



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

Com. No.: **13**

Date: **7 2025 JAN**

SANGGUNIANG PANLALAWIGAN

DEC 20 2024
Jerrin H
PROVINCE OF LEYTE

INDORSEMENT
IC-OVT-FEB-24-0016

(Marvin T. Marticio vs. Angel Aras Sia Jr.)
Cebu City

NOV 27 2024

Respectfully forwarded to **HONORABLE LEONARDO M. JAVIER JR.**, Provincial Vice Governor/Presiding Officer, Office of the Sangguniang Panlalawigan, Province of Leyte, Tacloban City, a copy of the 9 October 2024 Verified Answer, with attachments, of Angel Aras Sia Jr. relative to the above-numbered complaint. The complaint was earlier referred to the Office of the Sangguniang Panlalawigan, Province of Leyte, for appropriate action.

DANTE F. VARGAS
Deputy Ombudsman for Visayas

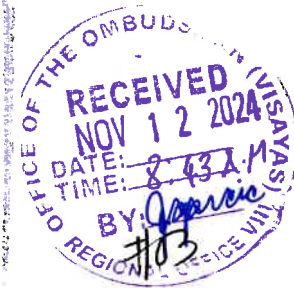
By:

CORAZON C. ARNADO-CARRILLO
Acting Director
Case Records, Evaluation, Monitoring
and Enforcement Bureau

Cc:
ANGEL ARAS SIA JR.
Mayor
c/o Office of the Mayor
Municipality of La Paz
6508 Leyte

140265

SANGGUNIANG PANLALAWIGAN



Republic of the Philippines
Province of Leyte
Provincial Capitol, Palo, Leyte

**OFFICE OF THE SANGGUNIANG PANLALAWIGAN
BLUE RIBBON COMMITTEE**

MARVIN T. MARTICIO
Complainant,

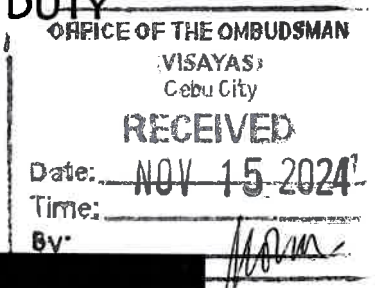
ADMIN CASE NO. _____
1C-OVT-^{FEB}-24-0016

-versus-

FOR: GRAVE MISCONDUCT
and NEGLECT OF DUTY

HON. ANGEL ARAS SIA JR.,
Municipal Mayor of La Paz, Leyte
Respondent,

X-----X



VERIFIED ANSWER

I, ANGEL ARAS SIA JR., Filipino, of legal age, married, a resident of Poblacion District IV, La Paz, Leyte, incumbent Municipal Mayor of LGU-La Paz, Leyte with Salary Grade 27, in compliance with Resolution No. 2024-359 of the Office of the Sangguniang Panlalawigan of Leyte received on 28 September 2024, seasonably files this VERIFIED ANSWER, and under oath hereby depose and state: THAT---

THE DEFECTIVE ADMINISTRATIVE COMPLAINT

1. This complaint is supposedly grounded on the Legal Administrative Charges provided under Section 60 of Rep. Act no. 7160 in relation to Section 5(a) of Rep. Act no. 6713, to wit:

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

c. xxx Misconduct in Office xxx dereliction of duty
X.X.X

Section 5. Duties of Public Officials and Employees. — In the performance of their duties, all public officials and employees are under obligation to:

(a) Act promptly on letters and requests. — All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request. (Underlining & Emphasis Ours)

2. These administrative charges were defectively applied in the complaint-affidavit with certificate of non-forum shopping of Marvin

CAC 11/18/24

T. Marticio dated 19 August 2024¹ before this SP-Leyte and another complaint-affidavit with certificate of non-forum shopping of Marvin T. Marticio dated 7 February 2024² before the Ombudsman (Visayas), viz:

- (a) He and his sons Raymart P. Marticio and Raffy P. Marticio went to a residential lot designated as Lot no. 3046 situated at Brgy. Pansud, La Paz, Leyte purchased by Emy De Paz Marticio from the heirs of Maximo Magayones and Aquilina Gara per Extrajudicial Settlement of Estate with Sale dated 30 December 2023 (*blurred photocopy*);
- (b) He was surprised to see that the house in Brgy. Pansud, La Paz, Leyte was being fenced by several individuals he identified as Punong Barangay Eleuterio L. Magayones, Brgy. Kagawad Arsenio S. Alcuetas, Jr. Brgy. Kagawad Emelinda S. Versoza, Brgy. Kagawad Jesus M. Solibar, Brgy. Kagawad Melmer A. Quillotes, Brgy. Kagawad Charlito A. Badian, Brgy. Secretary Gina A. Cayobit, Brgy. Treasurer Myra P. Alvero and SK Chairman Dexter A. Quillotes – who are not respondents in this instant case;
- (c) These barangay officials claim ownership of this property after being asked the reason for fencing the premises; the confrontation turned ugly and violent after verbal altercation between the parties;
- (d) On 8 January 2023, he instructed Emy P. Marticio to secure the services of Atty. Tenebro to write a formal letter to Hon. Angel Aras Sia Jr. in order to call out the attention of Punong Barangay Eleuterio L. Magayones for the incident transpired on 6 January 2024 per Letter dated 8 January 2023;
- (e) Unfortunately, Mayor Angel A. Sia Jr. allegedly failed to come up with a responsive letter within the period allowed under Section 5(a) of Rep. Act no. 6713; (*underscored for emphasis*)
- (f) On the last week of January 2024, he went to Mayor Sia's office to reiterate his desire to have a meeting with Eleuterio L. Magayones before his office and reminded him that he had not yet received a copy of his answer and thereafter threatened that if he will not be able to receive any, he might be compelled to seek recourse before higher authorities; Mayor Sia told him that he can go ahead and file whatever he wish to file since it is his right to do so;
- (g) Hence, this case for grave misconduct and neglect of duty selectively against Mayor Sia only;

¹ Annex "1" – Complaint-Affidavit of Marvin T. Marticio dated 19 August 2024 filed before SP-Leyte

² Annex "2" – Complaint-Affidavit of Marvin T. Marticio dated 7 Feb 2024 filed before OMB-Visayas

3. In evidence of his unsupported allegations, he attached blurred copies of irrelevant, immaterial and incompetent documents that do not prove the alleged offenses, to wit:

- a) Annex "A" – Extrajudicial Settlement of the Estate with Sale;
- b) Annex "B" – Tax Declaration of Real Property;
- c) Annex "C" – Pictures showing the bamboo-made fence;
- d) Annex "D" – Alleged Picture of Charlito A. Badion;
- e) Annex "F" – Letter-Request dated 8 January 2023 received on 8 January 2024;
- f) Judicial Affidavit of Raymart P. Marticio dated 19 August 2024;

DENIAL

4. All the allegations in the complaint are categorically, vehemently, and vigorously DENIED; specifically, paragraphs I, II, III, IV, and V refer to allegations not involving the herein respondent;

5. Insofar as par. VI is concerned, Respondent has no knowledge if complainant instructed Emy P. Marticio to hire a lawyer to send a formal letter to him for a certain request, but admits that his office received a copy of a letter dated 8 January 2023 (Annex E) on 8 January 2024 at 11:16AM, specifically requesting to know about an agreement that involved respondent and Mr. Magayones that concerned the property Emy bought from the legal owners.

6. Paragraph VII and IX are legal issues to be discussed thoroughly in the Defenses hereunder.

7. Paragraph VIII is denied, the real story is discussed in the Defenses hereunder.

SOLE ISSUE

7. WHETHER OR NOT RESPONDENT VIOLATED R.A. 6713, SEC. 5(a)?

DEFENSES

8. It is not true that respondent failed to respond to the request of Atty. Jerome A. Tenebro.

9. Technically, Marvin Marticio has no legal personality in the demand letter sent by Atty. Tenebro in behalf of client Emy P. Marticio.

10. Technically also, the Mayor has no jurisdiction over such controversy under RA 7160 Chapter III, Art. I, Section 444; nevertheless, in compliance with RA 6713, Rule VI, Section 3(b), even if such communication was outside his jurisdiction, he entertained the request of Marvin to schedule a mediation between him and Punong Eleuterio Magayones, who was his political rival for said position in the previous barangay elections in October 2023.

11. The mediation session was set on 10 January 2024 to clarify about the alleged agreement between the mayor and PB Magayones mentioned in said letter request. PB Magayones was absent while complainant Marvin was present. In said meeting, the mayor that he is not aware of any agreement with Magayones, and said that this is a case of “name-dropping” by PB Magayones, as clearly quoted verbatim in said letter, to wit: *“Hino it nagsugo ha iyo pagpaguba? Kay ano niyo paggubaa? Mayda na namon ton agreement ni Mayor (Hon. Sia) ngan nakablotter na ito kan Mayor. Diri na dinhi pinapagbalay hi Marvin”*. Further, it must be noted that no police certification was attached to support said letter.

12. Subsequent meetings were set on 11 January 2024, 12 January 2024 and 16 January 2024. To ensure the attendance of PB Magayones, the Office of the Municipal Mayor of La Paz, Leyte sent verbal radio invitations coursed thru Local Disaster Risk, Reduction and Management Office (LDRRMO) Radio, stationed at the Barangay Hall of Brgy. Pansud, La Paz, Leyte, because said Barangay is a mountain Barangay with difficulty in sending communications thereat for him to shed light on the issue raised by Marvin Marticio.

13. Through no fault of the Mayor, PB Magayones repeatedly failed to attend the scheduled meetings relaying multiple excuses of Loose Bowel Movement (LBM) and sickness coursed thru one of his Barangay Kagawad.

14. The truth of the foregoing acts is attested and corroborated by the **Affidavit of Michael Y. Rapada**³, and the Local Assessment Operations Officers and **Affidavit of Froilan R. Pundavela**⁴, Executive Secretary.

ARGUMENTS / DISCUSSION

NO GRAVE MISCONDUCT

15. Marvin Marticio alleged that Mayor Sia committed grave misconduct just because he allegedly failed to respond to the Letter

³ Annex “3” – Affidavit of Michael Y. Rapada

⁴ Annex “4” – Affidavit of Froilan R. Pundavela

dated 8 January 2023 sent by Atty. Jerome A. Tenebro at the instance of Emy De Paz Marticio the alleged owner of a purchased real property (Lot no. 3046) being claimed also by Barangay Pansud, La Paz, Leyte thru PB Eleuterio L. Magayones.

16. From this perspective, Mayor Sia posits that the word “respond” as contemplated by Section 5(a) of Rep. Act no. 6713 not to literally mean verbal or written response, because in this instant case, he in fact responded by way of action through setting the case for mediation, as alleged in paragraphs 8 to 15 hereinabove.

17. Since Magayones failed to attend this first meeting, Marvin Marticio requested Mayor Sia to order PB Magayones to attend the next meeting on 11 January 2024, 12 January 2024, and 16 January 2024. An invitation was sent to Magayones thru the LDRRMO radio, considering the difficulty of the terrain of Brgy. Pansud, La Paz, Leyte, which is a mountain barangay. Unfortunately, PB Magayones failed to heed the first call, because of his excuse that he was suffering from LBM thru the information from Brgy. Kagawad, Melmer A. Quillotes. On the second attempt on 12 January 2024, only Barangay Kagawad, Arsenio S. Alcuetas, Jr. represented PB Magayones, relaying information that the latter is still not feeling well. The last meeting supposed to be on 16 January 2024 was terminated when Marvin Marticio informed the office that he already filed a case against PB Magayones in court.

18. To show that Marvin Marticio already filed a case against PB Magayones over the incidents of this instant case, the **Judicial Complaint Affidavit of Marvin T. Marticio against Eleuterio Magayones, et al.**⁵, received on 15 January 2024 with the same attachments of **Tax Declaration of Real Property**⁶, **Extrajudicial Settlement of the Estate with Sale**⁷ and **Picture of Charlito A. Badion**⁸ with **Judicial Affidavit of Raymart P. Marticio**⁹ and **PNP Blotter with no. 2024-01-257 dated 12 January 2024**¹⁰ represented by the same Lawyer, Atty. Ferdinand Arthur B. Diaz and the **Resolution**¹¹ dismissing the case filed by Marvin Marticio.

19. The act of Mayor Sia in acting on the Letter via complainant, Marvin Marticio by action is sufficient response in

⁵ Annex “5” – Judicial Complaint Affidavit of Marvin T. Marticio against Eleuterio Magayones et al., received on 15 January 2024

⁶ Annex “6” – Tax Declaration of Real Property (Annex B of complaint)

⁷ Annex “7” – Extrajudicial Settlement of the Estate with Sale (Annex A of complaint)

⁸ Annex “8” – Picture of Charlito A. Badion (Annex D of complaint)

⁹ Annex “9” – Judicial Affidavit of Raymart P. Marticio

¹⁰ Annex “10” – PNP Blotter with no. 2024-01-257 dated 12 January 2024

¹¹ Annex “11” – Resolution of People v. Eleuterio Magayones et al., docketed as Crim. Case no. 122712 dated 15 April 2024

contemplation of Section 5(a) of Rep. Act no. 6713 that negates his administrative liability for Grave Misconduct.

20. His act of going thru the extra mile in entertaining possible settlement between the parties over their land dispute though not his enumerated duties under Section 444 of Rep. Act no. 7160 otherwise known as the Local Government Code, is response to comply with the law. – Said actions should not be taken against Mayor Sia who immediately treated the Letter by action as Mayor Sia is a man of action and not of speech.

21. *Misconduct is a transgression of some established and definite rule of action, particularly, as a result of a public officer's unlawful behavior, recklessness, or gross negligence.¹² It generally means wrongful, improper or unlawful conduct motivated by a premeditated, obstinate or intentional purpose.¹³*

22. *The Supreme Court defined grave misconduct is defined as the transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer coupled with the elements of corruption, willful intent to violate the law or to disregard established rules.¹⁴ In other words, the misconduct is grave if it involved any of the additional elements of corruption, clear willful intent to violate the law, or flagrant disregard of established rules, supported by substantial evidence.*

23. Here, Mayor Sia complied with Section 5(a) of Rep. Act no. 6713 by immediately responding by acting by way of amicably settling the dispute between the parties and such compliance is not an unlawful behavior, recklessness, gross negligence, wrongful, improper or unlawful conduct motivated by a premeditated, obstinate, intentional purpose coupled with the elements of corruption, willful intent to violate the law or to disregard established rules.

NO NEGLECT OF DUTY

24. Mayor Sia repleads and adopts all the truthful allegations above as corroborated by clear and convincing evidence as part of the arguments and discussions hereinunder.

25. Marvin T. Marticio posits that Mayor Sia's alleged failure to respond to the Letter of Atty. Jerome A. Tenebro at the instance of his client Emy De Paz Matricio is a violation of Section 5(a) of Rep. Act no. 6713 as allegedly Marvin did not receive any verbal or written answer from the good mayor. However, he forgets that Mayor Sia's act of

¹² Domingo v. CSC and Manalo, G.R. no. 236050, June 17, 2020

¹³ Office of the Ombudsman ad the Fact-Finding Investigation Bureau (FFIB) et al., v. PS/Supt. Rainier A. Espina, G.R. No. 213500, March 15, 2017

¹⁴ Ramos v. Rosell et al, G.R. no. 241363, September 16, 2020

immediately conducting mediation in an attempt to amicably settle matters with PB Magayones is the response contemplated by the law and serves its legal purposes.

26. *Dereliction of duty may be classified as gross or simple neglect of duty or negligence. **Gross neglect of duty or gross negligence** "refers to negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected. It is the omission of that care that even inattentive and thoughtless men never fail to give to their own property." It denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty. In cases involving public officials, gross negligence occurs when a breach of duty is flagrant and palpable. In contrast, simple neglect of duty means the failure of an employee or official to give proper attention to a task expected of him or her, signifying a "disregard of a duty resulting from carelessness or indifference."¹⁵*

27. As discussed above, Mayor Sia accommodated Marvin Marticio, Raymart Marticio and Raffy Marticio over their request to have the Letter of Atty. Jerome A. Tenebro at the instance of Emy De Paz Marticio be set for series of mediation meetings with PB Magayones.

28. *Gross neglect of duty or gross negligence "refers to negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected. It is the omission of that care that even inattentive and thoughtless men never fail to give to their own property." It denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty. In cases involving public officials, gross negligence occurs when a breach of duty is flagrant and palpable¹⁶.*

29. Inferred from what actually transpired herein, Mayor Sia's action is the response in contemplation of Section 5(a) of Rep. Act no. 6713 which is in no way to be interpreted as Neglect of Duty be it grave or simple since doing it by action and not by verbal or written is still response in compliance of the law to finally aid the public of its predicaments which is the natural purpose of the enactment of the law.

30. There being no evidence to indict Mayor Sia for violation of Section 5(a) of Rep. Act no. 6713 that may result to alleged Grave Misconduct and Neglect of Duty then the quantum of substantial evidence in administrative cases is not met and therefore dismissal

¹⁵ Legal Research and Technical Staff et al., v. Security Guard Il Ferdinand Ponce et al., A.M. no. SB-22-001-P (Formerly OCA IPI No. 15-34-SB-P). June 20, 2022

¹⁶ Office of the Ombudsman v. Mirofe C. Fronda et al., G.R. no. 211239, April 26, 2021

becomes ministerial by nature consistent with *National Bureau of Investigation v. Conrado M. Najera*¹⁷ which states that:

The quantum of proof in administrative proceedings necessary for a finding of guilt is **substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. The burden to establish the charges rests upon the complainant. The case should be dismissed for lack of merit if the complainant fails to show in a satisfactory manner the facts upon which his accusations are based. The respondent is not even obliged to prove his exception or defense.** (Underlining & Emphasis Ours)

OUTRIGHT DISMISSAL OF THIS CASE ON THE FOLLOWING VALID GROUNDS:

1. COMPLAINANT IS GUILTY OF FORUM-SHOPPING

31. Marvin Marticio willfully and deliberately instituted two (2) actions against herein respondent Mayor Angel Aras Sia, Jr. of La Paz, Leyte by filing a complaint-affidavit dated 7 February 2024¹⁸ in the Office of the Ombudsman (Visayas) and docketed as IC-OVT-24-0016 and a similar complaint-affidavit dated 19 August 2024¹⁹ in this Honorable Sangguniang Panlalawigan of Leyte, seeking identical reliefs of suspension and removal from public office and perpetual disqualification to hold office in the government for Grave Misconduct and Neglect of Duty due to alleged violation of R.A. No. 6713, Sec. 5(a) by allegedly failing to respond within 15 days from receipt of a demand letter of Atty. Jerome Tenebro in behalf of client Emy P. Marticio (Annex "E" of complaint) – requesting to know if the good mayor was involved in an alleged Agreement with Brgy. Pansud, LaPaz, Leyte Punong Barangay Eleuterio Magayones concerning a disputed property which she bought from the Heirs of Maximo Magayones.

32. Forum shopping is committed by filing multiple cases based on the same cause of action and with the same prayer, the previous case not having been resolved yet, and filing multiple cases based on the same cause of action and the same prayer (*pendente lite*), the previous case having been resolved (*res judicata*).

33. *Forum shopping is the filing of multiple suits involving the same parties for the same cause of action, either simultaneously or successively, for the purpose of obtaining a favorable judgment. A party violates the rule against forum shopping if the elements of litis pendentia are present; or if a final judgment in one case would amount to res judicata in the other. xxx xxx There is forum shopping when the following elements are present: "(a) identity of parties, or at least such parties as represent the same interests in both actions; (b) identity of rights asserted and relief*

¹⁷ G.R. no. 237522, June 30, 2020

¹⁸ See Annex 1

¹⁹ See Annex 2

*prayed for, the relief being founded on the same facts; and (c) the **identity of the two preceding particulars**, is such that any judgment rendered in the other action will, regardless of which party is successful, amount to res judicata in the action under consideration; said requisites [are] also constitutive of the requisites for *auter action pendant* or *lis pendens*²⁰.*

32. The filing of these cases is to vex the courts and the respondent by asking different fora to rule on the same or related causes and grant the same or substantially the same reliefs and in the process, creates the possibility of conflicting decisions being rendered by the different fora upon the same issues.

33. Forum shopping is a ground for summary dismissal of both initiatory pleadings without prejudice to the taking of appropriate action against the counsel or party concerned. This is a punitive measure to those who trifle with the orderly administration of justice.

34. Further, complainant and his counsel violated Rule 7, Section 5 of the Rules of Court when they submitted false certifications of non-forum shopping and did not observe the undertakings therein mandated by Rule 7, Section 5, *“that he has not therefore commenced any action or filed any claim involving the same issues in any court, tribunal, or quasi-judicial agency and to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within 5 days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.” (underscore ours)*

35. As an aside, the filing of this case is **politically motivated**, obviously shown by the filing of this second complaint before this Honorable SP-Leyte, anent an alleged incident that occurred on January 2024, received by the respondent on 27 September 2024 or proximately closed to the filing of certificates of candidacy by the national and local government elective officials.

2. NO LOCUS STANDI

36. Moreover, there is an apparent contrast in the admitted interest between complainant Mr. Marvin Marticio and the alleged owner of the land Emy De Paz Marticio (client represented in the Letter). The purported evidence of the complainant does not reveal that he has a legal interest over the land in dispute. Thus, it is readily understood that this instant complaint deserve scant consideration from

²⁰ *Cezar Quiambao et al., v. Bonifacio C. Sumbilla et al., G.R. no. 192901, February 1, 2023 and Anthony K. Quiambao v. Bonifacio C. Sumbilla et al., G.R. no. 192903 citing San Juan v. Arambulo Sr., 514 Phil. 112 (2005)*

this Honorable Office for failure of Marvin Marticio to comply with the rule on *locus standi* as mandated in *Ernesto L. Ching, vs. Carmelita S. Bonachita-Ricablanca*²¹ which states that:

[Locus standi or legal standing is defined as] a personal and substantial interest in the case such that the party has sustained or will sustain direct injury as a result of the governmental act that is being challenged. The term "interest" means a material interest, an interest in issue affected by the decree, as distinguished from mere interest in the question involved, or a mere incidental interest. The gist of the question of standing is whether a party alleges such personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court depends for illumination of difficult constitutional questions. (Underlining & Emphasis Ours)

37. The defective complaint does not show that the real party-in-interest (Emy) authorized Marvin Marticio to file this complaint. Otherwise stated, Marvin Marticio has no material and substantial interest over the land subject of this dispute by his mere admission that this land was purchased by his daughter Emy de Paz Marticio.

38. Further, the admission of Raymart P. Marticio in his Judicial Affidavit that Emy De Paz Marticio is the lawful owner of the parcel of land in issue reinforced the defense that this instant complaint should be outrightly dismissed because the complainant has no *locus standi* as enshrined in *Ernesto L. Ching vs. Carmelita S. Bonachita-Ricablanca*²², absent showing that it was part of the exception to the rule which are: (a) constitutional issue of critical significance or (b) subject of transcendental import, to wit:

To have legal standing, therefore, a suitor must show that he has sustained or will sustain a "direct injury" as a result of a government action, or have a "material interest" in the issue affected by the challenged official act. However, the Court has time and again acted liberally on the locus standi requirements and has accorded certain individuals, not otherwise directly injured, or with material interest affected, by a Government act, standing to sue provided a constitutional issue of critical significance is at stake. The rule on locus standi is after all a mere procedural technicality in relation to which the Court, in a catena of cases involving a subject of transcendental import, has waived, or relaxed, thus allowing non-traditional plaintiffs, such as concerned citizens, taxpayers, voters or legislators, to sue in the public interest, albeit they may not have been personally injured by the operation of a law or any other government act. In David, the Court laid out the bare minimum norm before the so-called "non-traditional suitors" may be extended standing to sue, thusly:

1.) For taxpayers, there must be a claim of illegal disbursement of public funds or that the tax measure is unconstitutional;

²¹ G.R. no. 244828, October 12, 2020 citing *Association of Flood Victims v. Commission on Elections* 740 Phil. 472, 481 (2014)

²² *Supra*, citing *Ifuring v. Carpio Morales*, G.R. no. 232131, April 24, 2018, 862 SCRA 684 and *Funa v. Chairman Villar* 686 Phil. 571 (2012)

2.) For voters, there must be a showing of obvious interest in the validity of the election law in question;

3.) For concerned citizens, there must be a showing that the issues raised are of transcendental importance which must be settled early; and

4.) For legislators, there must be a claim that the official action complained of infringes their prerogatives as legislators (Underlining & Emphasis Ours)

RESERVATION TO FILE COUNTER-CHARGE

39. Based on the evidence presented it is clear that complainant, Marvin T. Marticio and his witness, Raymart P. Marticio committed perjury in openly lying under oath in their respective executed Judicial Affidavits to maliciously indict Mayor Sia over this harassment suit for Grave Misconduct and Neglect of Duty before this Honorable Office, aside from the Ombudsman.

40. Harassment suit: Based on the evidence presented herein, it clearly shows that Mayor Sia was never remiss of his duty to respond to the subject Letter of Atty. Jerome A. Tenebro for client Emy De Paz by action, despite not being duly represented by complainant Marvin T. Marticio. On the other hand, by filing this second suit with non-compliance of the non-forum shopping rule, and the timing of the filing of this suit within the political season reveals his political motive to harass the respondent.

41. Hence it is but proper that a counter-charge for violation of Art. 183 of the Revised Penal Code or Perjury in solemn statement be filed against Marvin T. Marticio and Raymart P. Marticio who executed sworn statements under oath in incriminating the innocent Mayor Sia also in violation of Art. 383 all defined under the Revised Penal Code, especially that they made a declaration under oath, the relevant provisions of Art. 183 and Art. 383 all under the Revised Penal Code states as follows:

*ARTICLE 183. False Testimony in Other Cases and Perjury in Solemn Affirmation. — The penalty of arresto mayor in its maximum period to prisión correccional in its minimum period shall be imposed upon **any person who, knowingly making untruthful statements** and not being included in the provisions of the next preceding articles, shall **testify under oath, or make an affidavit, upon any material matter before a competent person authorized to administer an oath in cases in which the law so requires.***

*Any person who, **in case of a solemn affirmation made in lieu of an oath, shall commit any of the falsehoods** mentioned in this and the three preceding articles of this section, shall suffer the respective penalties provided therein.*

xxx xxx xxx

*ARTICLE 363. Incriminating Innocent Person. — Any person who, by any act not constituting perjury, shall **directly incriminate or impute to an innocent person the commission of a crime,** shall be punished by arresto mayor. (Underlining & Emphasis Ours)*

PRAYER

WHEREFORE, in view of the foregoing, it is respectfully prayed before this Honorable Office to give its most appropriate resolution, that the complaint against me be **DISMISSED** forthwith for **UTTER LACK OF MERIT, UNSUBSTANTIATED EVIDENCE, AND FORUM-SHOPPING**.

Other relief and remedies as may be equitable in the premises are also prayed for.

OCT 09 2024 at Tacloban City for Palo, Leyte.

ANGEL ARAS SIA JR.
Affiant/Respondent

SUBSCRIBED AND SWORN to before me this OCT 09 2024 at Tacloban City, affiant exhibiting to me his DL no. H02-71-005469 as competent evidence of identity, personally known to me, who is the same person who personally signed before me the foregoing **VERIFIED ANSWER WITH COUNTER-CHARGE** and acknowledged the he executed the same.

Doc. No. 92
Page No. 14
Book No. I
SERIES OF 2024

LEO S. GIRON
Notary Public for Tacloban City
NC No. 2023-01-24 Until 31 Dec 2024
Roll No. 37379 / IBP Lifetime No. 00733
PTR No. 439592; 01-03-2024; Tacloban City
MCLE Compliance No. VIII-0000748; 11/7/22
2/F Wenzhuang Bldg., Abucay Terminal Road, Tacloban City

COPY FURNISHED: (RmWRC; disregard if personally served)

ATTY. FERDINAND ARTHUR B. DIAZ

Counsel for Marvin T. Marticio

Rm. 101, Gr. Flr., M.B. Yu Bldg., Real Street, Tacloban City

REGISTRY RECEIPT No. _____
Mailed OCT 09 2024
Tacloban City Post Office

MARVIN T. MARTICIO

Complainant

1145 Guindapunan St., District II, La Paz, Leyte

REGISTRY RECEIPT No. _____
Mailed OCT 09 2024
Tacloban City Post Office

OFFICE OF THE OMBUDSMAN (Visayas)

3F, LY Bldg., Fatima Village

Brgy. 77, Marasbaras, Tacloban City

Refer: IC-OVT-24-0016

REGISTRY RECEIPT No. _____
Mailed OCT 09 2024
Tacloban City Post Office

ATTY. FERDINAND ARTHUR BALAGA DIAZ
Counsellor-at-Law & Notary Public
Rm. 101, Gr. Flr., M.B. Yu Bldg., Real St., Tacloban City, Philippines 6500
E-mail address: atty_uriyah1993@yahoo.com

Item No.: 19

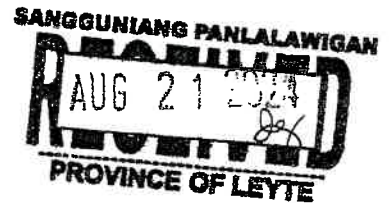
Date: 27 2024 AUG

ANNEX " 1 "

ENTRY OF APPEARANCE AS COUNSEL FOR THE COMPLAINANT

19 August 2024

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



Warm Greetings!

Dear Sir/Ma'am,

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

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

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

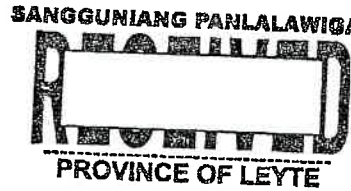
Thank you and more power. May the G-d of Israel pound you more with countless blessings.

I remain sincere and respectful,

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

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

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



-oOo-

MARVIN T. MARTICIO,
Complainant,

Admins Case No. _____

For: Grave Misconduct
and Neglect of Duty.

-vs.-

HON. ANGEL ARAS SIA, JR.,
Respondent.

X-----X

COMPLAINT-AFFIDAVIT

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

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

I.

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

II.

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

III.

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

IV.

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

V.

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

VI.

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

VII.

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

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

VIII.

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

IX.

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

X.

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

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

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

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

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

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

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

Admin. Case No. _____

For: Grave Misconduct and Neglect of Duty

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

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

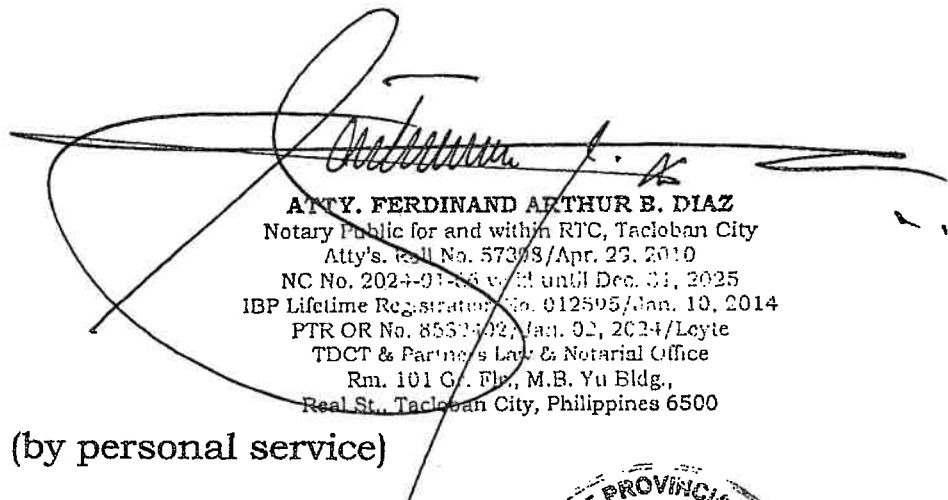

MARVIN T. MARTICIO

Affiant

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

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

Doc. No. 504
Page No. 101
Book No. XLII
Series of 2024

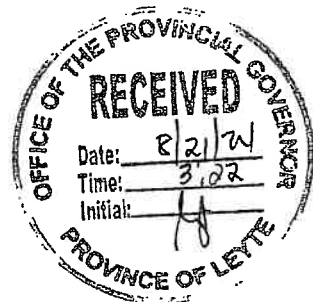

ATTY. FERDINAND ARTHUR B. DIAZ
Notary Public for and within RTC, Tacloban City
Atty's. Roll No. 57398/Apr. 23, 2010
NC No. 2024-01-23 v. 21 until Dec. 31, 2025
IBP Lifetime Registration No. 012595/Jan. 10, 2014
PTR OR No. 8552492/Jan. 02, 2024/Leyte
TDCT & Partners Law & Notarial Office
Rm. 101 G. Flr., M.B. Yu Bldg.,
Real St., Tacloban City, Philippines 6500

Copy furnished: (by personal service)

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

Received by: _____

Date: August 19, 2024



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

Admin. Case No. _____

For: Grave Misconduct and Neglect of Duty

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

Received by: _____

Date: ~~August 19, 2024~~

DILG Regional Office VIII
Records Section

AUG 21 2024

RECEIVED by: AS

Time: 2:12

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

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

-o0o-



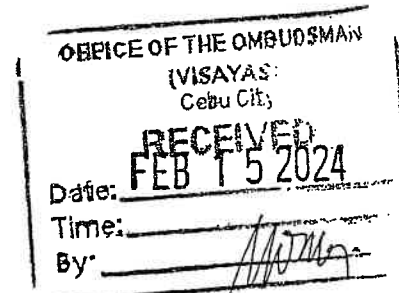
MARVIN T. MARTICIO,
Complainant,

OMB Case No. V-A-

For: Grave Misconduct
and Neglect of Duty.

-vs.-

HON. ANGEL ARAS SIA, JR.,
Respondent.



X-----X

COMPLAINT-AFFIDAVIT

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

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I.

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

II.

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

III.

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IV.

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

V.

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

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

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X.

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

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

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

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

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

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

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

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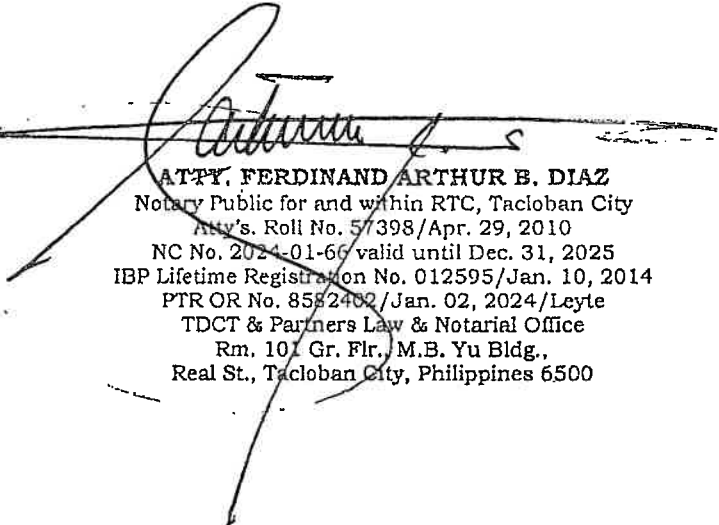

MARVIN T. MARTICIO

Affiant

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

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

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


ATTY. FERDINAND ARTHUR B. DIAZ
Notary Public for and within RTC, Tacloban City
Atty's. Roll No. 57398/Apr. 29, 2010
NC No. 2024-01-66 valid until Dec. 31, 2025
IBP Lifetime Registration No. 012595/Jan. 10, 2014
PTR OR No. 8582402/Jan. 02, 2024/Leyte
TDCT & Partners Law & Notarial Office
Rm. 101 Gr. Flr., M.B. Yu Bldg.,
Real St., Tacloban City, Philippines 6500

AFFIDAVIT

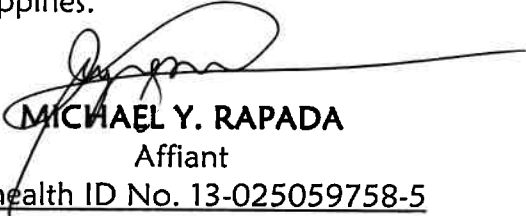
I, **MICHAEL Y. RAPADA**, of legal age, Filipino, and in his capacity as Local Assessment Operations Officer of the Municipality of La Paz, Leyte with office at LGU-La Paz, Leyte, after being sworn according to law hereby depose and state: THAT---

1. I am the Local Assessment Operations Officer and the focal person for the Municipality of La Paz, Leyte over its real properties;
2. Around 9 January 2024, I learned of the Letter of Atty. Jerome A. Tenebro prepared for his client, Emy De Paz Marticio which was represented by Mr. Marvin T. Marticio, Raymart P. Marticio and Raffy P. Marticio about the alleged involvement of Mayor Sia over any agreement with Punong Barangay Eleuterio L. Magayones of Barangay Pansud, La Paz, Leyte and was requested by Mayor Sia to attend the set meeting on 10 January 2024 at around 9 in the morning;
3. Coming to that date, in attendance to the meeting was Mr. Marvin T. Marticio, Raymart P. Marticio, Raffy P. Marticio, Froilan R. Pundavela and Mayor Angel A. Sia Jr. at the Office of the Mayor of La Paz, Leyte;
4. During the meeting, it was Marvin T. Marticio who opened to Mayor Sia about the alleged agreement between PB Magayones and him over the parcel of land allegedly purchased by Emy De Paz Marticio in Brgy. Pansud, La Paz, Leyte which was outrightly denied by Mayor Sia since he did not enter into any agreement with PB Magayones over any parcel of land in Brgy. Pansud, La Paz, Leyte;
5. Having cleared the issue, Marvin calmed himself and allowed Raymart and Raffy to exhibit the Plan of the land in question to point the location of the property as well as its boundaries but considering that it was a land dispute, Mayor Sia advised Marvin that they need to invite PB Magayones so that we can also hear his side of the story so as not to be biased over the issues;
6. Marvin became agitated and rushed Mayor Sia to immediately call PB Magayones, in order to accommodate such request PB Magayones was called thru the Local Disaster Risk Reduction and Management Office Radio which is direct to the Barangay Hall of Brgy. Pansud, La Paz, Leyte to immediately invite him to attend the 11 January 2024 meeting in the afternoon at the Office of the Mayor but around the morning of that date a certain Melmer A. Quillotes, Brgy. Kagawad of Brgy. Pansud, La Paz, Leyte informed the office that PB Magayones could not attend the meeting since he is suffering from Loose Bowel Movement (LBM);
7. Having received this, the Office of the Mayor opted to push thru with the meeting since Marvin, Raymart and Raffy Marticio were already there so we repeated the same discussion during the first day to accommodate fellow LaPaznon, which ultimately set another meeting on 12 January 2024 at 9 in the morning;

8. On the early morning of 12 January 2024, a certain Arsenio S. Alcuetas, Jr. Barangay Kagawad of Brgy. Pansud, La Paz, Leyte went to the Office of the Mayor of La Paz, Leyte and informed us that PB Magayones could not attend the meeting since he is still not feeling well, so despite the absence of PB Magayones, the meeting with the Marticios', Mayor Sia, Froilan Pundavela and myself still proceeded which just repeated the same discussion between the parties;
9. The meeting was again set on 16 January 2024 but before the meeting could pursue, Mayor Sia and I chanced upon Marvin, Raymart and Raffy Marticio along the stairs of the Municipal Hall of La Paz, Leyte and heard Mr. Marvin Marticio told the good mayor that he already filed a case against PB Magayones over the subject property in this case to which Mayor Sia replied that he respects his decision and that he made Marvin understand that he can no longer continue with the mediation since there is already a case between the parties.
10. I am executing this Affidavit to attest the truth and veracity of the foregoing statements in support of the Verified Answer of Hon. Angel A. Sia Jr., and for whatever legal purpose it may serve.


FURTHER AFFIANT SAYETH NAUGHT.

IN WITNESS WHEREOF, I have hereunto set my hand this 9 October 2024 at Tacloban City, Philippines.


MICHAEL Y. RAPADA
Affiant
Philhealth ID No. 13-025059758-5

SUBSCRIBED AND SWORN to before me this 9 October 2024 at Tacloban City, Philippines, affiant exhibiting to me his competent evidence of identity as shown above below his name, that he is the same person who personally signed the foregoing affidavit before me and acknowledged that he executed the same.

Doc. No. 22
Page No. 5
Book No. 5
SERIES OF 2024


ATTY. MARTIN FRANZ SIA SY
Notary Public for Tacloban City
NC No. 2024-01-09 until 31 December 2025
Roll of Attorney's No. 70868 / IBP No. 363109; 10-11-23;
PTR No. 1526515; 01-02-2024; Tacloban City
MCLE Exemption No. VIII-BEP000015; 4-20-22
2F Wenzhuan Bldg., Abucay Terminal Road, Tacloban City

AFFIDAVIT

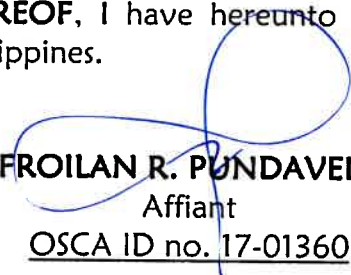
I, **FROILAN R. PUNDAVELA**, of legal age, Filipino, and in his capacity as Executive Secretary of the Municipality of La Paz, Leyte with office at LGU-La Paz, Leyte, after being sworn according to law hereby depose and state: THAT---

1. I am the Executive Secretary of the Office of the Municipal Mayor for the Municipality of La Paz, Leyte;
2. Around 9 January 2024, I learned of the Letter of Atty. Jerome A. Tenebro prepared for his client, Emy De Paz Marticio which was represented by Mr. Marvin T. Marticio, Raymart P. Marticio and Raffy P. Marticio about the alleged involvement of Mayor Sia over any agreement with Punong Barangay Eleuterio L. Magayones of Barangay Pansud, La Paz, Leyte and was requested by Mayor Sia to attend the set meeting on 10 January 2024 at around 9 in the morning after our executive meeting on that day;
3. Coming to that date, in attendance to the meeting was Mr. Marvin T. Marticio, Raymart P. Marticio, Raffy P. Marticio, Michael Y. Rapada and Mayor Angel A. Sia Jr. at the Office of the Mayor of La Paz, Leyte;
4. During the meeting, it was Marvin T. Marticio who opened to Mayor Sia about the alleged agreement between PB Magayones and him over the parcel of land allegedly purchased by Emy De Paz Marticio in Brgy. Pansud, La Paz, Leyte which was outrightly denied by Mayor Sia since he did not enter into any agreement with PB Magayones over any parcel of land in Brgy. Pansud, La Paz, Leyte;
5. Having cleared the issue, Marvin calmed himself and allowed Raymart and Raffy to exhibit the Plan of the land in question to point the location of the property as well as its boundaries but considering that it was a land dispute, Mayor Sia advised Marvin that they need to invite PB Magayones so that we can also hear his side of the story so as not to be biased over the issues;
6. Marvin became agitated and rushed Mayor Sia to immediately call PB Magayones so in order to accommodate such request PB Magayones was called thru the Local Disaster Risk Reduction and Management Office Radio which is direct to the Barangay Hall of Brgy. Pansud, La Paz, Leyte to immediately invite him to attend the 11 January 2024 meeting in the afternoon at the Office of the Mayor but around the morning of that date a certain Melmer A. Quillotes, Brgy. Kagawad of Brgy. Pansud, La Paz, Leyte informed the office that PB Magayones could not attend the meeting since he is suffering from Loose Bowel Movement (LBM);
7. Having received this, the Office of the Mayor opted to push thru with the meeting since Marvin, Raymart and Raffy Marticio were already there so we repeated the same discussion during the first day to accommodate fellow LaPaznon, which ultimately set another meeting on 12 January 2024 at 9 in the morning;

8. On the early morning of 12 January 2024, a certain Arsenio S. Alcuetas, Jr. Barangay Kagawad of Brgy. Pansud, La Paz, Leyte went to the Office of the Mayor of La Paz, Leyte and informed us that PB Magayones could not attend the meeting since he is still not feeling well, so despite the absence of PB Magayones, the meeting with the Marticios', Mayor Sia, Michael Y. Rapada and myself still proceeded which just repeated the same discussion between the parties;
9. I learned that a meeting was set on 16 January 2024 at the Office of the Mayor with the Marticios' with a standing invitation to PB Magayones but I was not able to attend the same due to some equally important executive matters at the Municipality of La Paz, Leyte.
10. I am executing this Affidavit to attest the truth and veracity of the foregoing statements in support of the Verified Answer of Hon. Angel A. Sia Jr., and for whatever legal purpose it may serve.


FURTHER AFFIANT SAYETH NAUGHT.

IN WITNESS WHEREOF, I have hereunto set my hand this 9 October 2024 at Tacloban City, Philippines.


FROILAN R. PUNDAVELA
Affiant
OSCA ID no. 17-01360

SUBSCRIBED AND SWORN to before me this 9 October 2024 at Tacloban City, Philippines, affiant exhibiting to me his competent evidence of identity as shown above below his name, that he is the same person who personally signed the foregoing affidavit before me and acknowledged that he executed the same.

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SERIES OF 2024


ATTY. MARTIN FRANZ SIA SY
Notary Public for Tacloban City
NC No. 2024-01-09 until 31 December 2025
Roll of Attorney's No. 70868 / IBP No. 363109; 10-11-23;
PTR No. 1526515; 01-02-2024; Tacloban City
MCLE Exemption No. VIII-BEP000015; 4-20-22
2F Wenzhuan Bldg., Abucay Terminal Road, Tacloban City

ASST. PROV. PROSECUTOR
ABUYOG, LEYTE
Republic of the Philippines
Department of Justice
OFFICE OF THE ASSISTANT PROVINCIAL PROSECUTOR

Abuyog, Leyte
-oOo-

RECEIVED
BY: [Signature]
DATE: JAN 15 2024 TIME: 2:58 P.M.
NPS No. VIII-02a-INV-24A-006/007

MARVIN T. MARTICIO,
Complainant,

NPS Docket No.
For: Grave Threats and
Grave Coercion.

-vs.-

**ELEUTERIO MAGAYONES,
CHARLITO A. BADION,
EMILINDA S. ALVERO,
ARSENIO S. ALCUETAS JR.,
ERWIN T. ANTIDO,
ROMULO O. ESPEJO,
ALEJANDRO L. ESPEJO,
MELMER A. QUILLOTES,
DARMIE S. ALVERO,
LUIS S. ALVERO JR.,
JOEL A. NABOYA,
FELISA C. NABOYA,
JULIUS S. MONTEROLA,
LEONIDO T. NEBALIZA,
ARIEL S. SOLIBAR,
VIRGELIO SO. QUILLOTES,
DOMINADOR G. SOLIBAR,
ARTURO L SEVILLANO,
JULIE A. NEBALIZA,
VILMA S. MOSTACISA,
GINA D. QUILLOTES,
GLECELYN A. NEBALIZA,
EDGARDO M. QUILLOTES and
VIRGINIA RAMOS SEVILLANO,**
Respondents.
X-----X

JUDICIAL COMPLAINT AFFIDAVIT OF
MARVIN T. MARTICIO

This Judicial Counter Affidavit of **MARVIN T. MARTICIO** was taken and recorded based on the examination made by Atty. Ferdinand Arthur B. Diaz of Ticoy, Diaz, Cercado, Tutaan & Partners Law & Notarial Offices with business and official address at Rm. 101, Ground Floor, M.B. Yu Bldg., Real St., Tacloban City, Philippines 6500 on January 15, 2024 at the office of the herein examiner.

Purpose of the Witness' Testimony:

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

- (1) That her daughter Emy De Paz Marticio is the lawful owner of a parcel of land designated as Lot No. 3046 which she acquired by way of sale and purchase from the heirs of Maximo Magayones and Aquilina Gara;
- (2) That on January 06, 2024 at around 10:55 in the morning of the same date, he together with his other two sons namely Raymart De Paz Marticio and Raffy De Paz Marticio went to check the said lot of Emy De Paz Marticio at Brgy. Pansud, La Paz, Leyte on which their residential house is erected;
- (3) That when they arrived there, they were surprised to see and discover that their house is being fenced by herein respondents led by Punong Barangay Eleuterio Magayones and several other barangay officials like Barangay Kagawad Charlito Agustin Badion, Barangay Kagawad Emilinda Sevillano Alvero, Brgy. Kagawad Arsenio Sinining Alcuetas Jr., Brgy. Kagawad Melmer Acebo Quillotes, Brgy. Tanod Erwin Tila-on Antido, Brgy. Tanod Darmie Sevillano Alvero, Brgy. Tanod Leonido Tila-on Nebaliza, Brgy. Tanod Ariel Suyom Solibar, Brgy. Tanod Virgelio Solibar Quillotes, Brgy. Tanod Dominador Ganalon Solibar, Brgy. Tanod Arturo Lino Sevillano, Brgy. Tanod Gina Dazo Quillotes, Brgy. Tanod Edgardo Magayones Quillotes, Brgy. Tanod Romulo Onate Espejo, Lupon Member Virginia Ramos

Sevillano and several other private individuals identified as Alejandro Laluna Espejo, Luis Sevillano Alvero Jr., Joel Aralar Naboya, Felisa Cinco Naboya, Julius Sevillano Monterola, Julie Alvero Nebaliza, Vilma Sevillano Mostacisa and Glecelyn Alvero Nebaliza;

- (4) That complainant and his other two sons were prevented from entering the premises of their land including their house which is erected on thereon;
- (5) That when complainant and his two sons tried to prevent herein respondents from doing so, a commotion ensued as the latter did not heed complainant and the latter was overpowered by the numbers of herein respondents;
- (6) That instead, respondents particularly Punong Barangay Eleuterio Magayones and Charlito Agustin Badion acted violently and even challenged complainant and his two sons for a fight which then prompted Raymart De Paz Marticio to video record the entire incident with the use of his cell phone;
- (7) That Charlito Agustin Badion even unsheathed a long bladed weapon locally known as "sundang";
- (8) That respondents only retreated and calmed down a bit when they saw complainant's sons filming them;
- (9) That complainant reported the said incident to the police for records purposes.

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

PRELIMINARY QUESTIONS:

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

A: IN THE WARAY-WARAY DIALECT.

Translation:

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

A: Waray-waray.

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

A: I AM MARVIN T. MARTICIO, MARRIED, FILIPINO CITIZEN, OF LEGAL AGE AND A RESIDENT OF 1145 GUINDAPUNAN ST., DIST. II, LA PAZ, LEYTE, PHILIPPINES.

Translation:

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

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

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

A: YES.

Translation:

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

A: Oo.

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

A: YES.

Translation:

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

A: Oo.

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

A: YES.

Translation:

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

A: Oo.

**MAIN QUESTIONS IN SUPPORT OF
COMPLAINANT'S CRIMINAL CAUSE OF ACTION:**

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

A: I WANT TO FILE A CRIMINAL CASE FOR GRAVE COERCION AND GRAVE THREATS AGAINST HEREIN ALL NAMED RESPONDENTS NAMELY PUNONG BARANGAY ELEUTERIO MAGAYONES, BARANGAY KAGAWAD CHARLITO AGUSTIN BADION, BARANGAY KAGAWAD EMILINDA SEVILLANO ALVERO, BRGY. KAGAWAD ARSENIO SININING ALCUETAS JR., BRGY. KAGAWAD MELMER ACEBO QUILLOTES, BRGY. TANOD ERWIN TILA-ON ANTIDO, BRGY. TANOD DARMIE SEVILLANO ALVERO, BRGY. TANOD LEONIDO TILA-ON NEBALIZA, BRGY. TANOD ARIEL SUYOM SOLIBAR, BRGY. TANOD VIRGELIO SOLIBAR QUILLOTES, BRGY. TANOD DOMINADOR GANALON SOLIBAR, BRGY. TANOD ARTURO LINO SEVILLANO, BRGY. TANOD GINA DAZO QUILLOTES, BRGY. TANOD EDGARDO MAGAYONES QUILLOTES, BRGY. TANOD ROMULO ONATE ESPEJO, LUPON MEMBER VIRGINIA RAMOS SEVILLANO, ALEJANDRO LALUNA ESPEJO, LUIS SEVILLANO ALVERO JR., JOEL ARALAR NABOYA, FELISA CINCO NABOYA, JULIUS SEVILLANO MONTEROLA, JULIE ALVERO NEBALIZA, VILMA SEVILLANO MOSTACISA AND GLECelyn ALVERO NEBALIZA.

Translation:

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

A: Karuyag ko magpasaka hin kaso kriminal nga grave threats ngan grave coercion kontra hini ngatanan nga mga pinan ngaranan nga mga respondente nga hira Punong Barangay Eleuterio Magayones, Barangay Kagawad Charlito Agustin Badian, Barangay Kagawad Emilinda Sevillano Alvero, Brgy. Kagawad Arsenio Sinining Alcuetas Jr., Brgy. Kagawad Melmer Acebo Quillotes, Brgy. Tanod Erwin Tila-on Antido, Brgy. Tanod Darmie Sevillano Alvero, Brgy. Tanod Leonido Tila-on Nebaliza, Brgy. Tanod Ariel Suyom Solibar, Brgy. Tanod Virgelio Solibar Quillotes, Brgy. Tanod Dominador Ganalon Solibar, Brgy. Tanod Arturo Lino Sevillano, Brgy. Tanod Gina Dazo Quillotes, Brgy. Tanod Edgardo Magayones Quillotes, Brgy. Tanod Romulo Onate Espejo, Lupon Member Virginia Ramos Sevillano, Alejandro Laluna Espejo, Luis Sevillano Alvero Jr., Joel Aralar Naboya, Felisa Cinco Naboya, Julius Sevillano Monterola, Julie Alvero Nebaliza, Vilma Sevillano Mostacisa and Glecelyn Alvero Nebaliza.

7. **Q: WHO ARE THESE PEOPLE AND WHERE ARE THEY FROM?**

A: ELEUTERIO MAGAYONES IS THE PUNONG BARANGAY OF BRGY. PANSUD LA PAZ, LEYTE. OTHERS ARE BARANGAY OFFICIALS LIKE BARANGAY KAGAWAD CHARLITO AGUSTIN BADION, BARANGAY KAGAWAD EMILINDA SEVILLANO ALVERO, BRGY. KAGAWAD ARSENIO SININING ALCUETAS JR., BRGY. KAGAWAD MELMER ACEBO QUILLOTES, BRGY. TANOD ERWIN TILA-ON ANTIDO, BRGY. TANOD DARMIE SEVILLANO ALVERO, BRGY. TANOD LEONIDO TILA-ON NEBALIZA, BRGY. TANOD ARIEL SUYOM SOLIBAR, BRGY. TANOD VIRGELIO SOLIBAR QUILLOTES, BRGY. TANOD DOMINADOR GANALON SOLIBAR, BRGY. TANOD ARTURO LINO SEVILLANO, BRGY. TANOD GINA DAZO QUILLOTES, BRGY. TANOD EDGARDO MAGAYONES QUILLOTES, BRGY. TANOD ROMULO ONATE ESPEJO AND LUPON MEMBER VIRGINIA RAMOS SEVILLANO. WHILE ALEJANDRO LALUNA ESPEJO, LUIS SEVILLANO ALVERO JR., JOEL ARALAR NABOYA, FELISA CINCO NABOYA, JULIUS SEVILLANO MONTEROLA, JULIE ALVERO NEBALIZA, VILMA SEVILLANO MOSTACISA AND GLECELYN ALVERO NEBALIZA ARE PRIVATE INDIVIDUALS. THEY ARE ALL RESIDENTS OF BRGY. PANSUD, LA PAZ, LEYTE.

Translation:

Q: Mga hira hin-o ini nga mga tawo ngan mga taga diin ini hira?

A: Hi Eleuterio Magayones Kapitan iton ha Brgy. Pansud, La Paz, Leyte. It iba mga barangay officials parehas kanda Barangay Kagawad Charlito Agustin Badion, Barangay Kagawad Emilinda Sevillano Alvero, Brgy. Kagawad Arsenio Sinining Alcuetas Jr., Brgy. Kagawad Melmer Acebo Quillotes, Brgy. Tanod Erwin Tila-on Antido, Brgy. Tanod Darmie Sevillano Alvero, Brgy. Tanod Leonido Tila-on Nebaliza, Brgy. Tanod Ariel Suyom Solibar, Brgy. Tanod Virgelio Solibar Quillotes, Brgy. Tanod Dominador Ganalon Solibar, Brgy. Tanod Arturo Lino Sevillano, Brgy. Tanod Gina Dazo Quillotes, Brgy. Tanod Edgardo Magayones Quillotes, Brgy. Tanod Romulo Onate Espejo ngan Lupon Member Virginia Ramos Sevillano. Samantala hira Alejandro Laluna Espejo, Luis Sevillano Alvero Jr., Joel Aralar Naboya, Felisa Cinco Naboya, Julius Sevillano Monterola, Julie Alvero Nebaliza, Vilma Sevillano Mostacisa ngan Glecelyn Alvero Nebaliza mga private la iton hira nga mga tawo.

8. **Q:** WHAT PROMPTED YOU TO FILE A CRIMINAL CASE AGAINST THEM FOR GRAVE THREATS AND GRAVE COERCION?
A: BECAUSE LAST JANUARY 06, 2024, WHEN I AND MY TWO SONS RAYMART DE PAZ MARTICIO AND RAFFY DE PAZ MARTICIO WENT TO BRGY. PANSUD TO CHECK AND VISIT OUR RESIDENTIAL HOUSE IN SAID PLACE, WE WERE PREVENTED FROM ENTERING THE PREMISES OF OUR LOT INCLUDING OUR HOUSE AS IT WAS BEING FENCED BY HEREIN RESPONDENTS.

Translation:

Q: Anu an nakapag aghat ha imu nga magpasaka hin kaso kriminal nga grave threats ngan grave coercion kontra ha ira?

A: Tungod kay dida han Enero 06, 2024, pagkadto namon han akon mga anak nga hira Raymart De Paz Marticio ngan Raffy De Paz Marticio ngadto ha Brgy. Pansud para kitaon ngan bisitahon an amon balay didto hito nga lugar, waray kami pasakba ngadto han amon tuna ngan han amon balay hini nga mga respondente kay ira man gin-aatabay an am balay.

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

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

Translation:

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

A: An akon anak nga babaye nga hi Emy De Paz Marticio kay napalit iton niya tikang han mga sumurunod nira Maximo Magayones ngan Aquilina Gara.

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

A: YES THAT IS CORRECT.

Translation:

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

A: Oo sakto iton.

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

A: THE COPY OF THE TAX DECLARATION.

Translation:

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

A: An kopya han tax declaration.

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

A: YES.

Translation:

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

A: Oo.

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

A: YES THIS IS THE SAME.

Translation:

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

A: Oo amu ini.

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

A: YES.

Translation:

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

A: Oo.

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

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

Translation:

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

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

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

A: YES.

Translation:

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

A: Oo.

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

A: YES THIS IS THE SAME.

Translation:

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

A: Oo amu na ini.

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

A: YES.

Translation:

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

A: Oo.

19. Q: YOU SAID EARLIER THAT WHEN YOU WENT TO BRGY. PANSUD TO CHECK AND VISIT YOUR HOUSE, YOU WERE PREVENTED FROM ENTERING THE PREMISES OF YOUR LOT AND YOUR HOUSE BECAUSE AS YOU SAID, THESE RESPONDENTS WERE ERECTING A FENCE AROUND YOUR HOUSE. WHAT DID YOU DO THEN, IF ANY?

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

Translation:

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

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

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

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

Translation:

Q: Anu man an ira ginbuhat?

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

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

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

Translation:

Q: So anu man an ginbuhat mo?

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

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

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

Translation:

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

A: Naging bayolente hira. Gin-ayat kami ni Kapitan Eleuterio Magayones ngan ni Brgy. Kagawad Charlito A.

Badion hin away samtang kapot kapot ni Badion an waray na taklos nga halaba nga sundang.

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

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

Translation:

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

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

24. Q: AT THAT MOMENT, WHAT IF ANY DID YOU AND YOUR SONS DO?

A: MY SON RAYMART DE PAZ MARTICIO TOOK HIS CELL PHONE AND STARTED RECORDING THE INCIDENT.

Translation:

Q: Hadto nga mga takna, anu man an imu ginbuhat ngan han imu mga anak?

A: An akon anak nga hi Raymart De Paz Marticio in kumuha han iya cell phone ngan gin video niya an panhitabo.

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

A: THE PICTURE OF HIM HOLDING A LONG BLADED WEAPON.

Translation:

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

A: An iya picture nga mayda niya kapot kapot nga halaba nga sundang.

26. Q: WHO TOOK THAT PICTURE?

A: MY SON RAYMART DE PAZ MARTICIO.

Translation:

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

A: An akon anak nga hi Raymart De Paz Marticio.

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

A: YES.

Translation:

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

A: Oo.

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

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

Translation:

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

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

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

A: YES.

Translation:

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

A: Oo.

30. Q: AFTER THAT INCIDENT, WHAT DID YOU DO NEXT, IF ANY?

A: I IMMEDIATELY REPORTED THE INCIDENT TO THE POLICE FOR RECORDS PURPOSES.

Translation:

Q: Kahuman hadto nga insidente, anu man an imu sunod nga ginbuhat, kun mayda man?

A: Gin report ko dayon ngadto ha police para mahi-record adto nga insidente.

31. **Q: WHAT PROOF CAN YOU SHOW TO ME THAT YOU INDEED REPORTED THE INCIDENT TO THE POLICE?**

A: I HAVE A COPY OF THE POLICE REPORT.

Translation:

Q: Anu man nga proyba it imu maipapakita ha akon nga imu adto gin report nga insidente ngadto ha pulis?

A: Mayda ko kopya han police report.

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

A: YES.

Translation:

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

A: Oo.

33. **Q: I AM SHOWING TO YOU A COPY OF THE POLICE REPORT BEARING ENTRY NUMBERS 1116 AND 1117 ISSUED BY THE LA PAZ MUNICIPAL POLICE STATION. PLEASE GO OVER THE SAME AND TELL ME IF THAT IS THE SAME DOCUMENT YOU ARE REFERRING TO?**

A: YES THIS IS THE SAME.

Translation:

Q: Adi hin akon ginpapakita ha imu nga kopya han police report nga mayda entry numbers 1116 ngan 1117 nga gin-isyu han La Paz Municipal Police Station. Alayon daw pagkita hito ngan sumati ako kun amu ba ito nga dokumento an imu ginsisiring?

A: Oo amu ini.

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

A: YES.

Translation:

Q: Akon ini iglalakip nga kopya hini nga police report nganhi hini nga imu judicial affidavit ngan akon ini mamarkahan hin Exhibit "D". Masugot ka?

A: Oo.

35. **Q:** YOU ALSO SAID THAT RAYMART DE PAZ MARTICIO TOOK A CELL PHONE VIDEO OF THE INCIDENT. WHERE IS IT NOW?

A: HERE IN THE USB.

Translation:

Q: Nasiring ka gihapon kanina nga hi Raymart De Paz Marticio in nag video han insidente. Hain man ito yana?

A: Adi man ha USB.

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

A: YES.

Translation:

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

A: Oo.

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

A: NONE.

Translation:

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

A: Waray na.

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

A: YES.

Translation:

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

A: Oo.

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

A: YES.

Translation:

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

A: Oo.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of January 2024 at Tacloban City, Republic of the Philippines.

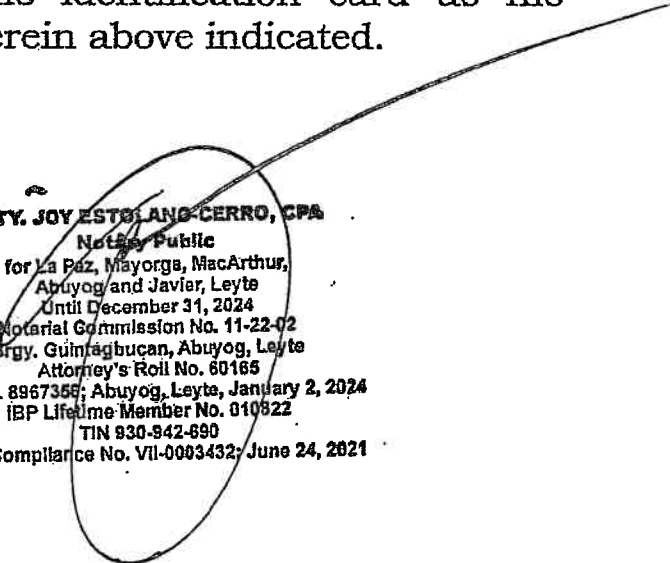

MARVIN T. MARTICIO

Affiant

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

SUBSCRIBED AND SWORN to before me this 15th day of January 2024 at Tacloban City, Republic of the Philippines, the affiant has exhibited to me his identification card as his competent proof of identity as herein above indicated.

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Page No. 22
Book No. CW
Series of 2024


ATTY. JOY ESTEBAN CERRO, CPA
Notary Public
for La Paz, Mayorga, MacArthur,
Abuyog and Javlar, Leyte
Until December 31, 2024
Notarial Commission No. 11-22-02
Brgy. Guinagbuacan, Abuyog, Leyte
Attorney's Roll No. 60165
PTR No. 8967356; Abuyog, Leyte, January 2, 2024
IBP Lifetime Member No. 010822
TIN 930-842-890
MCLE Compliance No. VII-0083432; June 24, 2021

LAWYER'S ATTESTATION CLAUSE

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of January 2024 at ~~Abuyog, Leyte~~ **ABUYOG, LEYTE** Republic of the Philippines.


ATTY. FERDINAND ARTHUR B. DIAZ

Affiant

IBP ID No. 57398

Admitted to the Philippine Bar on April 29, 2010

SUBSCRIBED AND SWORN to before me this 15th day of January 2024 at ~~Tacloban City~~ **ABUYOG, LEYTE**, Republic of the Philippines, the affiant has exhibited to me his identification card as his competent proof of identity as herein above indicated.

ATTY. JOY ESTOLANO CERRO, CPA

Notary Public

for La Paz, Mayorga, MacArthur

Abuyog and Javier, Leyte

until December 31, 2024

Notarial Commission No. 11-22-02

Brgy. Guintagbucan, Abuyog, Leyte

Attorney's Roll No. 60165

PTR No. 8967355; Abuyog, Leyte, January 2, 2024

IBP Lifetime Member No. 070822

TIN 930-942-690

MCLE Compliance No. VII-0003432; June 24, 2021

Doc. No. 103
Page No. 22
Book No. CIV
Series of 2024

TAX DECLARATION OF REAL PROPERTY

ANNEX "EXHIBIT" "A"

08-22-0026-00112

Cancelled:

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

MAGAYONES, MAXIMO & GARA, AQUILINA

TIN: _____

PANSUD, LA PAZ, LEYTE

Telephone No.: _____

Beneficial User: _____

TIN: _____

PANSUD, LA PAZ, LEYTE

Telephone No.: _____

Address of Property:

PANSUD

LA PAZ, LEYTE

(Number and Street)

(Barangay/District)

(Municipality&Province/City)

C/OA No.: _____

Survey No.: _____

Lot No.: _____

Blk. No.: _____

Cadastral Lot no: 3048

Boundaries:

North: ASS. LOT # 013

South: ASS LOT # 001 OF SEC. 02

East: ASS. LOT # 014

West: PUBLIC LAND

PROPERTY ASSESSED:

LAND:

MACHINERY:

BUILDING:

OTHERS:

No. of Storeys: _____

Specify: _____

Brief Description: _____

Location	Subclassification	Actual Use	Class Level	Area (sq.m.)	Unit Value - sq.m	Market Value	Assessment Level	Asses
E	NATURAL COCONUT LAND	AGRICULTURAL	1ST CLASS	17,712	3.13	46,061.06	40%	
Total Area :				17,712 sq.m.	Php	46,061.06	Php	

Assessed Value

EIGHTEEN THOUSAND FOUR HUNDRED TWENTY PESOS ONLY

(Amount in words)

Exempt

Effectivity of Assessment/Reassessment: $\frac{1}{4}$

Qtr.

PENDING APPROVAL:

APPROVED BY:

(SGD.) TECHIE T. GO

12/15/2023

ATTY. RAFAEL M. IRIARTE

11/17

Municipal Assessor

Date

Provincial Assessor

D.

Registration cancels TD No.: 05-22-0026-00111

Previous AV. Php

Owner: MAGAYONES, MAXIMO & GARA, AQUILINA

Attested by: BY: (SGD.) ENGR. TERESITA P. SALAS, LAOC-III, Technical Supervisor

City: _____

CERTIFIED TRUE COPY

This declaration is for real property taxation purposes only and the valuation indicated herein are based on the schedule of unit m

EXTRA JUDICIAL SETTLEMENT OF THE ESTATE WITH SALE

KNOW ALL MEN BY THESE PRESENTS:

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

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

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

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

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

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

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

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

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

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

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

Hereinafter referred to as the **VENDORS**;

and

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

WITNESSETH;

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

"A parcel of land designated as Lot No. 3046, located at Brgy. Pansud, Lapaz, Leyte, with Tax Declaration No. 08-22-0026-00112, bounded as follows, line 1-2 by Lot 1469; line 2-3 by Lot 3018, line 3-4 by lot 1429; line 4-1 by lot 1471; and described as follows; Line 1-2 S54-44W with distance 67.63m.; line 2-3, N41-23W distance 192.74m.; line 3-4 N68-48E distance 122.85m.; line 4-1 S24-26E distance 164.71m.; containing an area of **SIXTEEN THOUSAND FIVE HUNDRED EIGHTYTHREE (16,583) SQUARE METERS.**"

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

Conflict
Editha M. Hecto
Rodolfo T. Magayones
Gloria M. Legato
Emalinda M. Tagabi
Marinyl M. Labanta
Venia Magayones
Eleanor D. Marticio
Arnel Magayones
Nicanor V. Magayones
Emy de Paz Marticio
San Esteban

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

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

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

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

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

Domingo T. Magayones
DOMINGO T. MAGAYONES

OSCA ID NO 0005133

Heir/Vendor

Rodolfo T. Magayones
RODOLFO T. MAGAYONES

OSCA ID NO 3728-00094

Heir/Vendor

Editha M. Hecto
EDITHA M. HECTO

OSCA ID NO 2020-0066

Heir/Vendor

Gloria M. Legato
GLORIA M. LEGATO

OSCA ID NO 20-00136

Heir/Vendor

Emalinda M. Tagabi
EMALINDA M. TAGABI

OSCA ID NO 5761-5428-7192-3741

Heir/Vendor

Marinyl M. Labanta
MARINYL M. LABANTA

OSCA ID NO 0006656

Heir/Vendor

Venia M. Magayones
VENIA M. MAGAYONES

VA PASSPORT ID NO 5062-8756-1248-2189

Heir/Vendor

Eleanor D. Marticio
ELEANOR D. MARTICIO

VIN ID NO 3728-00394

Heir/Vendor

Arnel Magayones
ARNEL MAGAYONES

VIN ID NO 4016-9714-1124-0079

Nicanor V. Magayones
NICANOR V. MAGAYONES

VIN ID NO 1-314-5104-7745-8996

SIGNED IN THE PRESENCE OF:

ALINA MAE C. VERO

Salvador M Quillotes

ACKNOWLEDGEMENT

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

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

Doc. No. 126

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Book No. 68

Series of 2023



Genie M. Laga
Notary

Diana Mazon
Notary

Notary

Notary
Notary



JUDICIAL AFFIDAVIT OF
RAYMART P. MARTICIO

This Judicial Counter Affidavit of **RAYMART P. MARTICIO** was taken and recorded based on the examination made by Atty. Ferdinand Arthur B. Diaz of Ticoy, Diaz, Cercado, Tutaan & Partners Law & Notarial Offices with business and official address at Rm. 101, Ground Floor, M.B. Yu Bldg., Real St., Tacloban City, Philippines 6500 on January 15, 2024 at the office of the herein examiner.

Purpose of the Witness' Testimony:

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

- (1) That her ssiter Emy De Paz Marticio is the lawful owner of a parcel of land designated as Lot No. 3046 which she acquired by way of sale and purchase from the heirs of Maximo Magayones and Aquilina Gara;
- (2) That on January 06, 2024 at around 10:55 in the morning of the same date, he together with his father Marvin T. Marticio and brother Raffy De Paz Marticio went to check the said lot of Emy De Paz Marticio at Brgy. Pansud, La Paz, Leyte on which their residential house stands;
- (3) That when they arrived there, they were surprised to see and discover that their residential house which is erected on Lot No. 3046 is being fenced by herein named respondents led by Punong Barangay Eleuterio Magayones and several other barangay officials like Barangay Kagawad Charlito Agustin Badión, Barangay Kagawad Emilinda Sevillano Alvero, Brgy. Kagawad Arsenio Sinining Alcuetas Jr., Brgy. Kagawad Melmer Acebo Quillotes, Brgy. Tanod Erwin Tila-on Antido, Brgy. Tanod Darmie Sevillano Alvero, Brgy. Tanod Leonido Tila-on Nebaliza, Brgy. Tanod Ariel Suyom Solibar, Brgy. Tanod Virgelio Solibar Quillotes, Brgy. Tanod Dominador Ganalon Solibar, Brgy. Tanod Arturo Lino Sevillano, Brgy. Tanod Gina Dazo Quillotes, Brgy. Tanod Edgardo Magayones Quillotes, Brgy. Tanod

Romulo Onate Espejo, Lupon Member Virginia Ramos Sevillano and several other private individuals identified as Alejandro Laluna Espejo, Luis Sevillano Alvero Jr., Joel Aralar Naboya, Felisa Cinco Naboya, Julius Sevillano Monterola, Julie Alvero Nebaliza, Vilma Sevillano Mostacisa and Glecelyn Alvero Nebaliza;

- (4) That he, his father Marvin T. Marticio and brother Raffy De Paz Marticio were prevented from entering the premises of their residential house at Brgy. Pansud, La Paz, Leyte which house is erected on said lot;
- (5) That when he, his father Marvin T. Marticio and brother Raffy De Paz Marticio tried to prevent herein respondents from doing so, a commotion ensued as the latter did not heed complainant;
- (6) That instead, respondents particularly Punong Barangay Eleuterio Magayones and Charlito Agustin Badion acted violently and even challenged herein witness, his father Marvin T. Marticio brother Raffy De Paz Marticio to a fight which then prompted this witness to video record the entire incident with the use of his cell phone;
- (7) That Charlito Agustin Badion even unsheathed a long bladed weapon locally known as "sundang";
- (8) That respondents only retreated and calmed down a bit when they saw herein witness was filming them;
- (9) That complainant reported the said incident to the police for records purposes.

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

PRELIMINARY QUESTIONS:

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

A: IN THE WARAY-WARAY DIALECT.

Translation:

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

A: Waray-waray.

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

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

Translation:

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

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

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

A: YES.

Translation:

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

A: Oo.

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

A: YES.

Translation:

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

A: Oo.

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

A: YES.

Translation:

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

A: Oo.

**MAIN QUESTIONS IN SUPPORT OF
COMPLAINANT'S CRIMINAL CAUSE OF ACTION:**

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

A: I WANT TO GIVE TESTIMONY IN SUPPORT OF THE CRIMINAL CASE WHICH MY FATHER MARVIN T. MARTICIO WILL FILE FOR GRAVE COERCION AND GRAVE THREATS AGAINST HEREIN ALL NAMED RESPONDENTS NAMELY PUNONG BARANGAY ELEUTERIO MAGAYONES, BARANGAY KAGAWAD CHARLITO AGUSTIN BADION, BARANGAY KAGAWAD EMILINDA SEVILLANO ALVERO, BRGY. KAGAWAD ARSENIO SININING ALCUETAS JR., BRGY. KAGAWAD MELMER ACEBO QUILLOTES, BRGY. TANOD ERWIN TILA-ON ANTIDO, BRGY. TANOD DARMIE SEVILLANO ALVERO, BRGY. TANOD LEONIDO TILA-ON NEBALIZA, BRGY. TANOD ARIEL SUYOM SOLIBAR, BRGY. TANOD VIRGELIO SOLIBAR QUILLOTES, BRGY. TANOD DOMINADOR GANALON SOLIBAR, BRGY. TANOD ARTURO LINO SEVILLANO, BRGY. TANOD GINA DAZO QUILLOTES, BRGY. TANOD EDGARDO MAGAYONES QUILLOTES, BRGY. TANOD ROMULO ONATE ESPEJO, LUPON MEMBER VIRGINIA RAMOS SEVILLANO, ALEJANDRO LALUNA ESPEJO, LUIS SEVILLANO ALVERO JR., JOEL ARALAR NABOYA, FELISA CINCO NABOYA, JULIUS SEVILLANO MONTEROLA, JULIE ALVERO NEBALIZA, VILMA SEVILLANO MOSTACISA AND GLECELYN ALVERO NEBALIZA.

Translation:

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

A: Karuyag ko maghatag han akon asoy para pag suporta han kaso kriminal nga grave threats ngan grave coercion nga igpapasaka han akon tatay nga hi Marvin T. Marticio kontra hini ngatanan nga mga pinan ngaranan nga mga respondente nga hira Punong Barangay Eleuterio Magayones, Barangay Kagawad Charlito Agustin Badion, Barangay Kagawad Emilinda Sevillano Alvero, Brgy. Kagawad Arsenio Sinining Alcuetas Jr., Brgy. Kagawad Melmer Acebo Quillotes, Brgy. Tanod Erwin Tila-on Antido, Brgy. Tanod Darmie Sevillano Alvero, Brgy. Tanod Leonido Tila-on Nebaliza, Brgy. Tanod Ariel Suyom Solibar, Brgy. Tanod Virgelio Solibar Quillotes, Brgy. Tanod Dominador Ganalon Solibar, Brgy. Tanod Arturo Lino Sevillano, Brgy. Tanod Gina Dazo Quillotes, Brgy. Tanod Edgardo Magayones Quillotes, Brgy. Tanod Romulo Onate Espejo, Lupon Member Virginia Ramos Sevillano, Alejandro Laluna Espejo, Luis Sevillano Alvero Jr., Joel Aralar Naboya, Felisa Cinco Naboya, Julius Sevillano Monterola, Julie Alvero Nebaliza, Vilma Sevillano Mostacisa and Glecelyn Alvero Nebaliza.

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

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

Translation:

Q: Anu it imu nababaruan parte hit kaso nga karuyag ipasaka hit imu tatay kontra hini nga mga tawo?

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

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

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

Translation:

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

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

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

A: YES.

Translation:

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

A: Oo.

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

A: THE COPY OF THE TAX DECLARATION.

Translation:

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

A: An kopya han tax declaration.

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

A: YES.

Translation:

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

A: Oo.

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

A: YES THIS IS THE SAME.

Translation:

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

A: Oo amu ini.

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

A: YES.

Translation:

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

A: Oo.

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

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

Translation:

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

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

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

A: YES.

Translation:

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

A: Oo.

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

A: YES THIS IS THE SAME.

Translation:

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

A: Oo amu na ini.

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

A: YES.

Translation:

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

A: Oo.

18. Q: YOU SAID EARLIER THAT WHEN YOU WENT TO BRGY. PANSUD TO CHECK AND VISIT YOUR HOUSE, YOU WERE PREVENTED FROM ENTERING THE PREMISES OF YOUR LOT AND YOUR HOUSE BECAUSE AS YOU SAID, THESE RESPONDENTS WERE ERECTING A FENCE AROUND YOUR HOUSE. WHAT DID YOU DO THEN, IF ANY?

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

Translation:

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

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

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

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

Translation:

Q: Anu man an ira ginbuhat?

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

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

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

Translation:

Q: So anu man an ginbuhat mo?

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

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

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

Translation:

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

A: Naging bayolente hira. Gin-ayat pa ngani kami ni Kapitan Eleuterio Magayones ngan ni Brgy. Kagawad

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

A: YES.

Translation:

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

A: Oo.

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

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

Translation:

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

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

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

A: YES.

Translation:

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

A: Oo.

29. Q: AFTER THAT INCIDENT, WHAT DID YOU DO NEXT, IF ANY?

A: WE IMMEDIATELY REPORTED THE INCIDENT TO THE POLICE FOR RECORDS PURPOSES.

Translation:

Q: Kahuman hadto nga insidente, anu man an imu sunod nga ginbuhat, kun mayda man?

A: Gin report namon dayon ngadto ha police para mahi-record adto nga incidente.

30. **Q:** WHAT PROOF CAN YOU SHOW TO ME THAT YOU INDEED REPORTED THE INCIDENT TO THE POLICE?

A: WE WERE ABLE TO SECURE A COPY OF THE POLICE REPORT.

Translation:

Q: Anu man nga proyba it imu maipapakita ha akon nga imu adto gin report nga insidente ngadto ha pulis? |

A: Nakakuha kami han kopya han police report.

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

A: YES.

Translation:

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

A: Oo.

32. **Q:** I AM SHOWING TO YOU A COPY OF THE POLICE REPORT BEARING ENTRY NUMBERS 1116 AND 1117 ISSUED BY THE LA PAZ MUNICIPAL POLICE STATION. PLEASE GO OVER THE SAME AND TELL ME IF THAT IS THE SAME DOCUMENT YOU ARE REFERRING TO?

A: YES THIS IS THE SAME.

Translation:

Q: Adi hin akon ginpapakita ha imu nga kopya han police report nga mayda entry numbers 1116 ngan 1117 nga gin-isyu han La Paz Municipal Police Station. Alayon daw pagkita hito ngan sumati ako kun amu ba ito nga dokumento an imu ginsisiring?

A: Oo amu ini.

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

A: YES.

ANNEX " 10 "
Exn. "D"



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE
LEYTE POLICE PROVINCIAL OFFICE
La Paz Municipal Police Station
La Paz, Leyte



Email: lapazps441@yahoo.com.ph
Hotline: [09551387440/09988479615](tel:09551387440)

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the herein entries below are excerpt copy taken from the police blotter of this police station to wit:

ENTRY NO. : 2024-01-257
DATE : January 12, 2024
TIME : 11:00AM
PAGE : 0446-0447

"FOR RECORD".


ON THIS TIME AND DATE, ONE MARVIN MARTICIO Y TUMANDAO, 53 YEARS OLD, MALE, SELF-EMPLOYED, MARRIED, FILIPINO CITIZEN AND A RESIDENT OF BRGY. PANSUD LA PAZ, LEYTE, PHILIPPINES PERSONNALLY CAME TO THIS STATION AND REQUESTED TO PUT INTO RECORD THAT SOMETIME ON JANUARY 06, 2024 AT AROUND 10:55 IN THE MORNING OF THE SAME DATE AND WHEN HE WAS ABOUT TO GO HOME TO HIS RESIDENCE AT BRGY. PANSUD, LA PAZ, LEYTE, HE WAS SURPRISED WHEN A GROUP OF MEN LED BY PUNONG BARANGAY ELEUTERIO MAGAYONES NAMELY CHARLITO AGUSTIN BADION, EMILINDA SEVILLANO ALVERO, ARSENIO SININING ALCUETAS JR., ERWIN TILA-ON ANTIDO, ROMULO ONATE ESPEJO, ALEJANDRO LALUNA ESPEJO, MELMER ACEBO, QUILLOTES, DARMIE SEVILLANO ALVERO, LUIS SEVILLANO ALVERO JR., JOEL ARALAR NABOYA, FELISA CINCO NABOYA, JULIUS SEVILLANO MONTEROLA, LEONIDO TILA-ON NEBALIZA, ARIEL SUYOM SOLIBAR, VIRGELIO SOLIBAR QUILLOTES, DOMINADOR GANALON SOLIBAR, ARTURO LINO SEVILLANO, JULIE ALVERO NEBALIZA, DELIA SEVILLANO MOSTACISA, GINA DAZO QUILLOTES, GLECELYN ALVERO NEBALIZA, EDGARDO MAGAYONES QUILLOTES AND VIRGINIA RAMOS SEVILLANO ERECTING A FENCE MADE OUT OF BAMBOO LEADING TO HIS HOUSE THEREBY IMPEDING THE INGRES AND EGRESS TO AND FROM HIS RESIDENCE. WHEN ASKED TO HALT THE FENCING ACTIVITY, THE ABOVE NAMED SUSPECTS PARTICULARLY PUNONG BARANGAY ELEUTERIO MAGAYONES AND CHARLIE BADION INSTEAD RETORTED AND THREATENED HIM IN THE VERNACULAR SAYING "ANU MANGATU NAGUD KAMU, MAG AWAY KITA".

Sgd: Marvin Marticio

Sgd: PSSg Labanta, EM
Desk Officer

Issued this 12th day of January 2024 at La Paz Police Station, La Paz, Leyte

PREPARED BY:


NUP Maribel V. Diaz
Admin Assistant I

NOTED BY:


PLT FIDEL M. TRISTE JR.
Officer In-Charge

OR NO: 8628253
Date: January 09, 2024
La Paz, Leyte

Republic of the Philippines
MUNICIPAL TRIAL COURT
8th Judicial Region
Hall of Justice
La Paz, Leyte
mtc2lpz000@judiciary.gov.ph
0995-569-2036
-oOo-

PEOPLE OF THE PHILIPPINES
Plaintiff,
-versus-

CRIM. CASE NO. 122712

FOR:
GRAVE COERCION

ELEUTERIO MAGAYONES,
CHARLITO BADION,
EMILINDA VERSOZA,
ARSENIO ALCUETAS JR.,
ERWIN ANTIDO,
ROMULO ESPEJO,
ALEJANDRO ESPEJO,
MELMER QUILLOTES,
DARMIE ALVERO,
LUIS ALVERO JR.,
JOEL NABOYA,
FELISA NABOYA,
JULIUS MONTEROLA,
LEONIDO NEBALIZA,
ARIEL SOLIBAR,
VIRGELIO QUILLOTES,
DOMINADOR SOLIBAR,
ARTURO SEVILLANO,
JULIE NEBALIZA,
VILMA MOSTACISA,
GINA QUILLOTES,
GLECELYN NEBALIZA,
EDGARDO QUILLOTES, and
VIRGINIA SEVILLANO,
Accused,

X - - - - -X

R E S O L U T I O N

Filed before this court is an INFORMATION which read as follows:

"The undersigned Senior Assistant Provincial Prosecutor of Leyte accuses ELEUTERIO MAGAYONES, CHARLITO BADION, EMILINDA VERSOZA, ARSENIO ALCUETAS JR.,

ERWIN ANTIDO, ROMULO ESPEJO, ALEJANDRO ESPEJO, MELMER QUILLOTES, DARMIE ALVERO, LUIS ALVERO JR., JOEL NABOYA, FELISA NABOYA, JULIUS MONTEROLA, LEONIDO NEBALIZA, ARIEL SOLIBAR, VIRGELIO QUILLOTES, DOMINADOR SOLIBAR, ARTURO SEVILLANO, JULIE NEBALIZA, VILMA MOSTACISA, GINA QUILLOTES, GLECELYN NEBALIZA, EDGARDO QUILLOTES of the crime of GRAVE COERCION committed as follows:

That sometime on the 6th day of January 2024 in La Paz, Leyte, Philippines and within the jurisdiction of the Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other without any authority of law and there being no right to do so, through violence, threats, and intimidation, did then and there willfully, unlawfully, and feloniously prevented Marvin Marticio from entering their house. The latter who was outnumbered was placed under the control of the accused and was left with no choice but to submit to the latter's will.

CONTRARY TO LAW.

Abuyog, Leyte, February 14, 2024.

(SGD.) JUNERY M. BAGUNAS
PROSECUTOR II
MCLE Compliance No. VII-0004080

After personal evaluation of the Information together with the Judicial Complaint Affidavit of Marvin Marticio as well as the supporting evidences attached to the record of this case, this Court finds that the evidence on record clearly fails to establish probable cause to indict the above-named accused of the crime of Grave Coercion.

For grave coercion to lie, the following elements must be present:

1. that a person is prevented by another from doing something not prohibited by law, or compelled to do something against his will, be it right or wrong;
2. that the prevention or compulsion is effected by violence, threats or intimidation; and

3. that the person who restrains the will and liberty of another has no right to do so, or in other words, that the restraint is not made under authority of law or in the exercise of any lawful right¹.

First, in the Judicial Affidavit Complaint of Marvin Marticio it was alleged that he was prevented from entering the premises of their lot including their house by the above-named accused by erecting a bamboo fence in the area, however, in the photo and video presented it was only a three-pole bamboo which was erected in a vacant lot that could not restrain complainant from going in and out of his house. The mere presence of the above-named accused in the premises without overt act negates the statement that they were being prevented by them to enter their house.

Second, there was no indication that complainant and his sons were intimidated or there was violence employed by the above-named accused. In fact, complainant and his sons were confrontational with the people present during that time. They confronted the accused, Eleuterio Magayones and all other accused present, without being prevented by them or being harmed by them. They only alleged that the above-named accused acted violently but no specific overt act was mentioned in the complaint. The fact that Charlito Badion was in possession of a long bladed weapon does not per se concludes that they were acting violently. There was no mention also as to how they conspire with one another in preventing the complainant from entering his house nor was there a mention of how they perpetrate those acts. It could be seen in the videos that they were the one being aggressive and not the other way around.

In the crime of grave coercion, violence through material force or such a display of it as would produce intimidation and, consequently, control over the will of the offended party is an essential ingredient.²

There is intimidation when one of the parties is compelled by a reasonable and well-grounded fear of an imminent and grave evil upon his person or property, or upon the person or property of his spouse, descendants or ascendants, to give his consent. ³ Material violence is not indispensable for there to be intimidation. Intense fear produced in the mind of the victim which restricts or hinders the exercise of the will is sufficient.⁴

¹ *Sy v. Secretary of Justice*, G.R. No. 166315, December 14, 2006, 511 SCRA 92, 96; *Navarra v. Office of the Ombudsman*, G.R. No. 176291, December 4, 2009, 607 SCRA 355, 363.

² *People v. Alfeche, Jr.*, G.R. No. 102070, July 23, 1992, 211 SCRA 770, 779.

³ *Lee v. Court of Appeals*, G.R. No. 90423, September 6, 1991, 201 SCRA 405, 408. *Civil Code*, Art. 1335.

⁴ *People v. Alfeche, Jr.*, G.R. No. 102070, July 23, 1992, 211 SCRA 770, 779.

In the instant case, clearly there was absence of the second element of the crime of Grave Coercion. There was no showing that the above-named accused control over the will of the complainant.

Lastly, Probable cause demands more than suspicion; it requires less than evidence that would justify conviction.⁵ While probable cause should be determined in a summary manner, there is a need to examine the evidence with care to prevent material damage to a potential accused's constitutional right to liberty and the guarantees of freedom and fair play, and to protect the State from the burden of unnecessary expenses in prosecuting alleged offenses and holding trials arising from false, fraudulent or groundless charges.⁶ It is, therefore, imperative upon the prosecutor to relieve the accused from the pain of going through a trial once it is ascertained that no probable cause exists to form a sufficient belief as to the guilt of the accused⁷.

In the present case, this Court cannot turn a blind eye and have the above-named accused indicted of a crime of Grave Coercion even though the evidence presented did not clearly establish the existence of probable cause.

WHEREFORE, In view of the foregoing, this Court finds that there is no probable cause to indict the above-named accused for Grave Coercion and hereby **DISMISS** the case.

SO ORDERED.

IN CHAMBERS, 15th day of April, 2024, La Paz, Leyte.


NAOMI C. CHIONG-OSEA
Presiding Judge

Copy furnished:

PROS. JUNERY M. BAGUNAS
ATTY. FERDINAND ARTHUR DIAZ
MARVIN MARTICIO
ATTY. MA. CHRISTINA ERNEST M. DE OÑO
ELEUTERIO MAGAYONES
CHARLITO BADION
EMILINDA VERSOZA
ARSENIO ALCUETAS JR.
ERWIN ANTIDO
ROMULO ESPEJO
ALEJANDRO ESPEJO
MELMER QUILLOTES

⁵ *Borlongan, Jr. v. Peña*, G.R. No. 143591, May 5, 2010, 620 SCRA 106, 130; *Baltazar v. People*, G.R. No. 174016, July 28, 2008, 560 SCRA 278, 294.

⁶ *Ching v. Secretary of Justice*, G.R. No. 164317, February 6, 2006, 481 SCRA 609, 629-630; *Preferred Home Specialties, Inc. v. Court of Appeals*, G.R. No. 163593, December 16, 2005, 478 SCRA 387, 410.

⁷ *R.R. Paredes v. Calilung*, G.R. No. 156055, March 5, 2007, 517 SCRA 369, 395.

DARMIE ALVERO
LUIS ALVERO JR.
JOEL NABOYA
FELISA NABOYA
JULIUS MONTEROLA
LEONIDO NEBALIZA
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