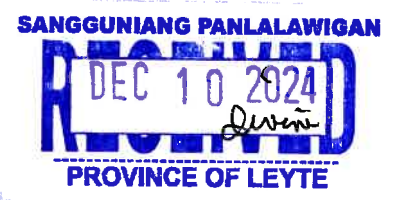


Republic of the Philippines  
**PROVINCE OF LEYTE**  
Palo, Leyte



BRAIANCE S. TORREÑA,  
*Plaintiff,*

-versus-

HON.DENNIS L. BALDERIAN,  
Municipal Councilor, Tabontabon Leyte  
*Respondent*

**FOR: UNJUST  
VEXATION, ORAL  
DEFAMATION AND  
GRAVE THREATS**

---

### **COUNTER AFFIDAVIT OF HON. DENNIS L. BALDERIAN**

I, **DENNIS L. BALDERIAN**, of legal age, single, and resident of Sitio Gubat, Brgy. Mering Tabontabon, Leyte, after having sworn to in accordance with the law hereby depose and say that:

1. That I am an elected Sangguniang Bayan Member of the Municipality of Tabontabon, Leyte.
2. That one BRIANCE S. TORREÑA, filed a complaint before this Honorable Office for unjust vexation, oral defamation, and grave threats.
3. The complainant is a brother-in-law of the husband of my sister, Julius Tonido.
4. That sometime in the past, my brother-in-law, Julius Tonido, and the complainant had misunderstanding. This dispute resulted to **Amicable Settlement Agreement<sup>1</sup>** between the two of them.
5. My brother-in-law, Julius Tonido, is a police officer. The complainant insisted that Julius Tonido will be sued by him so that Julius Tonido will be removed from PNP Service. Because of the situation, Julius resorted to amicably

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<sup>1</sup> ANNEX A: Picture of the Amicable Settlement.

settling their differences for fear that his job will be put at risk. He turned over more or less two (2) hectares of farmlands in San Victor Tanaun, Leyte to his sister, the wife of herein complainant, BRIANCE S. TORREÑA.

6. This shows that the complainant, has done it before to threaten someone on the guise of filing a complaint so that the defendant will submit to him to the advantage of the complainant like what happened before.
7. It appears that the complaint against me, is not legit, but only designed to harass me, threaten me, and the purpose is for his personal advantage, material or otherwise.
8. Dispute the Amicable Settlement, the relations and family ties between the two families was severed. Since I am the brother of law of Julius Tonido, I was affected of this, to the extent that the complainant may use any opportunity to drag me to any issue as part of his retaliatory acts, like this one. Thus, the act of complainant is grounded in personal vengeance and being malicious.
9. It is the position of the respondent the complainant is the one vexing/ threatening the former, as the latter has been sending threatening messages to vex and or threat the respondent.
10. It must be noted that I did not respond or send any message to the complainant despite the fact that he was harassing me over the phone thru his messages. This proves that I am for peace, and does not want to escalate things up. It is the complainant, instead, who was showing aggression thru chat and text messages.
11. Herein respondent executed an **Affidavit of Authentication**<sup>2</sup> to prove the authenticity of this messages.
12. **Printed screen shots of the messages on Messenger**<sup>3</sup> sent to the respondent by the complainant are hereby attached herein as **ANNEX C** and series.

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<sup>2</sup> ANNEX B: Affidavit of Authentication

<sup>3</sup> ANNEX C and series: Printed Screenshots of messages

13. In **Paragraph 3** of his Complaint Affidavit I categorically denied this statement. The truth of the matter is, I just had a casually conversation with Jeff together with other person present in area.
14. In **Paragraph 4** of his Complaint Affidavit I categorically denied this statement.
15. In **Paragraph 5** of his Complaint Affidavit, I categorically denied this statement, the truth of the matter is I did not and never proceed to the house of Jeff's parents and did not utter words constitute grave threats against the complainant nor his wife.
16. In **Paragraph 6** of his Complaint Affidavit, the living arraignment with Jeff and the complainant and its relation to the previous case filed by him against my brother-in-law, JULIUS, is irrelevant. I have nothing to do with the case because I have no personal involvement upon them.
17. In **Paragraph 7** of his Complaint Affidavit, I categorically denied this statement. The truth of the matter is that I never went to the house of Jeff repeatedly. There is nothing I made to him or his family that affect the safety of the complainant's family. In fact, I never meet the complainant or any of his immediate family, since the time of the incident up to the making of this Affidavit.
18. In **Paragraph 8** of his Complaint Affidavit, he insisted that public office is a public trust. And he alleged that as a public officer I should at all times be accountable to the people, serve with utmost responsibility, integrity, loyalty, etc. However, it is my position that the incident happened at around 11:00 to 12 midnight in the evening between August 18-19, 2024, clearly beyond office hours.
19. August 18-19, 2024 incident, the complainant was not present in the place of the incident, thus he has no personal knowledge of what transpired in Belisong Tabontabon, Leyte. The statements of the witnesses presented for the complainant does not prove anything

as the same is "hearsay" with respect to that of the complainant.

20. The incident happened at Brgy. Belisong, Tabontabon, Leyte or outside of the Sangguniang Bayan Session Hall, where the official act of a legislator usually take place, thus, as a Sangguniang Bayan Member, I was not performing any official duty in relation to my official function or position as Municipal Councilor. I am indeed acting in my personal capacity.
21. The undersigned respondent caused the recording of the actual incident at Tabontabon Municipal Police Station. **The Police Blotter<sup>4</sup>** is hereby attached as **ANNEX D**, and Official Receipt as **ANNEX D-1<sup>5</sup>**.
22. Further, the undersigned respondent also caused the recording of the actual incident at Brgy. Belisong Tabontabon, Leyte. **The Barangay Blotter<sup>6</sup>** is hereby attached as **ANNEX E and Official Receipt as ANNEX E-1<sup>7</sup>**
23. The act complained of does not constitute any violation of any law rules and regulation.
24. While the case was lodged before this Honorable Sangguniang Panlalawigan the complainant filed another case before the Ombudsman for Visayas pertaining to the same incident, parties and the same cause of action. This may constitute a violation against forum shopping.
25. Nevertheless, Ombudsman for Visayas DANTE F. FABRIGAS, forwarded the case to Office of the Provincial Prosecutor of Leyte on October 10, 2024.
26. In a decision promulgated on November 13, 2024, by the Provincial Prosecutor MA. ARLENE HUÑAMAYOR CORDOVEZ dismissed the complaint on the ground of

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<sup>4</sup> ANNEX D: Police Blotter

<sup>5</sup> ANNEX D-1: Official Receipt

<sup>6</sup> ANNEX E: Barangay Blotter

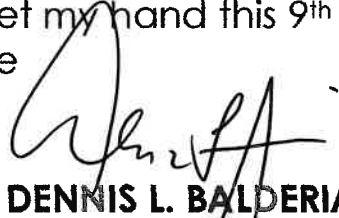
<sup>7</sup> ANNEX E-1: Official Receipt

lack of evidence to support the finding of prima facie case with reasonable certainty of conviction.

27. The copy of the **Review Resolution of NPS No. VIII-02c-INV-24J-00146<sup>8</sup>** is hereby attached herein as **ANNEX F**.


28. Finally, the contents of both the Affidavits of his witnesses JEFF B. NINADA and LODEGARIO B. POSERIO the testimonies are pure lies and fabricated testimonies. The truth of the matter are reflected in the Blotter in Tabontbon MPS and that in the Blotter of Brgy. Belisong Tabontabon, Leyte.

**IN FURTHERANCE HEREOF**, I hereby set my hand this 9<sup>th</sup> day of December 2024 here in Tanauan, Leyte

  
**HON. DENNIS L. BALDERIAN**  
 LTO ID No. H02-20-002894  
 Respondent

**SUBSCRIBED AND SWORN** to before me, a Notary Public, for and within the jurisdiction of Regional Trial Court of Tacloban City this 9<sup>th</sup> day of December 2024, at Tanauan, Leyte, with affiant exhibiting to me his Identification Card stated above as competent proof of identity.

Doc. No. 105  
 Page No. 22  
 Book No. 10  
 Series of 2024

  
**ATTY. FEDERICO C. TIZON**  
 Notary Public until December 31, 2025  
 Notarial Commission No. 2024-03-102  
 ROLL OF ATTORNEYS No. 88735  
 IBP OR. No. 407697; 01/08/2024; LEYTE CHAPTER  
 PTR No. 8712646- 01/03/2024; TANAUAN, LEYTE  
 MCLE Compliance No. (Admitted to the BAR on Dec. 22, 2023)  
 Tanauan, Leyte – 09172520443

<sup>8</sup> ANNEX F: Review Resolution of the Provincial Prosecutor

**AMICABLE SETTLEMENT AGREEMENT**

This SETTLEMENT AGREEMENT made and entered into this     <sup>th</sup> day of December, 2023, in Tacloban City, Philippines, by and between:

(1) **BRAIANCE S. TORREÑA**, of legal age, Filipino, married to **JULIETA T. TORREÑA**, and with postal address at Zone IV, Brgy. Mac Arthur, Tabontabon, Leyte, (hereinafter referred to as "Complainant Torreña");

and

(2) **JULIUS WENCESLAO W. TONIDO**, of legal age, Filipino, married to **FLORABEL B. TONIDO**, with postal address at Brgy. III, Bonifacio, Tabontabon, Leyte, (hereinafter referred to as "Respondent Tonido")

**WITNESSETH, that:**

**WHEREAS**, the Complainant Torreña, has appeared in several consultations at the barangay concerning the altercation on November 30, 2023 against the Respondent Tonido including the demands and conditions of Spouses Torreña;

**WHEREAS**, the parties have decided to forgive each other and decided to leave behind the undesirable events that happened on November 30, 2023, upon the terms and conditions set forth herein, that Respondent Tonido will follow the instructions of his sister, **Julietta T. Torreña**, the wife of herein Complainant Torreña, as follows:

1. Complainant Torreña will return the Deed of Absolute Sale of the property located at **Brgy. III, Bonifacio, Tabontabon, Leyte**, designated as Lot No. 394 of the Cadastral Survey of Tabontabon, evidenced by the Deed of Absolute Sale notarized by Atty. Haydee M. Abrera, under Doc No. 576, Page No. 116, Book No. I, Series of 2021; and
2. Respondent Tonido will give the lot designated as Lot No. 15131 situated at Barangay San Victor, Tanauan, Leyte and covered by Tax Declaration No. 38051-00009 R13, evidenced by the Self-Adjudication of Estate of the Deceased Person with Deed of Absolute Sale notarized by Atty. Mark Gil M. Tadena, under Doc No. 444, Page No. 84, Book No. XLIII, Series of 2015; and the same will be named after the name of **Julietta T. Torreña**.
3. Together with this, Complainant Torreña and his spouse, **Julietta Torreña**, will also waive all of his rights, interests, and shares, including the fruits thereof, on the property of their parents concerning the lot located at **Brgy. San Pablo, Tabontabon, Leyte**.

**WHEREAS**, the Complainant Torreña and his wife agreed not to let Respondent Tonido pay the damages done on the following personal properties of the complainant:

1. Calvin Klein watch;
2. Rayban sunglasses;
3. Grass Cutter;
4. Heavy Duty car battery charger; and
5. All expenses incurred as well as the expenses to be spent in the medication of Complainant Torreña and such medical expenses of the complainant, due to the altercation which happened on November 30, 2023;


**FINALLY**, the Complainant Torreña will no longer pursue filing a case before the NAPOLCOM, NBI, DILG, OMBUDSMAN, Commission on Human Rights and People's Court, the President's Board


of Tabontabon, including the judicial courts, as applicable, with the preclusion of the disciplinary action filed against the respondent, as necessary.

NOW THEREFORE, for and in consideration of the foregoing premises, the parties **BRAIANCE S. TORREÑA** and **JULIUS WENCESLAO W. TONIDO**, hereby agree to settle their dispute considering the terms and conditions as abovestated;

In case of breach, **BRAIANCE S. TORREÑA** reserve his right to insitute a formal complaint in proper court against the other parties who will be liable for more charges which includes cost of litigation and damages.

IN WITNESS WHEREOF, we have hereunto affixed our hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ in Tacloban City, Leyte, Philippines.

  
**BRAIANCE S. TORREÑA**  
*Complainant-Affiant*

  
**JULIUS WENCESLAO W. TONIDO**  
*Respondent-Affiant*

SIGNED IN THE PRESENCE OF:

  
**JULIETA T. TORREÑA**

  
**FLORABEL B. TONIDO**

**ACKNOWLEDGMENT**

Republic of the Philippines

BEFORE ME, a Notary Public for and in the above jurisdiction, personally appeared this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ in \_\_\_\_\_

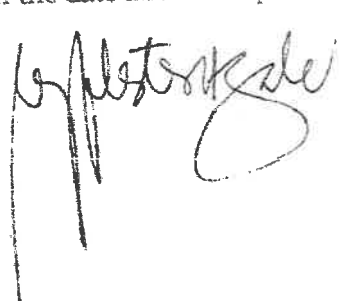
NAME  
**BRAIANCE S. TORREÑA**  
**JULIUS WENCESLAO W. TONIDO**

*Valid Gov't Issued ID*  
PhilSys National ID 3703-4-10-2318-0793  
PNP ID with No. 12f260243

known to me to be the same persons who executed the foregoing instrument and each of the acknowledge to me that the same is her own free and voluntary act and deed.

This Instrument consists of only two (2) pages, including this page in which this Acknowledgment is written, duly signed by the parties and their instrumental witnesses on each and every page hereof.

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



Doc. No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. II,  
Series of 2023.

REPUBLIC OF THE PHILIPPINES )  
PROVINCE OF LEYTE )S.S.  
TANAUAN, LEYTE )

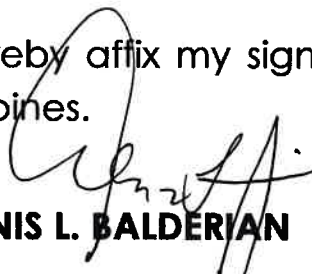
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**AFFIDAVIT OF AUTHENTICATION**

I, **DENNIS L. BALDERIAN**, of legal age, single, and resident of Sitio Gubat, Brgy. Mering Tabontabon, Leyte, after having sworn to in accordance with the law hereby depose and say that:

1. I made the photographic recording, and printed the same, of the screenshots of my Facebook Messenger account between October 17, 2024 to November 25, 2024, which the printed copies of screenshots are attached to the **COUNTER-AFFIDAVIT**.
2. The subjects of the screenshots were our conversations and personal correspondence, which was sent to me by the complainant, BRIANCE S. TORREÑA.
3. As the receiver and recipient of the messages, I am familiar and knowledgeable of its contents.
4. I certify that the screenshots attached as annexes to the said Affidavit, have not been altered or manipulated, physically, digitally, or through any other means.
5. Upon taking screenshots of the said messages, I kept said electronic copies in the memory of the device used to take the same, until those pictures were printed in my personal printer.

**IN WITNESS WHEREOF**, I hereby affix my signature this December 9, 2024 in Tanauan, Leyte, Philippines.



**DENNIS L. BALDERIAN**

ID: \_\_\_\_\_

*Affiant*

**SUBSCRIBED AND SWORN** to before me, a Notary Public, for and within the jurisdiction of Regional Trial Court of Tacloban City this 9<sup>th</sup> day of December 2024, at Tanauan, Leyte, with affiant exhibiting to me his Identification Card stated above as competent proof of identity.



**ATTY. FEDERICO C. TIZON**  
Notary Public until December 31, 2025  
Notarial Commission No. 2024-03-102  
ROLL OF ATTORNEYS' No. 88735  
IBP OR. No. 407697; 01/08/2024; LEYTE CHAPTER  
PTR No. 8712646- 01/03/2024; TANAUAN, LEYTE  
MCLE Compliance No. VIII- 0009059  
Tanauan, Leyte – 09535289351

Doc. No. 104  
Page No. 22  
Book No. 1v  
Series of 2024



ANNEX "C-1"  
C-1

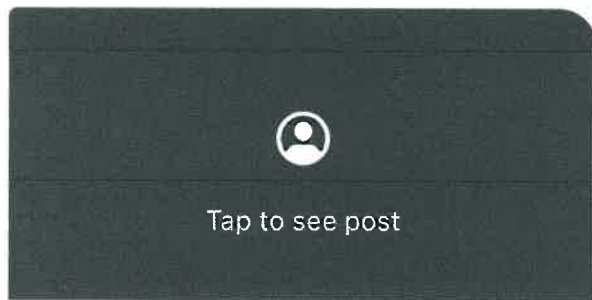
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< Braiance Torrena



Facebook



Facebook

9:59 AM



Ito yung sinasabi ko maaayos naman  
ako nakipag kapwa tao sa inyo!  
Tapos tatatrahidorin nyo lang pala  
ako ni Julius! Sinisiraan mo ako sa  
maraming tao madami Tayo witness  
wag ka mag alala.



Aa





**Braiance Torrena**



**Bago mo ako siraan kilalanin mo muna ako mabuti at alamin mo ang history ng lahat! Nagpakabuti ako sa inyong lahat dahil lang sa inggit! Sumali ka pa! Ganito ang gawin mo mag aral ka mabuti! Kaya kalang naman naging Konsehal nagbigay ng Pera sa mga tao. sa Amin nga anim na pandesal lang ibibigay mo para iboto ka ng asawa ko!**



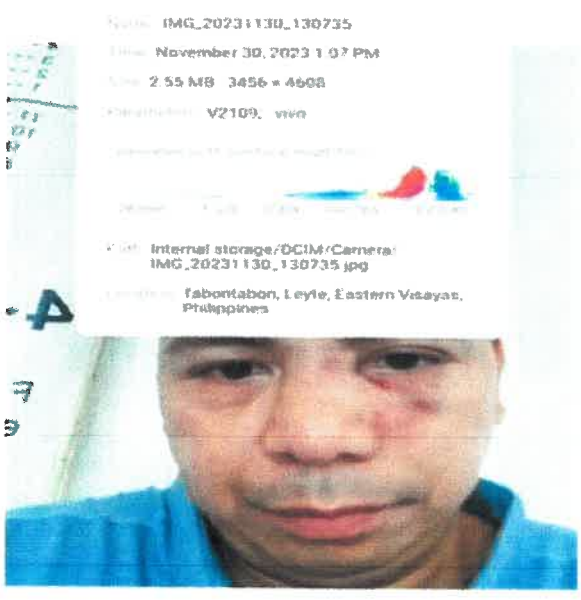


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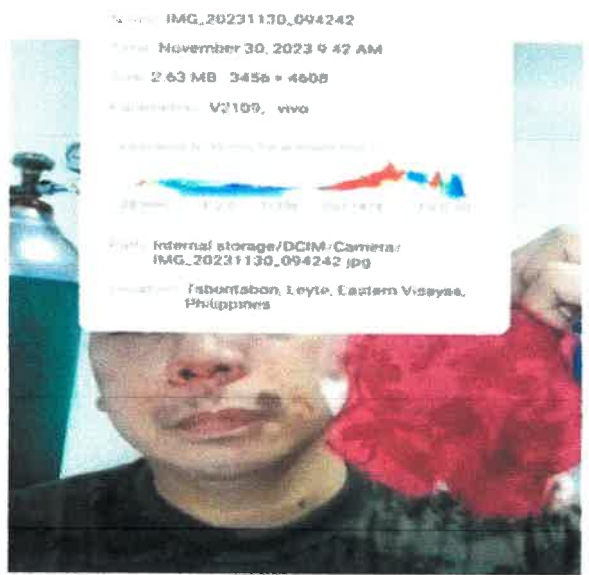
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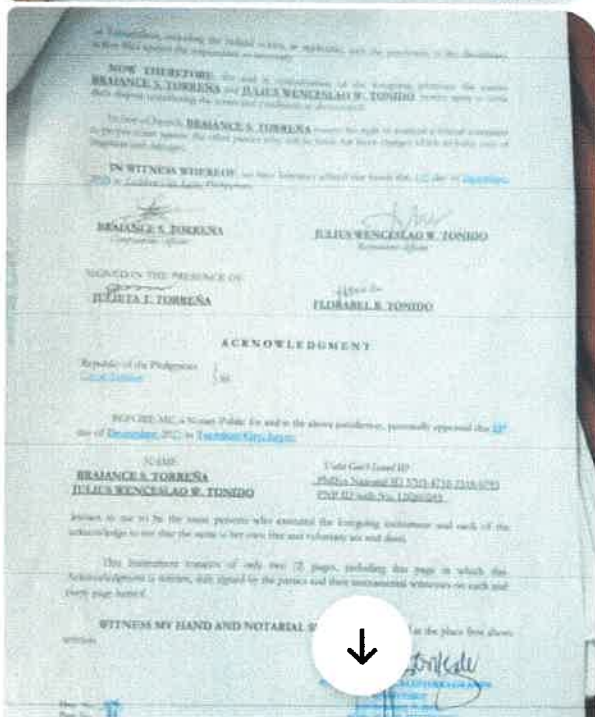
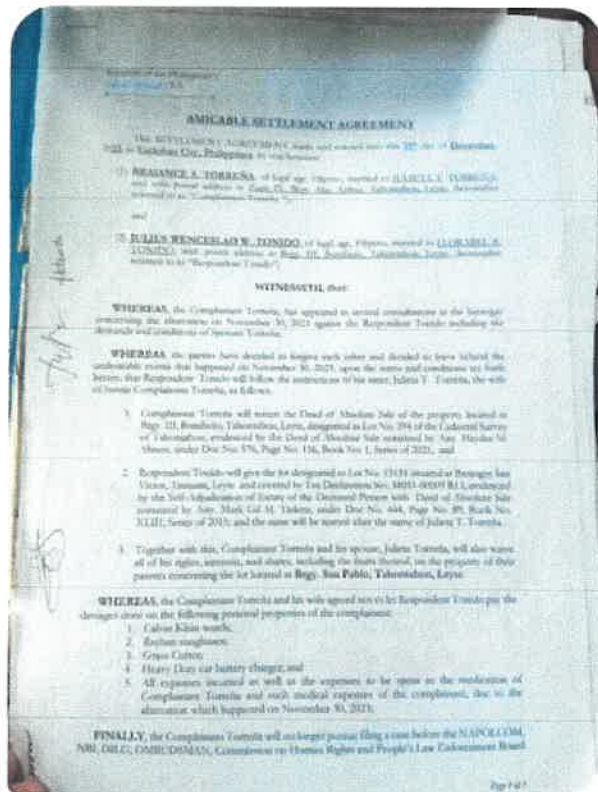
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Braiance Torrena

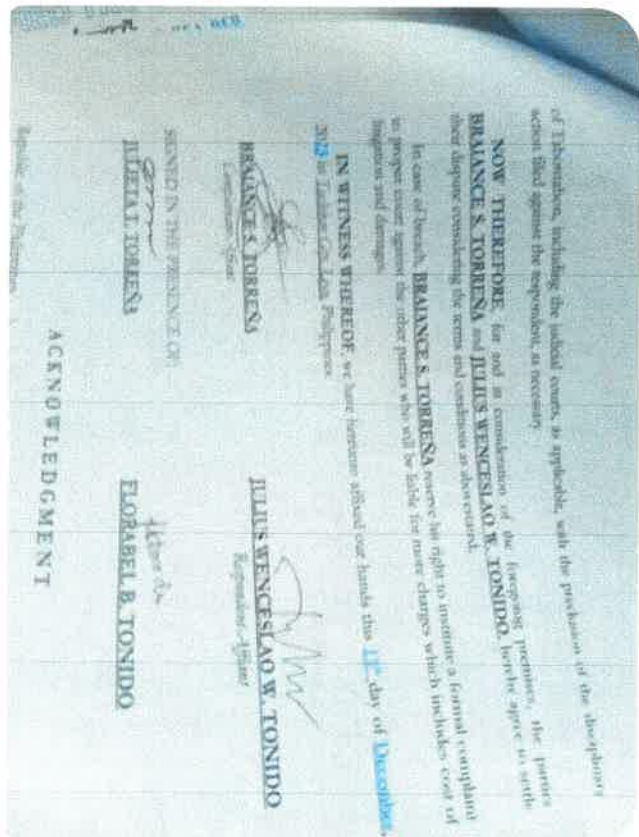


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Braiance Torrena



ANNEX "C-5-1"

C-5-1

Album Gentlemen's agreement



Braiance Torrena

12h · 👥



I would like to bring to your attention the acts of Municipal Councilor Dennis Balderian.



👍❤️👤 Cervantes Iris and others

2 comments

👍 Like

💬 Comment

🔗 Copy



**Braiance Torrena**



**Mag iisang taon na binuhay mo pa!**



ANNEX "C-7"  
C-8

5:23



Braiance Torrena



**Ian Castro**

Facebook

Nag usap kami ni Julius at Florabel nung Dec. 11, 2023 sa harap ni Mano brendo na pagsabihan kayong mga kapatid nya na wag na wag makiki alam! Bakit naman naki alam ka pinagpipilitan mo pa na kami ang Mali. Alamin mo muna ang full story otoy!



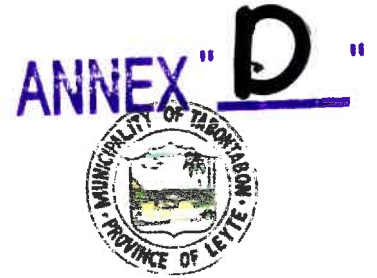
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Republic of the Philippines  
**NATIONAL POLICE COMMISSION**  
**PHILIPPINE NATIONAL POLICE**  
**LEYTE POLICE PROVINCIAL OFFICE**  
**Tabontabon Municipal Police Station**  
Tabontabon, Leyte  
Email: [tabontabonps\\_idms@yahoo.com](mailto:tabontabonps_idms@yahoo.com)  
Hotline: 09166166787



ABO IDMS-

## CERTIFICATION

TO WHOM IT MAY CONCERN:

**THIS IS TO CERTIFY** that the following is an excerpt from the official Police Blotter of Tabontabon Municipal Police Station, Tabontabon, Leyte as follow:

**PAGE: 198 ENTRY NO: 2024-09-126 DATE: September 2, 2024 TIME: 07:10 A.M.**


### FOR RECORD

One Dennis Balderian y Luban, 42 years old, single, elected sanggunian bayan member of Tabontabon, Leyte and a resident of Sitio Gubat Brgy. Mering, Tabontabon, Leyte appeared before this office and requested to put into record that on August 18, 2024 at around 10:00 PM reportee went to the store of Arlyn Pacala after having drinking at Lolita's Ibanos house. At the store, a group of people also having a drinking spree namely; alyas "Tito" uncle of Briane Toreña a husband of Juliet Tonido, Bernabe Besa, Aron Evano, Romel Pacala, Jeff Niñada and Isidro Florendo. Reportee approached @ Tito and uttered a word in vernacular "Huna mo diri ak nakilala haim na bata ka ni kuya Aian" referring to Briane Toreña. Thereafter, @ Tito stared at the reportee then walked through the house of Judy Niñada and did not go back. Latter, also asked Jeff Neñada uttered a word "Hain ka na trabaho?" then Jeff Niñada replied that "agaron ko hi kuya Briane ngan ate Juliet Tonido". Then reportee replied "ah okay okay ayaw nala" and noticed that Mr. Jeff Niñada taking a video of him.

Conformed by: Dennis Balderian

Recorded by: PSSg Gilson A Tiozon

-----  
This extract copy is issued upon request of the interested party for whatever legal purpose this may serve best.

  
**STEVE JOHN M. ABASOLO**  
Police Captain  
Acting Chief of Police

Paid under O.R. No.: 9356385  
Place of issue: MTC-Tabontabon Leyte  
Date of issue: September 2, 2024  
Amount paid: Php 150.000

**OFFICIAL RECEIPT**  
 Republic of the Philippines  
**OFFICE OF THE TREASURER**  
 Province of Leyte

Accountable Form No. 51  
 Revised January 1992  
 Per SP Res. no. 03-327

**ORIGINAL**

DATE: 08/03/2024 NO. PL 9856544 B

PAYOR: Dennis L. Balderian

FUND:

NATURE OF COLLECTION	ACCOUNT CODE	AMOUNT
Contribution of Police Bluff		150.00
<b>TOTAL</b>		<b>150.00</b>
AMOUNT IN WORDS	One hundred fifty pesos only	

Cash  
 Check  
 Money Order

DRAWEE: **BANK** NUMBER: DATE:

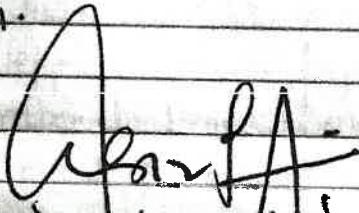
Received the amount stated above

By: **LUCAS DONDON B. BIBAR III**  
 Municipal Treasurer  
 COLLECTING OFFICER

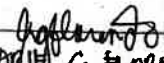
ky A52s 5G  
 Write the number and date of this receipt  
 back of check or money order  
 amber 04 2024 8:56 AM

DATE: Aug. 20, 2024

Aug. 18, 2024 - fikang han inom hi <sup>konsehal</sup> Dennis Balderian kanda Lolita Ibanez tapos nagtikada hiya han tindahan ni Arlyn Pacala, mayda liwat nag-iignom nga hira alias Tito na bata ni (Bryan Estorina) Briance Torrena na asawa ni Juliet Tonido. Nakada gihap hi Bernabe Pesa, Aron Evano, Ronel Pacala, Jeff Niñada ngan Isidro Florendo. Sinsering hi Konsehal Dennis kan Alyas Tito nga "huna mo di ak nakilala ha im na bata ka ni Kuya Arian" ngan nagkinita ini ha iya ngan lumakat. Ginpakianhan niya hi Jeff kan hain ini hiya natrabaho ngan an batan hini it iya agaron hi Juliet ngan Briance. Pagkita niya in nakapat hi Jeff han iya cp ngan nagvivo video ini.

  
Dennis Balderian

Certified true copy:

  
ROSEMARIE G. FLORENDO  
Brgy. Secretary

OR#: 9061127

Date: 9/8/24



OFFICIAL RECEIPT  
Republic of the Philippines  
OFFICE OF THE TREASURER  
Province of Leyte



Accountable Form No. 51  
Revised January 1992  
Per SP Res. no. 03-327

ORIGINAL

DATE 9-4-24  
Santagan I. 0

NO. PL 9450681 B

PAYOR  
San Isidro

Dennis Balderian

FUND

NATURE OF COLLECTION

ACCOUNT CODE

AMOUNT

Brgh. Certification 65.00

TOTAL

AMOUNT IN WORDS

₱ 65.00

- Cash
- Check
- Money Order

DRAWEE  
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NUMBER

DATE

Received the amount stated above

By:

*fulw*

COLLECTING OFFICER

Galaxy A52s 5G

September 04, 2024 8:52 AM

NOTE: Write the number and date of this receipt on the back of check or money order received.

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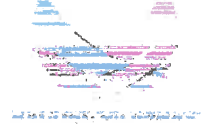
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of Barangay



Republic of the Philippines  
 Department of Justice  
**OFFICE OF THE PROVINCIAL PROSECUTOR – LEYTE**  
 Bureau District Office  
 24/F Bureau Municipal Bldg.  
 Sto. Niño St., Bureau, Leyte

ANNEX "F"



**BRAIANCE S. TORREÑA**,  
 Complainant,

NPS No. VIII-02c-INV-24J-00146

For: Slander, Light Coercions and Grave Threats

-versus-

**DENNIS BALDERIAN**,  
 Respondent.

DATE FILED: 13 NOV 2024

X-----X

**REVIEW RESOLUTION**

In an Indorsement dated September 23, 2024, received by this office on October 10, 2024, Deputy Ombudsman for Visayas, Dante F. Vargas, forwarded to this Office the instant case for appropriate action on the criminal aspect of the complaints for Slander, Light Coercions and Grave Threats, filed by Braiance S. Torreña against Dennis Balderian, a Sangguniang Bayan Member of Tabontabon, Leyte.

The investigating prosecutor recommended that the case be returned back to the office of the Ombudsman, on the ground that this office has no longer authority to conduct a preliminary investigation on this case, with the promulgation of **Department Circular No. 15** dated July 19, 2024.

After an in depth reading of the said department circular regarding preliminary investigation, the undersigned prosecutor, with all due respect, disagrees to the said stand of the investigating prosecutor. What is clearly amended in the rules regarding preliminary investigation is the coverage of the criminal cases that should undergo the required preliminary investigation, that is, those criminal cases with imposable penalties of at least six years and one day. It did not state that the prosecution office (DOJ-NPS) would no longer receive and resolve criminal complaints/cases with imposable penalty of six (6) years or below. Therefore, the existing rules regarding the receipt and resolution of criminal complaints/cases not requiring preliminary investigation still apply.

Indeed, in the En Banc Supreme Court Resolution on this new rules on preliminary investigation, the SC resolved to repeal the provisions of Rule 112 of the 2000 Rules that are so far inconsistent with the said department circular, but stressed that the promulgation of the said DOJ-NPS new rules would not ipso facto repeal Rule 112 of the 2000 Rules. Therefore, it is safe to say that prosecution office has to act still on the criminal complaints/cases not requiring preliminary investigation, and resolve them as provided under existing 2000 Rules.

Furthermore, if the DOJ-NPS would and could no longer receive and resolve criminal complaints/cases not requiring preliminary investigation, an absurd situation may occur, that is, the Regional Trial Court might be swamped with criminal complaints (not Information) filed directly by the police and other law enforcement bodies, or by the private


complainant themselves, as there are criminal complaints/cases not requiring preliminary investigation but the jurisdiction lies with the said court, like cases involving minors with imposable penalty of six (6) years or less. This should not be the case. From the foregoing, the undersigned prosecutor needs to resolve the instant case.

After careful evaluation of the evidence of the complainant, the undersigned resolves to recommend for the dismissal of the criminal charges against the respondent. There is no specific act or utterances made by the respondent, or any other evidence which would support the finding of prima facie evidence with reasonable certainty of conviction for the charges of Slander, Coercion and Threats.

There was no violent act committed between and among the group, neither was there a display of deadly weapon nor a **specific** threat, much less a **particular** defamatory utterance against a specified person. Furthermore, it is noteworthy that the above-named complainant has no personal knowledge as to what the respondent allegedly committed against him or his witnesses on August 18-19, 2024.

WHEREFORE, it is respectfully recommended that the instant case/complaint be dismissed for lack of evidence to support the finding of prima facie case with reasonable certainty of conviction.

October 28, 2024, Tacloban City.



**ROMMEL E. ANAGAP**

Prosecutor IV  
Reviewing Prosecutor  
MCLE NO. VII-0004113  
Issued on July 23, 2021

APPROVED BY:




**MA. ARLENE HUNAMAYOR CORDOVEZ**

Provincial Prosecutor  
MCLE No. VII-0004037  
Issued on July 19, 2021

Copy Furnished:

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