Bayan, prior to the approval of said supplemental appropriation ordinance, passed Resolution No. 21R.18-455 approving the Supplemental Annual Investment Plan for Calendar Year 2018 which adopted the Municipal Development Council Resolution No. 2, Series of 2018.

Q10: I have with me a copy of a Supplemental Appropriation Ordinance No. 21L.18-048 series of 2018 marked as **Exhibit HH**, are you referring to this document?

A: Yes, I am.

Q11: Do you have other documents showing that Php 1,400,000.00 was indeed appropriated for the procurement of the said lot?

A: Yes. To support my statement, I have executed a Certification signed by me in my capacity as Municipal Budget Officer of the Municipality of Kananga, Leyte. Said certificate certifies that Php 1,400,000.00 was duly appropriated for the procurement of a lot at Brgy. Tugbong, Kananga, Leyte and other relevant details.

Q12: If same document is shown to you, can you identify it?

A: Yes, sir.

Q13: I have here with me a Certification marked as **Exhibit II**, signed by you as the Municipal Budget Officer of Municipality of Kananga dated October 16, 2023 stating that PhP 1,400,000.00 was appropriated via supplemental budget for the for the procurement of a lot at Brgy. Tugbong, Kananga, Leyte and other relevant details, is this the same document that you are referring?

A: Yes, that is the same document.

2. I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Bayan (SB), Municipality of Kananga, in lieu of my direct testimony in a case docketed as Admin. Case No. K-ADM-2023-002 **SABENIANO BIGNAY, complainant,** vs. **LEAH O. EMPLEO, EMERITA P. LACNO and JERRY P. EMPLEO, defendants.**

3. I further sayeth naught.

IN WITNESS WHEREOF, I have hereunto affixed my signature this FEB 28 2024 in Ormoc City, Philippines.

SYLVIO Y. QUILLO, JR. I
Affiant/Witness

SUBSCRIBED AND SWORN TO before me this FEB 28 2024 in Ormoc City, Philippines.

ATTY. DENNIS L. HIBAYA
Notary Public for the City of Ormoc
Municipalities of Kananga, Matag-ob,
Merida and Isabel
NC No. ORM-23-12-020-NC issued on 12/18/2023
Valid until December 31, 2025,
PTR No. 7872659, 01/02/2024
IBP No. 381434, 12/29/2023
Roll of Attorneys No. [illegible]
TIN 922-420-348
Exempted from Fee, Letter No. 650, Sec. 3 (a)

Doc No. 79
Page No. 11
Book No. II
Series of 2024

SWORN ATTESTATION

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

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

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

DENNIS L. HIBAYA

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SUBSCRIBED AND SWORN TO before me on FEB 28 2024 in Ormoc City, Philippines.

Doc No. 24
Page No. 5
Book No. I
Series of 2024

NC No. [illegible] Issued on [illegible]
Valid until December 31, 2024
PTR No. 7372659, 01/02/2024, Ormoc City
IBP No. 301277, 01/02/2024, Leyte
Roll of Attorney No. [illegible]
TIN: 403-275-069
MCLE Exemption Bar Member No. 880, Sec. 2 (c)

MARGIE SASMEÑA 2/29/24

Form No. 9

EXHIBIT GG

STATEMENT OF SUPPLEMENTAL APPROPRIATION CY 2019
(SUPPLEMENTAL BUDGET NO. 2)

KANANGA LEYTE
Province/City/Municipality

Accounting Office	Particulars/Purpose	PAP Code	Fund Source	Account Code	Amount
Municipal Mayor's Office 1011	**Personal Services (100)**				
	Salaries & Wages - Casual	[illegible]	PS	[illegible]	₱ [illegible]
	Personnel Economic Relief Allowance (PERA)	[illegible]	PS	[illegible]	[illegible]
	Clothing/Uniform Allowance	[illegible]	PS	[illegible]	[illegible]
	Productivity Incentive Allowance(PEI)	[illegible]	PS	[illegible]	[illegible]
	Year End Bonus	[illegible]	PS	[illegible]	[illegible]
	Cash Gift	[illegible]	PS	[illegible]	[illegible]
	Pag-IBIG Contributions	[illegible]	PS	[illegible]	[illegible]
	PhilHealth Contributions	[illegible]	PS	[illegible]	[illegible]
	Terminal Leave Benefits	[illegible]	PS	[illegible]	[illegible]
	Sub-total				₱ [illegible]
	Maintenance and Other Operating Expenses				
	Electricity Expenses	[illegible]	MOOE	[illegible]	₱ [illegible]
	Other Maintenance & Operating Expenses		MOOE	[illegible]	
	Socio-Cultural Activities	[illegible]	MOOE		[illegible]
	Honorarium of BHW and BNS	2020-1-036	MOOE		[illegible]
	PLEE	2020-1-037	MOOE		[illegible]
	Sub-total				₱ [illegible]
	Capital Outlay				
	Procurement of Two (2) Unit Dump Truck	[illegible]	CO		₱ [illegible]
	Procurement of One (1) Unit Vehicle (Pick-up)	[illegible]	CO		[illegible]
	Land (Survey, Titling etc.)	[illegible]	CO	[illegible]	[illegible]
	Procurement and Installation of CCTV	[illegible]	CO		[illegible]
	Procurement and Installation of Sound System (P	[illegible]	CO		[illegible]
	Procurement of Lot @ Brgy. Natubgan, Kananga, Leyte	[illegible]	CO		[illegible]
	Procurement of Lot @ Brgy. Tugbong Kananga, Leyte	[illegible]	CO		[illegible]
	Procurement of Rescue Vehicle Brgy. Tongonan, Kananga, Leyte	[illegible]	CO		[illegible]
	Procurement of Stainless Municipal Logo Signage	[illegible]	CO		[illegible]
	Sub-total				₱ [illegible]
Municipal Vice-Mayor's Office 1021	**Personal Services (100)**				
	Clothing/Uniform Allowance	[illegible]	PS	[illegible]	₱ [illegible]
	PhilHealth Contributions	[illegible]	PS	[illegible]	[illegible]
	Sub-total				₱ [illegible]
	Maintenance and Other Operating Expenses				
	Travelling Expenses	[illegible]	MOOE	[illegible]	₱ [illegible]
	Sub-total				₱ [illegible]
	Capital Outlay				
	Furniture and Fixture	[illegible]	CO		₱ [illegible]
	Sub-total				₱ [illegible]
Sangguniang Bayan Secretary's Office	**Personal Services (100)**				
	Clothing/Uniform Allowance	[illegible]	PS	[illegible]	₱ [illegible]
	Sub-total				₱ [illegible]

Implementing Office	Particulars/Purpose	AIP Code	Object of Expenditures	Account Code	Amount
Business Permit Licensing Office	**Personal Services (100)**				
	Clothing/Uniform Allowance	1000-3-2-03-004	PS	5-01-02-040	₱ 1 000.00
	PhilHealth Contributions	1000-3-2-03-005	PS	5-01-03-030	500.00
	Sub-total				₱ 1 500.00
Municipal Social Development Office	**Personal Services (100)**				
	Clothing/Uniform Allowance	1000-004-1	PS	5-01-02-040	₱ 6 000.00
	PhilHealth Contributions	1000-004-1	PS	5-01-03-030	3 000.00
	Sub-total				₱ 9 000.00
	Maintenance and Other Operating Expenses				
	Donations - DSWD Program (AICS)	1000-1-0-05	MOOE	5-02-01-010	₱ 1 000 000.00
Human Resources & Management Office	**Personal Services (100)**				
	Clothing/Uniform Allowance	1000-3-2-03-001	PS	5-01-02-040	₱ 3 000.00
	PhilHealth Contributions	1000-3-2-03-002	PS	5-01-03-030	1 500.00
	Sub-total				₱ 4 500.00
Municipal Circuit Trial Court	**Maintenance and Other Operating Expenses**				
	Other Professional Services	1000-3-2-03-007	PS	5-02-11-990	₱ 18 000.00
Municipal Disaster Risk Reduction and Management Office	**Personal Services (100)**				
	Clothing/Uniform Allowance	1000-3-2-03-001	PS	5-01-02-040	₱ 11 000.00
	PhilHealth Contributions	1000-3-2-03-005	PS	5-01-03-030	5 500.00
	Sub-total				₱ 16 500.00
Municipal Cooperative and Cooperative Development Office	**Personal Services (100)**				
	Clothing/Uniform Allowance	1000-3-2-03-002	PS	5-01-02-040	₱ 1 000.00
	PhilHealth Contributions	1000-3-2-03-007	PS	5-01-03-030	500.00
	Sub-total				₱ 1 500.00
	TOTAL APPROPRIATION				₱ 66 422 174.01
	UNAPPROPRIATED BALANCE				₱ 1 459 846.35

Prepared by:

SYLVIO Y. QUILLO JR.
Municipal Budget Officer

Approved:

ROWENA N. CODILLA
Local Chief Executive

EXHIBIT HH

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

Sangguniang Bayan of Kananga

21st SANGGUNIANG BAYAN

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

Present :	Honorable Elmer C. Codilla	Vice-Mayor/Presiding Officer
	Honorable Macerio V. Lumangtad, Jr.	SB Member /Floor Leader
	Honorable Mardiano L. Nabine	SB Member
	Honorable Resurreccion C. Capanas	SB Member/Assistant Floor Leader
	Honorable Edita P. Lacno	SB Member
	Honorable Lorenzo M. Aseo	SB Member
	Honorable Process T. Baguio	SB Member
	Honorable Marigulta C. Sanchez	SB Member
	Honorable Edward C. Campos	SB Member
	Honorable Jeffacer G. Cuison	SK P.I. President, ex-officio member
Absent :	Honorable Nilo Gonzaga(On Official Travel)	ABC President, ex Officio Member

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ORDINANCE NO. 21L-18-048
(Series of 2018)

AN ORDINANCE APPROPRIATING THE SUM OF SIXTY SIX MILLION FOUR HUNDRED TWENTY TWO THOUSAND ONE HUNDRED SEVENTY FOUR PESOS AND 1/100 (P66,422,174.01) EMBODIED UNDER SUPPLEMENTAL BUDGET NO. 2 CY 2018 FOR THE CONTINUED OPERATION OF THE MUNICIPAL GOVERNMENT OF KANANGA, LEYTE FOR THE PERIOD FROM JANUARY 1 TO DECEMBER 31, YEAR 2018, AND FOR OTHER PURPOSES.

WHEREAS, the Local Chief Executive, in pursuance of the provision of Section 444 (B) (i) of Republic Act No. 7160, has caused the preparation of Supplemental Budget No. 02 outlining therein the Budgetary Requirements for the continued delivery of basic services, facilities, other functions of the Local Government under Section 17 of the said Code;

WHEREAS, the Sangguniang Bayan through the Committee on Budget and Finance, in the exercise of its power under the Local Government Code, has considered the proposed Supplemental Budget, reviewed evaluated and recommended the approval of the ordinance embodying the proposed appropriation for the Supplemental Budget No. 02 for Calendar Year 2018.

NOW THEREFORE, considering the above cited premises; be it enacted by the 21st Sangguniang Bayan of Kananga, Leyte on a regular session duly assembled on this 10th day of September 2018 and upon motion of SB Member Process T. Baguio, seconded by SB Member Capanas, to wit:

Section 1 *Appropriation of Funds* – It is hereby appropriated the sum of Sixty Six Million Four Hundred Twenty Two Thousand One Hundred Seventy Four Pesos and 1/100 (P66,422,174.01).

Section 2. *Source of Funds* – Savings from the Retained Earnings as of December 31, 2017.

Section 3. Object of Expenditures with the corresponding amount herein below enumerated:

Implementing Office	Particulars/Purpose	Object of Expenditure	Amount
Municipal Mayor's Office 1011	**Personnel Services (100)**		
	Salaries & Wages - Casual	PS	₱ 327,018.00
	Personnel Economic Relief Allowance (PERA)	PS	48,000.00
	Clothing/Uniform Allowance	PS	37,000.00
	Productivity Incentive Allowance(PEI)	PS	15,000.00
	Year End Bonus	PS	10,917.00
	Cash Gift	PS	10,000.00
	Pag-IBIG Contributions	PS	2,400.00
	PhilHealth Contributions	PS	33,000.00
	Terminal Leave Benefits	PS	260,000.00
	Sub-total		₱ 693,335.00
	Maintenance and Other Operating Expenses		
	Electricity Expenses	MOOE	₱ 3,000,000.00
	Other Maintenance & Operating Expenses		
	Socio-Cultural Activities	MOOE	3,000,000.00
	Procurement of BMW and ETB	MOOE	300,000.00
	PLEB	MOOE	150,000.00
	Sub-total		₱ 3,750,000.00
	Capital Outlay		
	Procurement of Two (2) Unit Dump Truck	C.O	₱ 4,650,000.00
	Procurement of One (1) Unit Vehicle (Pickup)	C.O	1,350,000.00
	Land (Survey, Filling etc.)	C.O	285,000.00
	Procurement and Installation of CCTV	C.O	300,000.00
	Procurement and Installation of Sound System	C.O	60,000.00
	Procurement of Lot @ Brgy. Natubgan Kananga, Leyte	C.O	1,000,000.00
	Procurement of Lot @ Brgy. Tongonan Kananga, Leyte	C.O	3,000,000.00
	Procurement of Rescue Vehicle Brgy. Tongonan, Kananga, Leyte	C.O	1,800,000.00
	Procurement of Stainless (Municipal Logo Signage)	C.O	85,000.00
	Sub-total		₱ 10,435,000.00
Municipal Vice-Mayor's Office 1021	**Personnel Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 27,000.00
	PhilHealth Contributions	PS	11,250.00
	Sub-total		₱ 38,250.00
	Maintenance and Other Operating Expenses		
	Traveling Expenses	MOOE	₱ 420,000.00
	Sub-total		₱ 420,000.00
	Capital Outlay		
	Furniture and Fixture	C.O	₱ 82,000.00
	Sub-total		₱ 82,000.00
Sangguniang Bayan Secretary's Office 1022	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 4,000.00
	Sub-total		₱ 4,000.00
	Capital Outlay		
	Procurement of 1 unit Desktop Computer	C.O	₱ 60,000.00
	Procurement of 2 units Computer Tables	C.O	16,000.00
	Sub-total		₱ 60,000.00
Municipal Planning and	**Personnel Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 7,000.00

Development Office	Sub-total		₱ 7,000.00
Local Civil Registrar's Office 1051	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 6,000.00
	Sub-total		₱ 6,000.00
	Maintenance and other Operating Expenses		
	Office Supplies Expenses	MOOE	₱ 7,000.00
	Sub-total		₱ 7,000.00
Municipal General Services Office 1081	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 29,000.00
	Philhealth Contributions	PS	2,000.00
	Sub-total		₱ 31,000.00
	Capital Outlay		
	Procurement of 2 units Aircondition	C.O	₱ 100,000.00
Municipal Budget Office 1071	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 3,000.00
	Philhealth Contributions	PS	1,600.00
	Sub-total		₱ 4,600.00
	Capital Outlay		
	Procurement of 1 unit Aircondition	C.O	₱ 35,000.00
Municipal Accounting Office 1091	**Personal Services (100)**		
	Salaries & Wages - Casual	PS	₱ 23,100.00
	Clothing/Uniform Allowance	PS	17,000.00
	Year End Bonus	PS	3,500.00
	Philhealth Contributions	PS	1,600.00
	Sub-total		₱ 45,100.00
	Maintenance and other Operating Expenses		
	Office Supplies Expenses	MOOE	₱ 65,000.00
	Sub-total		₱ 65,000.00
	Capital Outlay		
	Procurement of One (1) unit Heavy Duty Digital Full Color Copier	C.O	₱ 330,000.00
	Procurement of Heavy Duty Electronic Stapler	C.O	21,600.00
	Sub-total		₱ 351,600.00
Municipal Treasurer's Office 1091	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 11,000.00
	Philhealth Contributions	PS	1,700.00
	Sub-total		₱ 12,700.00
	Capital Outlay		
	Procurement of One (1) unit Water Dispenser	C.O	₱ 10,000.00
	Sub total		₱ 10,000.00
Municipal Assessor's Office 1101	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 6,000.00
	Philhealth Contributions	PS	1,000.00
	Sub-total		₱ 7,000.00
Municipal Administrator Office	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 5,000.00
	Sub-total		₱ 5,000.00

Municipal Health Office 4411	Personal Services (100)			
	Clothing/Uniform Allowance	PS	P	22,000.00
	Philhealth Contributions	PS		1,000.00
	Sub-total		P	23,000.00
	Maintenance and Other Operating Expenses			
	Drugs and Medicines Expenses	MOOE	P	3,000.00
	Sub-total		P	3,000.00
Kananga Municipal Hospital 4422	Personal Services (100)			
	Clothing/Uniform Allowance	PS	P	19,000.00
	Sub-total		P	19,000.00
Municipal Agriculture Office 8711	Personal Services (100)			
	Clothing/Uniform Allowance	PS	P	7,000.00
	Philhealth Contributions	PS		1,000.00
	Sub-total		P	8,000.00
Municipal Engineering Office 8751	Personal Services (100)			
	Salaries & Wages - Regular	PS	P	68,716.00
	Personnel Economic Relief Allowance (PERA)	PS		6,000.00
	Clothing/Uniform Allowance	PS		21,000.00
	Year End Bonus	PS		12,809.00
	Cash Gift	PS		5,000.00
	Retirement and Life Insurance Contribution	PS		4,809.00
	Pag-IBIG Contributions	PS		900.00
	Philhealth Contributions	PS		3,000.00
	Sub-total		P	81,524.00
	Capital Outlay			
	Construction of Toilets	C.O	P	1,010,000.00
	Repair & Improvement of Buildings	C.O		1,010,000.00
	Construction of Footbridge @ Sitio Cebulla Brgy. Rizal, Kananga, Leyte	C.O		650,000.00
	Construction of Open Court/Sports Facility @ Sitio Cogay, Brgy. Rizal, Kananga, Leyte	C.O		760,047.68
	Road Concreting @ New Site, Brgy. Rizal	C.O		553,617.00
	Road Concreting @ Brgy. Proper, Brgy. Montebello, Kananga, Leyte	C.O		1,000,000.00
	Construction of Footbridge @Zone Jupiter Brgy. Montebello, Kananga, Leyte	C.O		500,000.00
	Construction of Pipe(Style) Protection @ Sitio Bulak 1, Brgy. San Isidro, Kananga, Leyte	C.O		399,782.01
	Construction of Access Road to Brgy. Hall Brgy. San Isidro, Kananga, Leyte	C.O		582,574.00
	Road Concreting @ OCCCI Brgy. Libertad, Kananga, Leyte	C.O		814,528.00
	1.2 KM. Road Surfacing @ Sitio Busay to Sitio Bone-ao, Brgy. Libertad, Kananga, Leyte	C.O		2,168,761.00
	Construction of Pathway @ Sitio Buga Brgy. Libertad, Kananga, Leyte	C.O		127,148.94
	Construction of Footbridge @ Sitio Lava, Brgy. Libertad, Kananga, Leyte	C.O		460,000.00
	Road Concreting @ Brgy. Site, Brgy. Libertad, Kananga, Leyte	C.O		918,182.00
	Road Concreting to Brgy. Hall @ Sitio Pitao, Brgy. Tagaytay, Kananga, Leyte	C.O		595,420.00
	Tire Path @ Sitio Cembonje Brgy. Tagaytay, Kananga, Leyte	C.O		900,000.00
	Road Concreting @ Sitio Valencia,	C.O		1,260,148.00

2-7-22

Mun. Social Development Office	Personal Services (100)			
	Clothing/Uniform Allowance	PS	P	4,000.00
	Philhealth Contributions	PS		500.00
	Sub-total		P	4,500.00
	Maintenance and Other Operating Expenses			
	Donations-DSWD Program (AIDS)	MOOE	P	1,000,000.00
Human Resources & Management Office	Personal Services (100)			
	Clothing/Uniform Allowance	PS	P	8,000.00
	Philhealth Contributions	PS		500.00
	Sub-total		P	8,500.00
Mun. Circuit Trial Court	Maintenance and Other Operating Expenses			
	Other Professional Services	MOOE	P	18,000.00
Mun. Disaster Risk Reduction & Management Office	Personal Services (100)			
	Clothing/Uniform Allowance	PS	P	10,000.00
	Philhealth Contributions	PS		
	Sub-total		P	10,000.00
Mun. Livelihood & Cooperative Office	Personal Services (100)			
	Clothing/Uniform Allowance	PS	P	1,000.00
	Philhealth Contributions	PS		
	Sub-total		P	1,000.00
	TOTAL APPROPRIATION		P	38,422,174.01

Section 4. Expenditure Component – Except by act of the Sangguniang Bayan, no changes or modification shall be made on the expenditure items authorized in the ordinance as detailed in the LBP Form 9 duly signed by the Municipal Budget Officer and the Local Chief Executive.

Any changes or modifications in the expenditure items in violation of this shall subject the erring official or employee to appropriate criminal and administrative sanctions as maybe provided under existing laws.

Section 5. Use of Savings and Augmentation. In accordance with Section 336 of Republic Act No. 7160, the Local Government Code of 1991, the Municipal Mayor and the Presiding Officer of the Sangguniang Bayan are authorized to augment any item in the approved annual budget for their respective offices from savings in other items within the same expense class of their respective appropriations.

For this purpose, "savings" refer to portions or balances of any programmed appropriation free from any obligation or encumbrance still available after the satisfactory completion or the unavoidable discontinuance or abandonment of the work, activity or purpose for which the appropriation is authorized or arising from unpaid compensation and related costs pertaining to vacant positions and leaves of absences without pay.

"Augmentation" implies the existence in the budget of an item, project or activity or purpose with an appropriation which, upon implementation or subsequent evaluation of needed resources, is determined to be deficient.

Section 6. Separability Clause – If, for any reason, any item of expenditure appropriated in this ordinance is declared unlawful nor invalid, other items of the appropriations which are not otherwise affected shall remain in full force and effect.

Section 7. Effectivity Clause – This Ordinance shall take effect upon approval.

UNANIMOUSLY APPROVED.

APPROVED BY THE SANGGUNIANG BAYAN OF KANANGA AT ITS REGULAR SESSION ON SEPTEMBER 10, 2018.

AYES : (09)
NAYS : (0)

HON. MACARIO V. LUMANGTAD, JR.
Sangguniang Bayan Member/ Floor Leader

HON. RESURRECCION G. CAPANAS
Sangguniang Bayan Member/Asst. Floor Leader

HON. MARCIANO L. NAHINE
Sangguniang Bayan Member

HON. LORENZO M. ASEO
Sangguniang Bayan Member

HON. EDITA P. LACNO
Sangguniang Bayan Member

HON. PROCESA T. BAGUIO
Sangguniang Bayan Member

HON. MARIQUITA C. SANCHEZ
Sangguniang Bayan Member

HON. EDWARD C. CAMPOS
Sangguniang Bayan Member

(on official travel)
HON. NILO GONZAGA
ABC President, Ex-Officio Member

HON. JEPHSSOR G. CUIZON
SK Fed. President, Ex-Officio Member

I HEREBY CERTIFY to the correctness of the aforequoted Ordinance.

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

(Date)

2-7-2024

ANNEX EE

EXHIBIT II

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

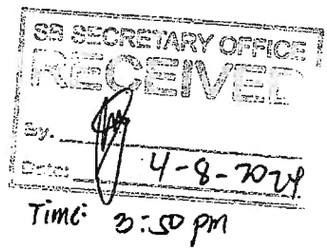
This certification confirms the existence of the appropriation with the purpose stated in the disbursement voucher.

Sincerely,

SYLVIO QUILLO JR. I
Municipal Budget Officer

Mine Exhibit 9

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



SABENIANO BIGNAY,
Complainant,

- versus -

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

x----------x

Admin Case No. K-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,

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).

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

Purpose:

To prove that the witness **Engr. ROSCOE HERMOSO** is the Municipal-Assessor-designate of the Municipality of Kananga, Leyte since January 16, 2023 up to the present.

To prove that the Municipal Assessor's Office of Municipality of Kananga, Leyte requested for the conduct of the appraisal/assessment of Lot 2, (LRC), Pcs-19337 being a portion of the consolidation-subdivision of Lots 10184 and

1795 of Cadastral Survey of Ormoc, LRC Cad. No. 1795 located in Brgy. Tugbong intended for "Proposed (New) Barangay site of Tugbong at the Provincial Appraisal Committee in 2018.

He will testify relevant matters and identify relevant documents.

JUDICIAL AFFIDAVIT

I, **ROSCOE HERMOSO**, of legal age, Filipino, married and a resident of Kananga, Leyte, and presently the Municipal-Assessor-designate of the Municipality of Kananga, Leyte, after having been duly sworn to in accordance with law, hereby deposes and states as follows:

Q1: Mr. Witness, you mentioned you are the Municipal-Assessor-designate of the Municipality of Kananga, Leyte, since when have you commenced your tenure as the Municipal Accountant of the Municipality of Kananga, Leyte?

A: Since January 16, 2023 up to the present.

Q2: Are you familiar with this instant case filed by Sabeniano Bignay against defendants Leah O. Empleo Emerita P. Lacno and Jerry P. Empleo?

A: Yes, because per our records, our office, the Office of the Municipal Assessor of the Municipality of Kananga, thru the former Municipal Assessor, Engr. Virgilio T. Tiu sent a letter to the Provincial Appraisal Committee requesting the latter to conduct an appraisal/ assessment of the subject property of the instant case.

Q3: What exactly is the purpose of the assessment according to the letter request?

A: Based on the office records, sometime in 2018, the Local Government of Kananga, Leyte under the administration of former Mayor Rowena Codilla planned to purchase Lot 2, (LRC), Pcs-19337 being a portion of the consolidation-subdivision of Lots 10184 and 1795 of Cadastral Survey of Ormoc, LRC Cad. No. 1795 located in Brgy. Tugbong, hence it requested the required assessment from Provincial Appraisal Committee.

Q4: According to the letter addressed to the Provincial Appraisal Committee, what was the subject property intended for?

A: Based on the said letter, it was stated that the subject property was intended for the **proposed (new) Barangay Site of Tugbong.**

Q5: What other information were contained in the letter request?

A: The letter also stated an initial information that Lot 2 containing an area of 1.00 hectare is an agricultural land, covered by Tax Declaration No. 21023-00836 (R13) declared in the name of Juliana Nahine with attached Tax Declaration and Title of the property.

Q6: I have with me a copy of letter bearing the official logo of the Municipality of Kananga, Leyte dated August 8, 2018 signed by then Municipal Assessor Engr. Virgilio T. Tiu, marked as **Exhibit B**, with copy of its attachments Tax Declaration No. 21023-00836 (R13) and Transfer Certificate of Title No. T-15094 all under the name of Juliana Nahine, marked as **Exhibit AA and Exhibit BB** respectively, are you referring to these documents?

A: Yes, I am.

Q7: What happened to the letter request by the former Municipal Assessor Virgilio Tiu to the Provincial Appraisal Committee as regards the subject property?

A: Based on the records of the Municipal Assessor's Office, the Provincial Appraisal Committee conducted an ocular inspection of the said land, and thereafter, issued Resolution No. 026-2018 dated August 9, 2018 which provides the following:

1. That the property is declared in the name of Juliana Nahine;
2. That the property is located at Brgy. Tugbong, Kananga, Leyte;
3. That the property contains an area of 1.00 hectares under TD No. 2103-00636 R13, Lot 2, (LRC) PCS-19337 (lots 10184 and 1795) with Title No. T-15094;
4. That the area acquired is 10,000 square meters;
5. That the LGU Kananga Leyte intends to purchase the property for the Proposed (New) Barangay Site of Tugbong;
6. That the amount of One Hundred Forty Pesos per square meter (Php 140.00 sq.m.) is just and reasonable)

Q8: I have with me a copy of Resolution No. 026-2018 bearing the official logo of the Appraisal Committee dated August 9, 2018, marked as **Exhibit C**, were you referring earlier to this document?

A: Yes, I am.

Q9: I have no further questions. Do you have anything else to add or amend in your statement?

A: None for the moment.

2. I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Bayan (SB), Municipality of Kananga, in lieu of my direct testimony in a case docketed as Admin. Case No. K-ADM-2023-002 **SABENIANO BIGNAY, complainant,** vs. **LEAH O. EMPLEO, EMERITA P. LACNO and JERRY P. EMPLEO, defendants.**

3. I further sayeth naught.

IN WITNESS WHEREOF, I have hereunto affixed my signature this _____ in Ormoc City, Philippines.

APR 0 8 2024

ROSCOE HERMOSO
Affiant/Witness

SUBSCRIBED AND SWORN TO before me this APR 0 8 2024 in Ormoc City, Philippines.

ATTY. ARIEL S. BALTAZAR
Notary Public for the City of Ormoc
Municipalities of Kananga, Matag-ob,
Merida and Isabel
NC No. ORM-23-09-013-NC issued on 11/03/2023
Valid until December 31, 2024,
PTR No. 7872858, 01/02/2024, Ormoc City
IBP No. 301277, 01/02/2024, Leyte
Roll of Attorney No. 76594
TIN: 400-275-868
(MCLE Exemption Per Memorandum No. 850, Sec. 34a)

Doc No. 56
Page No. 19
Book No. 1
Series of 2024

SWORN ATTESTATION

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

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

IN WITNESS WHEREOF, I have hereunto affixed my signature on APR 0 8 2024 in Ormoc City, Philippines.

DENNIS L. HIBAYA

SUBSCRIBED AND SWORN TO before me on APR 0 8 2024 in Ormoc City, Philippines.

ATTY. ARIEL S. BALTAZAR
Notary Public for the City of Ormoc
Municipalities of Kananga, Matag-ob,
Merida and Isabel
NC No. ORM-23-09-013-NC issued on 11/03/2023
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TIN: 400-275-868
(MCLE Exemption Per Memorandum No. 850, Sec. 34a)

Doc No. 57
Page No. 19
Book No. 1
Series of 2024

Danzon Law Office 4/8/24

DECLARATION OF REAL PROPERTY

(FILED UNDER PRESIDENTIAL DECREE NO. 464)

Owner: [illegible] Land

Administrator: _____ Address: _____

DESCRIPTION AND OTHER PARTICULARS OF PROPERTY

Location of Property: [illegible] (Number & Street) _____ Barangay/District _____ (Municipality/City/Province)

Certificate of Title No. [illegible] Cadastral Lot No. [illegible]

Boundaries: [illegible]

I (a) LAND (AGRICULTURAL/MINERAL)

OWNER'S DECLARATION			ASSESSOR'S FINDING				
Kind	Area	Value	Kind	Area	Class	Unit Value	Market Value
Bukid land	[illegible]	0,960.	Bukid land	[illegible]	[illegible]	[illegible]	P2,[illegible].40
Total	[illegible]	P [illegible]		[illegible]			P2,[illegible].40

I (b) PLANTS & TREES

OWNER'S DECLARATION			ASSESSOR'S FINDING			
Kind	Area	Value	Kind	No./Area	Unit Value	Market Value
			Market Value	100%		
			Adjustments:			
			(a) Along or no [illegible] frontage	[illegible] %		
			(b) [illegible] all [illegible] rd.	— %		
			(c) [illegible] [illegible] (pub)	— %		
			Total Adjustments	[illegible]		
			Adjusted Market Value	[illegible]		
			Total			P
			Total for land, plant and trees			P2,[illegible].40
Total			Actual value for land, plant and trees			P2,[illegible].40

CERTIFIED XEROX COPY

[illegible]

ENGR. VIRGINIO T. [illegible]

MUNICIPAL ASSESSOR

OR P.T. 24[illegible]

ISSUED ON 1-12-19

ISSUED AT [illegible]

II LAND (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, SPECIAL)

OWNER'S DECLARATION			ASSESSOR'S FINDING				
Kind	Area	Value	Kind	Area	Unit Value	Adjustments	Market Value

IMPORTANT: Issued for taxation purposes only and should not be considered as title to the property.

[illegible]

2. ASSESSOR'S FINDING

Description	Floor Area	Construction Materials: 1st Story	2nd Story	3rd Story	Roof	Market Value
						P
	Total					P

III (b) MACHINERY

1. OWNER'S DECLARATION

Description	Date of Operation	Original Cost	Depreciation	Market Value
				P
	Total			P

2. ASSESSOR'S FINDING

Description	Date of Operation	Replacement Cost	Depreciation	Market Value
				P
	Total			P

SWORN STATEMENT OF OWNER

Under the provisions of Presidential Decree No. 464, I HEREBY CERTIFY that the current and fair market value (x) of the foregoing described property of which I am the owner / administrator, is to the best of my knowledge and belief, as follows:

Land .... P [illegible]

Improvements .... P

TOTAL VALUE [illegible] .... P [illegible]

[illegible] hundred [illegible] pesos

(Signature)

TAN:

Subscribed and sworn to before me this [illegible] day of [illegible], 19[illegible], the person taking oath presenting Residence Certificate No. [illegible] Issued on Feb. 13, 19 76, at [illegible]

(Signature of official administering oath)

[illegible]

(Official Title)

(x) State in nearest multiple of 10 as P050 instead of P0.42; P1,000 instead of P1,001.

ASSESSMENT BY (CITY/PROVINCIAL ASSESSOR / BOARD OF ASSESSMENT APPEALS / CENTRAL BOARD OF ASSESSMENT APPEALS)

Kind of Property	Actual Use	Market Value	Assessment Level	Assessed Value
Agricultural [illegible]	[illegible]	P [illegible]	[illegible] %	P [illegible]
			%	
			%	
			%	
	Total	P [illegible]	Total	P [illegible]

TOTAL ASSESSED VALUE [illegible] P [illegible]

(Amount in words)

APPROVED:

(Provincial Assessor)

By:

(Deputy)

(Provincial Assessor)

Date:

This declaration cancels Tax No. [illegible] is cancelled by Tax No. ________

Tax under this declaration begins with the year 19[illegible]; ceases with the year ________

Entered in the real Property Assessment Roll for 19____ by [illegible]

Previous owner [illegible] Previous assessed value: Land P [illegible] Improvement P ________

MEMORANDA:

TAX DECLARATION OF REAL PROPERTY

D No. 21023-03532 Property Identification No. 044-21-023-20-059

NAME: JULIANA MARINE TIN

DDRESS: Tugbong, Kananga, Leyte TEL. NO.

dministrator/Beneficial User: TIN:

ddress: Tel. No.

ocation of Property: Tugbong, Kananga, Leyte
(Number of Street) Brgy./Dist (Municipality & Province/City)

OCT/TCT/CLOA No. T-45094 Survey No. PCS-19237

CT Lot No Lot 2, being a portion of the cons.

elated. Blk. No. Subd. Of lots 10184, 10186

oundaries:

North by Lot 4, 10185 South by 11830, 11831, Lot 1, Lot 3

East Lot 5, 10187 West

KIND OF PROPERTY ASSESSED:

☐ LAND ☐ MACHINERY
Brief Description

☐ BUILDINGS ☐ OTHERS
No. of storey. Specify
Brief Description

CERTIFIED XEROX COPY

ENGR. VIRGILIO T. TIU
MUNICIPAL ASSESSOR

ISSUED ON: 1-16-19

ISSUED AS Assessment

Classification	Area	Market Value	Actual Use	Level	Value
Agric land	1.0000	49,097.77	Sugarlg	40%	19,639.00
Total	1.0000	49,097.45			
	Total Sq. M	Php		Php	19,639.00

Amount in words: NINETEEN THOUSAND SIX HUNDRED THIRTY PESOS

RALIN B. BARUYA JR.
PROVINCIAL ASSESSOR

Effective of Assessment/Reassessment: 2011

APPROVED BY: ATTY RAFAEL M IRIARTE
Provincial Assessor

RECOMMENDED BY: ENGR. VIRGILIO T. TIU
Municipal Assessor/Senior Surveyor

This declaration cancels Tax No. 21023-03532 Owner: Marivic Mariano (Same) Previous Value: Php 19,639.00

Memoranda: Revision is hereby made to correct the name of the declared owner based on R.T. And extra judicial partition is hereto attached. Taxes paid up to the year 2011, per O.R.#0568543 dated 6/28/11 at Kananga, Leyte.

Note: This declaration is for real property taxation purposes only and the valuation indicated herein based on the schedule of unit market values prepared for the purpose and duly enacted into an Ordinance by the Sangguniang _____ under Ordinance No. _____ dated _____ 20____ it does not and cannot by itself alone confer any ownership or legal title to the property.

ANNEX B

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) Pcs-19337 being a portion of the consolidation-subdivision of Lots 10164 & 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. Codilla, 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. 21023-00836 (R13) declared in the name of Juliana Nahine. *Attached are the tax declaration and title of the property for your reference.*

With sincere thanks,

ENGR. VIRGILIO T. TIU
Municipal Assessor

Cc: LCE
File

Received by:
10/9/18

Annex C

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

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 (₱140.00/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.

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

ANNEX BB

Book 22

JUDICIAL FORM No. 109-D
(Revised September, 1954)

Page 53

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-19094

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

A parcel of land (Lot 2, (LRC) Pcs-19137, being a portion of the consolidation-subdivision survey of Lot 10156 and Lot 10165, both of the Cadastral Survey of Orion, L.R.C. Cad. Rec. 1795), situated in the Barrio of Sugcong, Municipality of Tanauan, 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 10165, Orion Cadastre; on the SE., along line 5-6 by Lot 5 of the consolidation-subdivision plan; along lines 6-7-8 by Lot 10165, on the SW., along line 8-9 by Lot 11630; on point 9 by Lot 11631, all Orion 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. 27' W., 395.67 m. from B.L.B.M. No. 205, Orion Cadastre, thence S. 160 deg.

is registered in accordance with the provisions of the Land Registration Act in the name of Juanita Lacing, of legal age, Filipino, Married to Celestino Potencio,

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 first lien in favor of the National Government to guarantee the payment of the special taxes assessed pursuant to the provisions of section 10 of Act 2711, as amended.

IT IS FURTHER CERTIFIED that said land was originally registered on the 19th 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 ---, as Original Certificate of Title No. 27282, pursuant to Decree No. 157772, issued in L.R.C. Cadastral Record No. 1795. 27282 & 27369

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

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

ATTEST:

MEMORANDUM OF ENCUMBRANCES

(When necessary use this page for the continuation of the technical description)

Form No. [illegible]

[illegible] 31° E., 87.23 m. to point 2; thence S. 46 deg. 37° E., 35.00 m. to point 3; thence S. 51 deg. 05° E., 22.05 m. to point 4; thence S. 12 deg. 00° E., 13.36 m. to point 5; thence S. 3 deg. 24° W., 65.06 m. to point 6; thence S. 77 deg. 36° W., 7.09 m. to point 7; thence S. 35 deg. 33° W., 18.96 m. to point 8; thence N. 39 deg. 02° E., 31.40 deg. 40° W., 100.50 m. to point 9; thence N. 51 deg. 43° W., 94.06 m. to point 10; thence N. 33 deg. 42° E., 27.72 m. to point of beginning; containing an area of ten thousand (10,000) Square Meters, more or less. All points referred to are indicated on the plan and are marked on the ground as follows: Points 2, 3, 4, 7 and 8 by dia Points and the rest by P.S. Cyl. Conc. Mons. 15 x 60 cms; Bearings true; date of Original survey, August 1925 & June 1935 and that of the consolidation survey, May 15 and 21, 1975.

- - - - - - - - - - - - - - - - - -

E. E. No. 1565-Det. 27282 & 27365- [illegible] - To credi-
tors, heirs or other persons who might be unlawfully deprived of
his shares or participations in the estate of the deceased spouses
Eleuterio Molina and Victorina Alima, as summarily settled, within
a period of two years in accordance with sec. 4, Rule 74 of the
Rules of Court.

Date of Instrument - March 25, 1976;
Date of Inscription - April 4, 1976, at 9:40 A.M.

[signature]
[illegible] A. GARCIA, JR.
Acting Register of Deeds

E. C. No. 4208 - Lessee - [illegible] - In favor of [illegible] for the use
for a period of three (3) years at a rental of [illegible] per the unexpired
period of the lease. Other conditions not [illegible] Doc. No. 378 Page No.
76 Book No. VI of the Notarial Register of [illegible]

Date of Instrument - - - - - December 17, 1975
Date of Inscription - - - - - May 5, 1976, at [illegible] P. M.

[signature]
[illegible] ANGELINA V. ESTRADA
Assistant Register of Deeds

(Memorandum of Encumbrances continued on Page _____-B)
(Technical Description continued on Additional Sheet _____ Page _____)

Register of Deeds

Exhibit 10

5/15/2024

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

SABENIANO BIGNAY,
Complainant,

- versus -

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

x----------x

Admin Case No. K-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~~,

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).

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

Purpose:

To prove that the witness **Atty. ALLAN CASTRO**, is the Sangguniang Bayan Secretary of the Municipality of Kananga, Leyte since January 16, 2006 up to the present.

To prove that on September 10 2018, the Sangguniang Bayan of the Municipality of Kananga, Leyte under the former Vice Mayor Elmer Codilla

PD 957
BP 220

passed a Supplemental Ordinance No. 21L.18-048, Series of 2018 which budgeted an amount for the purchase of the land subject of the instant case.

To prove that 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 the same parcel of land intended for Barangay Site of Barangay Tugbong Kananga, Leyte.

To prove that 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 intended as Barangay site of Barangay Tugbong, not as Relocation Site.

He will testify relevant matters and identify relevant documents.

JUDICIAL AFFIDAVIT

I, **Atty. ALLAN CASTRO**, of legal age, Filipino, married and a resident of Poblacion, Kananga, Leyte, and presently Sangguniang Bayan Secretary of the Municipality of Kananga, after having been duly sworn to in accordance with law, hereby deposes and states as follows:

Q1: Mr. witness, you mentioned that you are the Sangguniang Bayan Secretary of the Municipality of Kananga, since when have you commenced your tenure as the Sangguniang Bayan Secretary of the Municipality of Kananga?

A: Since year January 16, 2006 up to the present.

Q2: Are you familiar with this instant case filed by Sabeniano Bignay against defendants Leah O. Empleo Emerita P. Lacno and Jerry P. Empleo?

A: Yes, because in my capacity as the Sangguniang Bayan Secretary of the Municipality of Kananga, I safe keep the official documents passed by the Sangguniang Bayan of the Municipality of Kananga. The parcel of land subject of the instant case was also the subject of the Resolution and Ordinances previously passed by the Sangguniang Bayan Municipality of Kananga.

Q3: What in particular are the documents official passed by the Sangguniang Bayan of the Municipality of Kananga which pertains to the land subject of the instant case?

A: On September 10 2018, the Sangguniang Bayan of the Municipality of Kananga, Leyte 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 the land subject of the instant case.

Q4: I have a copy of Supplemental Ordinance No. 21L.18-048, Series of 2018 marked as **Exhibit GG**, are you referring to this document?

A: Yes, Atty.

Q5: After Supplemental Ordinance No. 21L.18-048, Series of 2018 was passed by Sangguniang Bayan of the Municipality of Kananga, was there another document passed by the same body which pertains to the property subject of the same case?

A: Yes, 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 same parcel of land.

Q6: I have a copy of Sangguniang Bayan Resolution No. 21R.18-523, Series of 2018 marked as **Exhibit D**. Are you referring to this document?

A: Yes, Atty.

Q7: After the said SB Resolution authorizing the former Mayor to purchase said land, what else did the previous Sannguniang Bayan do pertaining to said land?

A: 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.

Q8: I have a copy of Sangguniang Bayan Resolution 21R.19-629 series of 2019 marked as **Exhibit I**. Are you referring to this document?

A: Yes, Atty

Q9: What in particular is the property indicated in the Ordinance/Resolutions you previously mentioned?

A: The property indicated in the said Ordinance and/or Resolutions that I mentioned, refers to 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 located in Brgy. Tugbong, Kananga, Leyte covered by TCT No. T-15094.

Q10: In the Resolutions passed by the Sangguniang Bayan of the Municipality of Kananga that you mentioned earlier, what was the purpose of the subject land?

A: The Resolutions passed by the Sangguniang Bayan of the Municipality of Kananga expressly stated that the procured property was intended as Barangay Site of Barangay Tugbong.

Q11: I have no further questions. Do you have anything else to add or amend in your statement?
A: None for the moment.

2. I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Bayan (SB), Municipality of Kananga, in lieu of my direct testimony in a case docketed as Admin. Case No. K-ADM-2023-002 **SABENIANO BIGNAY, complainant,** vs. **LEAH O. EMPLEO, EMERITA P. LACNO and JERRY P. EMPLEO, defendants.**

3. I further sayeth naught.

IN WITNESS WHEREOF, I have hereunto affixed my signature this MAY 15 2024 in Ormoc City, Philippines.

Atty. ALLAN CASTRO
Affiant/Witness

SUBSCRIBED AND SWORN TO before me this MAY 15 2024 in Ormoc City, Philippines.

232
48
2024

SWORN ATTESTATION

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

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

IN WITNESS WHEREOF, I have hereunto affixed my signature on MAY 15 2024 in Ormoc City, Philippines.

DENNIS L. HIBAYA

SUBSCRIBED AND SWORN TO before me on MAY 15 2024 in Ormoc City, Philippines.

ATTY. ARIEL S. BALTAZAR
Notary Public for the City of Ormoc
Municipalities of [illegible], Matag-ob,
[illegible]
NC No. C-RM-23 (or CBLNC issued on 11/03/2023
Valid until December 31, 2024,
PTR No. 787 850, 01/02/2024, Ormoc City
IBP No. 361277, 01/02/2024, Leyte
Roll of Attorney No. 76594
TIN: 400-275-868
MCLE Exemption Bar Matter No. 850, Sec. 3 (a)

72
17
2024

Bamoon Law Office - 5-15-24

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

Sangguniang Bayan of Kananga

21st SANGGUNIANG BAYAN

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

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

ORDINANCE NO. 21L.18-048
(Series of 2018)

AN ORDINANCE APPROPRIATING THE SUM OF SIXTY SIX MILLION FOUR HUNDRED TWENTY TWO THOUSAND ONE HUNDRED SEVENTY FOUR PESOS AND 1/100 (P66,422,174.01) EMBODIED UNDER SUPPLEMENTAL BUDGET NO. 2 CY 2018 FOR THE CONTINUED OPERATION OF THE MUNICIPAL GOVERNMENT OF KANANGA, LEYTE FOR THE PERIOD FROM JANUARY 1 TO DECEMBER 31, YEAR 2018, AND FOR OTHER PURPOSES.

WHEREAS, the Local Chief Executive, in pursuance of the provision of Section 444 (3) (ii) of Republic Act No. 7160, has caused the preparation of Supplemental Budget No. 02 outlining therein the Budgetary Requirements for the continued delivery of basic services, facilities, other functions of the Local Government under Section 17 of the said Code;

WHEREAS, the Sangguniang Bayan through the Committee on Budget and Finance, in the exercise of its power under the Local Government Code, has considered the proposed Supplemental Budget, reviewed evaluated and recommended the approval of the ordinance embodying the proposed appropriation for the Supplemental Budget No. 02 for Calendar Year 2018.

NOWTHEREFORE, considering the above cited premises; be it enacted by the 21st Sangguniang Bayan of Kananga, Leyte on a regular session duly assembled on this 10th day of September 2018 and upon motion of SB Member Procesa T. Baguio, seconded by SB Member Capanas, to wit:

Section 1. *Appropriation of Funds* – It is hereby appropriated the sum of Sixty Six Million Four Hundred Twenty Two Thousand One Hundred Seventy Four Pesos and 1/100 (P66,422,174.01).

Section 2. *Source of Funds* – Savings from the Retained Earnings as of December 31, 2017.

Section 3. Object of Expenditures with the corresponding amount herein below enumerated:

Implementing Office	Particulars/Purpose	Object of Expenditures	Amount
Municipal Mayor's Office 1011	**Personal Services (100)**		
	Salaries & Wages - Casual	PS	₱ 227,016.00
	Personnel Economic Relief Allowance (PERA)	PS	48,000.00
	Clothing/Uniform Allowance	PS	37,000.00
	Productivity Incentive Allowance(PEI)	PS	15,000.00
	Year End Bonus	PS	18,918.00
	Cash Gift	PS	10,000.00
	Pag-IBIG Contributions	PS	2,400.00
	PhilHealth Contributions	PS	30,000.00
	Terminal Leave Benefits	PS	250,000.00
	Sub-total		₱ 638,334.00
	Maintenance and Other Operating Expenses		
	Electricity Expenses	MOOE	₱ 3,000,000.00
	Other Maintenance & Operating Expenses	MOOE	2,000,000.00
	Socio-Cultural Activities	MOOE	600,000.00
	Honorarium of BHW and BNS	MOOE	150,000.00
	PLEB		
	Sub-total		₱ 5,750,000.00
	Capital Outlay		
	Procurement of Two (2) Unit Dump Truck	C.O	₱ 4,650,000.00
	Procurement of One (1) Unit Vehicle (Pick-up)	C.O	1,350,000.00
	Land (Survey, Titling etc.)	C.O	263,000.00
	Procurement and Installation of CCTV	C.O	300,000.00
	Procurement and Installation of Sound System	C.O	50,000.00
	Procurement of Lot @ Brgy. Natubgan, Kananga, Leyte	C.O	1,000,000.00
	Procurement of Lot @ Brgy. Tugbong, Kananga, Leyte	C.O	1,400,000.00
	Procurement of Rescue Vehicle Brgy. Tongonan, Kananga, Leyte	C.O	1,390,000.00
	Procurement of Stainless Municipal Logo Signage	C.O	35,000.00
	Sub-total		₱ 10,438,000.00
Municipal Vice-Mayor's Office 1021	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 27,000.00
	Philhealth Contributions	PS	11,000.00
	Sub-total		₱ 38,000.00
	Maintenance and Other Operating Expenses		
	Travelling Expenses	MOOE	₱ 400,000.00
	Sub-total		₱ 400,000.00
	Capital Outlay		
	Furniture and Fixture	C.O	₱ 90,000.00
	Sub-total		₱ 90,000.00
Sangguniang Bayan Secretary's Office 1022	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 4,000.00
	Sub-total		₱ 4,000.00
	Capital Outlay		
	Procurement of 1 unit Desktop Computer	C.O	₱ 80,000.00
	Procurement of 2 units Computer Tables	C.O	10,000.00
	Sub-total		₱ 90,000.00
Municipal Planning and	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 7,000.00

Development Office	Sub-total		₱ 7,000.00
Local Civil Registrar's Office 1051	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 6,000.00
	Sub-total		₱ 6,000.00
	Maintenance and other Operating Expenses		
	Office Supplies Expenses	MOOE	₱ 7,000.00
	Sub-total		₱ 7,000.00
Municipal General Services Office 1061	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 29,000.00
	Philhealth Contributions	PS	2,000.00
	Sub-total		₱ 31,000.00
	Capital Outlay		
	Procurement of 2 units Aircondition	C.O	₱ 100,000.00
Municipal Budget Office 1071	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 3,000.00
	Philhealth Contributions	PS	1,600.00
	Sub-total		₱ 4,600.00
	Capital Outlay		
	Procurement of 1 unit Aircondition	C.O	₱ 35,000.00
Municipal Accounting Office 1081	**Personal Services (100)**		
	Salaries & Wages - Casual	PS	₱ 23,100.00
	Clothing/Uniform Allowance	PS	17,000.00
	Year End Bonus	PS	3,500.00
	Philhealth Contributions	PS	1,500.00
	Sub-total		₱ 45,100.00
	Maintenance and other Operating Expenses		
	Office Supplies Expenses	MOOE	₱ 65,000.00
	Sub-total		₱ 65,000.00
	Capital Outlay		
	Procurement of One (1) unit Heavy Duty Digital Full Color Copier	C.O	₱ 330,000.00
	Procurement of Heavy Duty Electronic Stapler	C.O	21,600.00
	Sub-total		₱ 351,600.00
Municipal Treasurer's Office 1091	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 11,000.00
	Philhealth Contributions	PS	1,700.00
	Sub-total		₱ 12,700.00
	Capital Outlay		
	Procurement of One (1) unit Water Dispenser	C.O	₱ 10,000.00
	Sub-total		₱ 10,000.00
Municipal Assessor's Office 1101	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 6,000.00
	Philhealth Contributions	PS	1,000.00
	Sub-total		₱ 7,000.00
Municipal Administrator Office	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 5,000.00
	Sub-total		₱ 5,000.00

Municipal Health Office 4411	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 22,000.00
	Philhealth Contributions	PS	1,000.00
	Sub-total		₱ 23,000.00
	Maintenance and Other Operating Expenses		
	Drugs and Medicines Expenses	MOOE	₱ 3,000.00
	Sub-total		₱ 3,000.00
Kananga Municipal Hospital 4422	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 19,000.00
	Sub-total		₱ 19,000.00
Municipal Agriculture Office 8711	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 7,000.00
	Philhealth Contributions	PS	1,000.00
	Sub-total		₱ 8,000.00
Municipal Engineering Office 8751	**Personal Services (100)**		
	Salaries & Wages - Regular	PS	₱ 38,718.00
	Personnel Economic Relief Allowance (PERA)	PS	6,000.00
	Clothing/Uniform Allowance	PS	21,000.00
	Year End Bonus	PS	12,906.00
	Cash Gift	PS	5,000.00
	Retirement and Life Insurance Contribution	PS	4,900.00
	Pag-IBIG Contributions	PS	300.00
	Philhealth Contributions	PS	3,000.00
	Sub-total		₱ 91,824.00
	Capital Outlay		
	Construction of Tombs	C.O	₱ 1,000,000.00
	Repair & Improvement of Buildings	C.O	1,000,000.00
	Construction of Footbridge @ Sitio Codilla Brgy. Rizal, Kananga, Leyte	C.O	650,000.00
	Construction of Open Court/Sports Facility @ Sitio Cogay, Brgy. Rizal, Kananga, Leyte	C.O	760,047.89
	Road Concreting @ New Site, Brgy. Rizal	C.O	563,517.00
	Road Concreting @ Brgy. Proper, Brgy. Montebello, Kananga, Leyte	C.O	1,000,000.00
	Construction of Footbridge @Zone Jupiter, Brgy. Montebello, Kananga, Leyte	C.O	500,000.00
	Construction of Riprap/Slope Protection @ Sitio Boski 1, Brgy. San Isidro, Kananga Leyte	C.O	335,752.51
	Construction of Access Road to Brgy. Hall, Brgy. San Isidro, Kananga, Leyte	C.O	582,574.00
	Road Concreting @ OCCCI, Brgy. Libongao, Kananga, Leyte	C.O	844,026.00
	1.2 KM. Road Surfacing @ Sitio Busay to Sitio Bana-ao, Brgy. Libongao, Kananga,Leyte	C.O	2,166,761.00
	Construction of Pathway @ Sitio Buga, Brgy. Libertad, Kananga, Leyte	C.O	127,146.94
	Construction of Footbridge @ Sitio Laray, Brgy. Libertad, Kananga, Leyte	C.O	450,000.00
	Road Concreting @ Brgy. Site, Brgy. Libertad, Kananga, Leyte	C.O	916,152.00
	Road Concreting to Brgy. Hall @ Sitio Pikas, Brgy. Tagaytay, Kananga, Leyte	C.O	535,460.00
	Tire Path @ Sitio Camborja Brgy. Tagaytay, Kananga, Leyte	C.O	900,000.00
	Road Concreting @ Sitio Valencia,	C.O	1,290,148.90

	Brgy. Cacao, Kananga, Leyte	C.O	559,657.00
	Road Concreting @ Brgy. Cacao (IOM),Kananga	C.O	840,025.84
	Construction of Pathway @ Sitio Estrada Curva & Talisay, Brgy. Kawayan, Kananga	C.O	250,000.00
	Construction of Tanod Outpost @ Brgy. Kawayan, Kananga, Leyte	C.O	893,224.90
	Construction of Open Court Sports Facility @ Brgy. Hiloctogan, Kananga, Leyte	C.O	804,304.03
	Construction of Tirepath @# Sitio Pikas Brgy. Hiloctogan, Kananga, Leyte	C.O	800,000.00
	Construction of Open Court Sports Facility @ Brgy. Natubgan, Kananga, Leyte.	C.O	720,000.00
	Road Concreting at Sitio Laray Brgy. Naghalin, Kananga, Leyte	C.O	500,000.00
	Road Concreting going to Sitio Canlutao, Brgy. Naghalin, Kananga, Leyte	C.O	800,000.00
	Repair Renovation of Barangay Hall @ Brgy. Tugbong, Kananga, Leyte	C.O	1,361,638.00
	Construction of Tire Path @ Sitio Mahogany-Anagasi, Brgy. Montealegre	C.O	700,000.00
	Riprap @ Brgy. Hall, Brgy. Lim-ao, Kananga	C.O	427,730.00
	Concrete Topping of Basketball Court @ Brgy. Sto. Domingo, Kanang, Leyte	C.O	3,500,000.00
	Road Concreting going to Dumpsite @ Poblacion, Kananga, Leyte	C.O	705,600.00
	Flood Control @ Zone IV, Brgy. Lonoy Kananga, Leyte (Counterpart)	C.O	716,100.00
	Construction of Concrete Box Culvert Brgy. Lonoy, Kananga, Leyte	C.O	500,000.00
	Construction of Steel Foot Bridge Brgy. Lonoy, Kananga, Leyte	C.O	264,150.00
	Replace of Damage Cross Drainage & Concrete Pavement @ Zone VI, Brgy. Lonoy	C.O	500,000.00
	Road Concreting at Sitio San Agustin, Brgy. Poblacion, Kananga, Leyte	C.O	150,000.00
	Repair and Improvement of Conventional Boiler	C.O	15,000,000.00
	Improvement of Water System Municipalwide	C.O	171,000.00
	Construction of MRF @ Sitio Napagasan, Brgy. Poblacion, Kananga, Leyte (Counterpart)	C.O	300,000.00
	Construction of Municipal Boundary Welcome Signage		
	Sub-total		₱ 44,085,016.01
Kananga Municipal Waterworks System	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 13,000.00
	Philhealth Contributions	PS	1,000.00
	Sub-total		₱ 14,000.00
Public Market 8811	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 2,000.00
	Philhealth Contributions	PS	1,000.00
	Sub-total		₱ 3,000.00
Municipal Slaughterhouse 8812	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 4,000.00
	Philhealth Contributions	PS	500.00
	Sub-total		₱ 4,500.00
Mun. Business Permit Licensing Office	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 1,000.00
	Philhealth Contributions	PS	500.00
	Sub-total		₱ 1,500.00

Mun. Social Development Office	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 4,000.00
	Philhealth Contributions	PS	500.00
	Sub-total		₱ 4,500.00
	Maintenance and Other Operating Expenses		
	Donations-DSWD Program (AICS)	MOOE	₱ 1,000,000.00
Human Resources & Management Office	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 3,000.00
	Philhealth Contributions	PS	500.00
	Sub-total		₱ 3,500.00
Mun. Circuit Trial Court	**Maintenance and Other Operating Expenses**		
	Other Professional Services	MOOE	₱ 18,000.00
Mun. Disaster Risk Reduction & Management Office	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 10,000.00
	Philhealth Contributions	PS	
	Sub-total		₱ 10,000.00
Mun. Livelihood & Cooperative Office	**Personal Services (100)**		
	Clothing/Uniform Allowance	PS	₱ 1,000.00
	Philhealth Contributions	PS	
	Sub-total		₱ 1,000.00
TOTAL APPROPRIATION			**₱ 66,422,174.01**

Section 4. Expenditure Component – Except by act of the Sangguniang Bayan, no changes or modification shall be made on the expenditure items authorized in the ordinance as detailed in the LBP Form 9 duly signed by the Municipal Budget Officer and the Local Chief Executive.

Any changes or modifications in the expenditure items in violation of this shall subject the erring official or employee to appropriate criminal and administrative sanctions as maybe provided under existing laws.

Section 5. Use of Savings and Augmentation. In accordance with Section 336 of Republic Act No. 7160, the Local Government Code of 1991, the Municipal Mayor and the Presiding Officer of the Sagguniang Bayan are authorized to augment any item in the approved annual budget for their respective offices from savings in other items within the same expense class of their respective appropriations.

For this purpose, "savings" refer to portions or balances of any programmed appropriation free from any obligation or encumbrance still available after the satisfactory completion or the unavoidable discontinuance or abandonment of the work, activity or purpose for which the appropriation is authorized or arising from unpaid compensation and related costs pertaining to vacant positions and leaves of absences without pay.

"Augmentation" implies the existence in the budget of an item, project or activity or purpose with an appropriation which, upon implementation or subsequent evaluation of needed resources, is determined to be deficient.

Section 6. Separability Clause – If, for any reason, any item of expenditure appropriated in this ordinance is declared unlawful nor invalid, other items of the appropriations which are not otherwise affected shall continue in full force and effect.

Section 7. Effectivity Clause – This Ordinance shall take effect upon approval.

UNANIMOUSLY APPROVED.

APPROVED BY THE SANGGUNIANG BAYAN OF KANANGA AT ITS REGULAR SESSION ON SEPTEMBER 10, 2018.

AYES : (09)
NAYS : (0)

HON. MACARIO V. LUMANGTAD, JR.
Sangguniang Bayan Member/ Floor Leader

HON. RESURRECCION C. CAPANAS
Sangguniang Bayan Member/Asst. Floor Leader

HON. MARCIANO L. NAHINE
Sangguniang Bayan Member

HON. LORENZO M. ASEO
Sangguniang Bayan Member

HON. EDITA P. LACNO
Sangguniang Bayan Member

HON. PROCESA T. BAGUIO
Sangguniang Bayan Member

HON. MARIQUITA C. SANCHEZ
Sangguniang Bayan Member

HON. EDWARD C. CAMPOS
Sangguniang Bayan Member

(on official travel)
HON. NILO GONZAGA
ABC President, Ex-Officio Member

HON. JEFFSBOR G. CUIZON
SK Fed. President, Ex-Officio Member

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

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

9/18/18
(Date)

EXHIBIT I

5-15-2024

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

Sangguniang Bayan of Kananga

21ST 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. Nabina	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 Jeffsber G. Cuizon	SK Fed. Pres. /Ex-officio Member

RESOLUTION NO. 21R.19-329
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, that 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-15694 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 aforementioned Resolution.

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

ATTESTED:

ELMER C. CODILLA
Vice Mayor/Presiding Officer

APPROVED:

ROWENA N. CODILLA
Municipal Mayor
5/20/19
(Date)

EXHIBIT D

12-15-224

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

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 Jeffsber G. Cuizon	SK Fed. Pres. /Ex-officio Member

RESOLUTION NO. 21R.18-523
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 aforequoted 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)

Exhibit 11

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

5/8/2024 4:25 pm

SABENIANO BIGNAY,
Complainant,

- versus -

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

x----------x

Admin Case No. K-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,

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).

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

Purpose:

To prove that the witness **Atty. ADELITO M. SOLIBAGA, JR.** is the Municipal Legal Officer-Designate of the Municipality of Kananga, Leyte since May 5, 2021 up to the present.

To prove that on August 24, 2023, the Municipal Mayor Hon. Manuel M. Torres, sent a Formal Notice of Revocation/ Cancellation of Deed of

Donati on and Demand to Vacate addressed to the defendant Leah Empleo through the Municipal Legal Officer-designate.

To prove further that the demand to vacate and to demolish the improvements was not heeded by the identified occupants. He will testify relevant matters and identify relevant documents.

JUDICIAL AFFIDAVIT

I, **Atty. ADELITO M. SOLIBAGA, JR.**, of legal age, Filipino, married and a resident of Brgy. Lonoy, Kananga, Leyte, and presently the Municipal Legal Officer-Designate of the Local Government Unit of Kananga, Leyte, after having been duly sworn to in accordance with law, hereby deposes and states as follows:

Q1: Mr. witness, you mentioned that you are the Municipal Legal Officer-Designate of the Municipality of Kananga, Leyte, since when have you commenced your tenure as the Municipal Legal Officer-Designate of the Municipality of Kananga, Leyte?

A: Since May 5, 2021 up to the present.

Q2: Are you familiar with this instant case filed by Sabeniano Bignay against defendants Leah O. Empleo, Emerita P. Lacno and Jerry P. Empleo?

A: Yes, because in my capacity as the Municipal Legal Officer-Designate of the Municipality of Kananga, Leyte, I formally demanded the identified occupants of the land subject of the instant case to vacate and to demolish all improvements found thereon. I also sent Formal Notice of Revocation/Cancellation of Deed of Donation and Demand to Vacate to the Punong Barangay of said Barangay who is one of the respondents in this case.

Q3: What in particular is the property indicated your demand letter?

A: The property indicated in the demand letter refers to 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 located in Brgy. Tugbong Kananga, Leyte covered by TCT No. T-15094.

Q4: What was the reason for issuing to the identified occupants of the area, the demand to vacate and to demolish and Notice of Revocation/Cancellation of Deed of Donation and Demand to Vacate that you sent to the Punong Barangay?

A: As stated in the demand letter, the Committee of the Whole of the present SB conducted an investigation and 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 prevailing laws;
b. The deed of donation executed by Rowena Codilla went 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 was 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 Sangguiniang Barangay who accepted and actually introduced improvements thereon without legal basis.

Q5: You mentioned that you sent notice demand letters, who are these individuals who were served with demand letters?

A: The following persons were identified as the area's occupants and were served with the demand letter:

a. Alejandro Nadonza
b. Kieven Wenceslao
c. Danilo Guisando
d. Marian Rafolz
e. Danilo Rafolz
f. Florabelle Cabalejo
g. Mercidita Dasal
h. Amy Abilong
i. Analyn Moana

Q6: I have with me a copy of demand letter dated September 4, 2023 addressed to the persons you have identified earlier and marked as **Exhibits M** to **Exhibit V**, are you referring to these documents?

A: Yes, I am.

Q7: After the demand letter were sent to the identified occupants, what happened next?

A: The demand to vacate and to demolish the improvements was not heeded by the occupants.

Q8: I have no further questions. Do you have anything else to add or amend in your statement?

A: None for the moment.

2. I have executed this Judicial Affidavit to attest to the truth of the foregoing, the same to be submitted to the Sangguniang Bayan (SB), Municipality of Kananga, in lieu of my direct testimony in a case docketed as Admin. Case No. K-ADM-2023-002 **SABENIANO BIGNAY, complainant,** vs. **LEAH O. EMPLEO, EMERITA P. LACNO and JERRY P. EMPLEO, defendants.**

3. I further sayeth naught.

IN WITNESS WHEREOF, I have hereunto affixed my signature this MAY 0 8 2024 in Ormoc City, Philippines.

Atty. ADELITO M. SOLIBAGA, JR
Affiant/Witness

SUBSCRIBED AND SWORN TO before me this MAY 0 8 2024 in Ormoc City, Philippines.

ATTY. DENNIS L. HIBAYA
Notary Public for the City of Ormoc
Municipalities of Kananga, Matag-ob,
Merida and Isabel
NC No. ORM-23-12-020-NC issued on 12/18/2023
Valid until December 31, 2025
PTR No. 7872858, 01/02/2024
IBP No. 381434, 12/29/2023
Roll of Attorney No. 76903
TIN: 922-429-340
MCLE Exemption No. 850, Sec. 3 (e)

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Page No. 42
Book No. II
Series of 2024

SWORN ATTESTATION

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

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

IN WITNESS WHEREOF, I have hereunto affixed my signature on MAY 0 8 2024 in Ormoc City, Philippines.

DENNIS L. HIBAYA

SUBSCRIBED AND SWORN TO before me on MAY 0 8 2024 in Ormoc City, Philippines.

ATTY. ARIEL S. BALTAZAR
Notary Public for the City of Ormoc
Municipalities of Kananga, Matag-ob,
Merida and Isabel
NC No. ORM-23-09-013-NC issued on 11/03/2023
Valid until December 31, 2024.
PTR No. 7872858, 01/02/2024, Ormoc City
IBP No. 351277, 01/02/2024, Leyte
Roll of Attorney No. 76594
TIN: 400-275-868
MCLE Exemption Per Motion No. 850, Sec. 3 (e)

Doc. No. 71
Page No. 17
Book No. I
Series of 2024

Solibaga Law Office - JR 5-8-24

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 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 21st 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.

ALEJANDRO

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 inconformity 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

ANNEX C

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 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 21st 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.

KIEVEN WENCESLAO

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 inconformity 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

AMCX F

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 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 21st 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.

KANANGA

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 inconformity 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.
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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

Annex Q

REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF KANANGA

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

September 4, 2023

Mr. Marian Rafolz
Barangay Tubgong,
Kananga, Leyte

Subject: Demand to Vacate

Dear Mrs. 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 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.

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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**.
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5. On **September 10, 2018**, the 21st 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.

KANANGA

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**.
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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

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 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 21st 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.

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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 inconformity 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

Annex 5

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 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.

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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 21st 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.

Florabel M. Cabalejo
FLORABEL M. CABALEJO

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 inconformity 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**.
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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

Annex T

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 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:

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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**.

RECEIVED
BY:
DATE: 9/4/23

5. On **September 10, 2018**, the 21st 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**.
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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.
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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.

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Respectfully yours,

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

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.

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Amy Z. Abilong
9/4/2023

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Municipal Legal Officer-designate

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!

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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

Republic of the Philippines
Department of Justice
NATIONAL PROSECUTION SERVICE
REGIONAL PROSECUTION OFFICE VIII
Bulwagan ng Katarungan, Tacloban City
Tel. No. (053) 832-2988

BAGONG PILIPINAS

Exhibit 12

THE MUNICIPALITY OF KANANGA, LEYTE,
represented by Mayor Manuel Vicente M. Torres,
Complainant-Appellant,

NPS NO. VIII-02g-INV-23J-00109

For: Illegal Use of Public Funds or Property (Violation of Article 220 of the Revised Penal Code)

- versus -

LEAH O. EMPLEO, EMERITA P. LACNO,
BEATRIZ C. NAHINE, ALIPIO C. CABALEJO, JR.,
GERARDO D. ODAN, JERRY P. EMPLEO,
ELMER S. RUADO and ROWENA N. CODILLA
Respondent-Appellees.

Date Assigned: June 10, 2024
Date Resolved: June 18, 2024 Promulgated: 07 AUG 2024
x----------x

RESOLUTION

This resolves the petition for review of the Resolution on Motion for Reconsideration of the Provincial Prosecutor of Leyte dismissing the above-entitled complaint, for lack of probable cause.

Records show that one of the respondent-appellees, Rowena N. Codilla, is a former Municipal Mayor of Kananga, Leyte. She is being charged in connection with performance of duties while still Mayor, which position has a salary grade of 27, making the complaint Sandiganbayan cognizable.

After evaluation of the petition and its attachment, it appears to us that the assailed resolution has been promulgated without authority from the relevant Office of the Ombudsman (OMB).

In *Honasan II vs. Panel of Investigating Prosecutors,*[1] the Supreme Court, citing Sections 2 and 4, Rule 112 of the Revised Rules on Criminal Procedure (RRCP), held:

> *[RRCP] confirm the authority of the DOJ prosecutors to conduct preliminary investigation of criminal complaints filed with them for offenses cognizable by the proper court within their respective territorial jurisdictions, including those offenses which come within the original jurisdiction of the Sandiganbayan; but with the qualification that in offenses falling within the original jurisdiction of the Sandiganbayan,* ***the prosecutor shall, after their investigation, transmit the records and their resolutions to the Ombudsman or his deputy for appropriate action. Also, the prosecutor cannot dismiss the complaint without the prior written authority of the Ombudsman or his deputy, nor can the prosecutor file an Information with the Sandiganbayan without being deputized by, and without prior written authority of the Ombudsman or his deputy.*** *(Emphasis in Original)*

It is clear in *Honasan II* that while OMB and Department of Justice (DOJ) have concurrent jurisdiction, for offenses falling within the original jurisdiction of the Sandiganbayan, the procedure in Section 4 of the RRCP is that the investigating DOJ Prosecutor "shall" transmit the record of the case and his resolution to the Ombudsman or his deputy for appropriate action. And in paragraph 3 Section 4 of the RRCP, the prosecutor cannot dismiss the complaint without the prior written authority of the Ombudsman or his deputy.

The pertinent section of Rule 112 of the RRCP reads:

> *SEC. 4. Resolution of investigating prosecutor and its review. - If the investigating prosecutor finds cause to hold the respondent for trial, he shall prepare the resolution and information, He shall certify under oath in the information that he, or as shown by the record, an authorized officer, has personally examined the complainant and his witnesses; that there is reasonable ground to believe that a crime has been committed and that the accused is probably guilty thereof; that the accused was informed of the complaint and of the evidence submitted against him; and that he was given an opportunity to submit controverting evidence. Otherwise, he shall recommend the dismissal of the complaint.*
>
> ***Within five (5) days from his resolution, he shall forward the record of the case to the provincial or city prosecutor or chief state prosecutor, or to the Ombudsman or his deputy in cases of offenses cognizable by the Sandiganbayan in the exercise of its original jurisdiction. They shall act on the resolution within ten (10) days from their receipt thereof and shall immediately inform the parties of such action.***

[1] G.R. No. 159747, April 13, 2004

No complaint or information may be filed or dismissed by an investigating prosecutor without the prior written authority or approval of the provincial or city prosecutor or *chief state prosecutor or the Ombudsman or his deputy.*

Where the investigating prosecutor recommends the dismissal of the complaint but his recommendation is disapproved by the provincial or city prosecutor or chief state prosecutor or the Ombudsman or his deputy on the ground that a probable cause exists, the latter may, by himself file the information against the respondent, or direct another assistant prosecutor or state prosecutor to do so without conducting another preliminary investigation.

If upon petition by a proper party under such rules as the Department of Justice may prescribe or motu proprio, the Secretary of Justice reverses or modifies the resolution of the provincial or city prosecutor or chief state prosecutor, he shall direct the prosecutor concerned either to file the corresponding information without conducting another preliminary investigation, or to dismiss or move for dismissal of the complaint or information with notice to the parties. The same Rule shall apply in preliminary investigations conducted by the officers of the Office of the Ombudsman. (Emphasis supplied)

Moreover, OMB has primary jurisdiction over cases falling within the jurisdiction of the Sandiganbayan, and it may take over those cases at any stage of the investigation. OMB asserted this primary jurisdiction in its Memorandum of Agreement (MOA) with DOJ dated 29th March 2012. And in recognition of the OMB's primary jurisdiction, the DOJ committed in the aforesaid MOA, as follows:

1. *The OMB has primary jurisdiction in the conduct of preliminary investigation and inquest proceedings over complaints for crimes cognizable by the Sandiganbayan.*
2. *If, upon the filing of a complaint, the prosecution office of the DOJ determines that the same is for a crime falling under the exclusive jurisdiction of the Sandiganbayan, it shall advise the complainant to file it directly with the OMB: Provided, That in case a prosecution office of the DOJ receives a complaint that is cognizable by the Sandiganbayan, it shall immediately endorse the same to the OMB. Provided further, That in case where there are multiple respondents in a single complaint and at least one respondents falls within the jurisdiction of the Sandiganbayan, the entire records of the complaint shall be endorsed to the OMB.*

Apparently, a crucial step in the investigation has been overlooked by the office a quo — it failed to transmit the records of the complaint and the assailed resolution to the Ombudsman or his deputy, for appropriate action.

Thus, going by the aforecited mandatory provisions of the RRCP, and the OMB-DOJ MOA, the assailed resolution is unauthorized, and has no force and effect.

At this instance, the complainant-appellant's remedy against the assailed resolution has not yet ripen, making the subject petition premature.

WHEREFORE, the foregoing considered, the petition is hereby **DISMISSED,** for being **PREMATURE**. The office a quo is hereby directed to comply with the pertinent sections of Rule 112 of the RRCP and OMB-DOJ MOA dated 29th March 2012.

SO ORDERED.

IRWIN A. MARAYA
Regional Prosecutor

Copy furnished:

THE PROVINCIAL PROSECUTOR OF LEYTE
Bulwagan ng Katarungan
Tacloban City

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Complainant-appellant
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