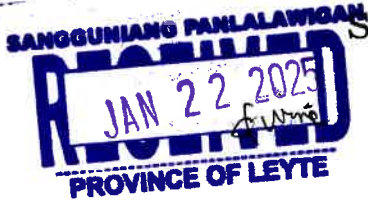


MARVIN T. MARTICIO vs. HON. ANGEL ARAS SIA, JR.
Admin. Case No. _____
For: Grave Misconduct and Neglect of Duty

Item No.: 17
Date: 28 2025 JAN

Republic of the Philippines
Department of Interior and Local Government
SANGGUNIANG PANLALAWIGAN OF LEYTE
Office of the Provincial Secretary
Provincial Capitol, Palo, Leyte
-o0o-



MARVIN T. MARTICIO,
Complainant,

Admin Case No. _____
For: Grave Misconduct
and Neglect of Duty.

-vs.-

HON. ANGEL ARAS SIA, JR.,
Respondent.

X-----X

**MANIFESTATION CUM APOLOGY AND
OPPOSITION TO COMPLAINANT'S
MOTION TO DISMISS**

Complainant through counsel states and alleges that:

PREFATORY STATEMENT:

I.

**“NEVER TAKE YOUR WORD OF TRUTH FROM MY MOUTH,
FOR I HAVE PUT MY HOPE IN YOUR LAWS.”¹**

II.

On January 21, 2025, undersigned counsel received a phone call from mobile numbers 0966-254-0947 informing him of the supposed scheduled hearing of the above-entitled case before this Honorable Office.

¹ Psalms 119:43, Holy Bible, New International Version.

III.

Undersigned is obliged to tell the truth that as early as January 05, 2025, his office has received a copy of the Order issued by this Honorable Office dated January 07, 2025.

IV.

The subject Order indicates that the above entitled case was set to be heard on January 07, 2025 but was moved to January 14, 2025 and was further re-scheduled to January 21, 2025. Undersigned counsel with all sincerity and honesty got confused with the series of further postponement of the scheduled dates.

V.

Not only that, on January 21, 2025, undersigned counsel was set to attend as private prosecutor in the Municipal Trial Court of La Paz, Leyte in Criminal Case Numbers 122714 entitled PEOPLE OF THE PHILIPPINES vs. ELEUTERIO L. MAGAYONES, et. al. for Violation of R.A. No. 8048 which was set way ahead from the above entitled case. Attached herewith is the copy of the Pre-Trial Order issued by the Municipal Trial Court of La Paz, Leyte as Annex "1" and made as an integral part hereof.

VI.

To the mind of the undersigned counsel, he thought that the hearing was set on January 28, 2025 since the interval of the postponement was a skip of seven (7) days – January 07, January 14 and January 21. As a matter of fact, if the good counsel for the respondent Atty. Leo S. Giron would confirm, last Friday, January 17, 2025, undersigned counsel and Atty. Giron met at the Philippine Mediation Center as opposing counsels in another case.

VII.

Atty. Giron reiterated the offer of his client to settle the case to which undersigned counsel replied by merely saying that he will refer the matter to his client. In the course of their conversation, undersigned counsel emphasized that the hearing is on January 28, 2025 because that was the date of hearing in his mind given the confusion of the series of postponements.

VIII.

On this account, undersigned counsel most sincerely apologizes for his failure to appear on the January 21, 2025 hearing of the above-entitled case.

IX.

Only today however, January 22, 2024, undersigned counsel received a copy of the Order issued by this Honorable Office indicating the motion to dismiss initiated by respondent through counsel on grounded on the undersigned counsel's failure to appear during the January 21, 2024 hearing. Respondent anchored his motion to dismiss on Sections 18 and 19 of Rule XVI of the Revised Internal Rules of Procedure of the Sangguniang Panlalawigan of Leyte.

X.

Complainant strongly opines the dismissal on that ground simply because there is nothing in Section 18 and 19 that provides that failure to appear is a ground for dismissal of the case. For the record, Sections 18 and 19 of Rule XVI of the Revised Internal Rules of Procedure of the Sangguniang Panlalawigan of Leyte is herein reproduced as follows, to wit:

“Section 18. Upon receipt of the answer and the accompanying affidavits, the Secretary to the Sangguniang Panlalawigan shall immediately inform the Presiding Officer, furnishing the members of the Sangguniang Panlalawigan with either a hard copy or soft copy of each of the answer and the accompanying affidavits, and the Presiding Officer shall immediately direct the Secretary to the Sangguniang Panlalawigan to calendar the administrative case for preliminary conference, wherein the following shall be considered:

- 1. Whether the parties could agree on an amicable settlement;*
- 2. Whether to proceed following the Judicial Affidavit Rule;*
- 3. Whether there is a necessity or desirability of amendments to the pleadings;*
- 4. The possibility of obtaining stipulations or admissions of facts and of documents to avoid unnecessary proofs;*
- 5. Such other matters as may aid in the prompt disposition of the administrative case.*

A refusal to stipulate shall not prejudice either party.”

“Section 19. Preliminary Conference Order. Everything that may have been considered during the preliminary conference shall be clearly and distinctly set forth in the order to be issued immediately after such preliminary conference, and the parties shall have three days from notice thereof to file their comments and/or motions for corrections.”

XI.

Clearly, there is nothing in the above cited provision neither in the entire Rules of Procedure of the Sangguniang Panlalawigan that explicitly states that failure to appear is a ground for the dismissal of the case. So much so and with more reason if the failure to appear is not intentional but merely as a product of confusion.

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed unto this Honorable Office that the foregoing manifestation with apology of the undersigned counsel be noted. Truly, undersigned counsel did not intend to disrespect the processes of this Honorable Office. Far be it and may it never be.

Complainant further prays that the motion to dismiss initiated by respondent through his counsel anchored on Sections 18 and 19 of Rule XVI of the Revised Internal Rules of Procedure of the Sangguniang Panlalawigan of Leyte be DENIED for utter lack of merit both in fact, law and jurisprudence.


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

RESPECTFULLY SUBMITTED, Tacloban City, January 22, 2025.

SO PRAYED.

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

By:



ATTY. FERDINAND ARTHUR BALAGA DIAZ
Counsel for the Complainant
Atty's. Roll No. 57398/Apr. 29, 2010
NC No. 2024-01-66/valid until Dec. 31, 2025
IBP LRN 012595/Jan. 10, 2014 (Lifetime), Leyte Chapter
PTR OR No. 0181179/January 09, 2025/Babatngon, Leyte
MCLE Compliance No. VI-0011059/Feb. 22, 2022
Office Address: Rm. 101, Gr. Flr., M.B. Yu Bldg., Real St.,
Brgy. 34, Tacloban City, Philippines 6500
Contact numbers: 0968-550-5588
Email address: ferdinandarthurbdiaz@gmail.com

Copy furnished: (by personal service)

To: **Atty. Leo S. Giron**
Counsel for the Respondent
2/F Wenzhuan Bldg., Abucay
Terminal Road, Tacloban City,
Phils. 6500

Received by: Mary Dely M. Bonuelo
Date: January 22, 2025

Received in the Law Office of
ATTY. FERDINAND ARTHUR B. DIAZ

By: *FB*

Date: 16 AUG 2024

Time: _____

Republic of the Philippines
SUPREME COURT
MUNICIPAL TRIAL COURT

8th Judicial Region

Hall of Justice

La Paz, Leyte

Email ad.: mtc2lpz000@judiciary.gov.ph

Phone: 0995 569 2036

oOo

EXHIBIT



THE PEOPLE OF THE PHILIPPINES, CRIM. CASE NO. 122714
Plaintiff,

FOR:

-versus-

ELEUTERIO MAGAYONES,
EMELINDA VERSOZA,
ARSENIO ALCUETAS, JR.,
TEODULO VERONA, JR.,
GINA CAYUBIT,
MYRNA ALVERO,
DARMIE ALVERO, and
ERWIN ANTIDO.

VIOLATION OF RA
8048 AS AMENDED

Accused.

X-----X

ARRAIGNMENT AND
PRE-TRIAL ORDER

In today's arraignment, present are Public Prosecutor Jaydee Peregrino-Co representing the State as well as Atty. Ferdinand Arthur B. Diaz as Private Prosecutor, Atty. Ma. Christina Ernest De Oño representing the accused and accused Eleuterio Magayones, Emelinda Versoza, Arsenio Alcuetas, Jr., Teodulo Verona, Jr., Gina Cayubit, Myrna Alvero, Darmie Alvero, And Erwin Antido.

In the course of the proceeding, the Information was read to the accused in the language known and understood by them. When asked to enter their plea, all the accused entered a plea of **NOT GUILTY**. A copy of the Information was then

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furnished to the accused. Thereafter, the Court proceeded with the Pre-trial conference and the following ensued:

ADMITTED FACT

The identity of the accused and the jurisdiction of the Court.

STIPULATIONS OF FACTS

The following stipulations were Denied:

- (1) That Emy De Paz Marticio is the lawful owner of Lot No. 3046 having the same from the Heirs of Maximo Magayones and Aquilina Gara claiming the declared owner for taxation purposes of Lot No. 3046;
- (2) That the Private Complainant, Raymark Marticio, is the brother of Emy De Paz Marticio and is the Attorney-in-fact or the lawfully authorized representative of the owner;
- (3) That on February 23, 2024, at around 11:00 o'clock in the morning, the same day when Raymark Marticio inspected Lot No. 3046 which is in Barangay Pansud, La Paz, Leyte, he was able to found out and discover that four (4) coconut trees planted on said lot was cut down leaving only its tree stumps;
- (4) That Raymark Marticio based on the information he gathered from the residents at Barangay Pansud, La Paz, Leyte, particularly Renalyn M. Argamo, Evangeline Magayones, Alma Nabuya, and Oldriline Quillotes, that the persons who actually cut down the coconut trees which were found on Lot No. 3046 is a certain alias "Salde" upon the instruction of all the accused led by Punong Barangay Eleuterio Magayones;
- (5) That Raymark Marticio took pictures of the remnants of the coconut trees which was cut down found on Lot No. 3046;

(6) That Raymark Marticio, after the incident reported the same to the La Paz Municipal Police Station for records purposes;

(7) That the Philippine Coconut Authority issued a Certification stating among others that all accused in this case were not issued a Permit to Cut on the dates covering July 5 to 20, 2022.

ISSUES

"Whether or not that all the accused are guilty of Violation of R.A. 8048 as amended."

"Whether or not all the accused instructed the cutting of the coconut trees."

DOCUMENTARY EVIDENCE

For the Prosecution:

Exhibit	Description
"A"	Tax Declaration No. 08-22-00112 declared in the name of Maximo Magayones and Aquilina Gara that was issued on February 12, 2024;
"B"	Extra Judicial Settlement of Estate with Sale executed by the Heirs of Maximo Magayones and Aquilina Gara in favor of Emy De Paz Marticio over a parcel of land designated as Lot No. 3046 situated in Barangay Pansud, La Paz, Leyte;
"C"	Copy of the Special Power of Attorney executed by Emy De Paz Marticio in favor of Raymark De Paz Marticio;
"D"	Copy of the Police Blotter Excerpt issued by the La Paz Municipal Police Station bearing Entry No. 2024-02-282 dated February 23, 2024;

"E"	PCA Certification issued by the Philippine Coconut Authority signed and executed by Minerva O. Langco dated by March 13, 2024
"F and series"	Photographs of the cut coconut trees found on Lot No. 3046

For the Defense:

Exhibit	Description
"1 and series"	Joint Counter Affidavit executed by all the accused;
"2"	Tax Declaration No. 08-22-0026-00092 in the name of Sofronio Laluna for Lot No.3018-P located at Barangay Pansud, La Paz, Leyte;
"3 and series"	(1) Deed of Absolute Sale of a Portion of Land dated May 11, 2021; (2) Deed of ExtraJudicial Settlement of Estate of Sale dated April 18, 2021; (3) Special Power of Attorney; (4) Resolution No.25-2021 series of 2021 issued by the Office of the Provincial Assessor; (5) Letter addressed to Hon. Eleuterio Magayones dated April 27, 2021 from Office of the Provincial Assessor; and (6) Appraisal Report from the Office of the Provincial Assessor;
"4"	Permit to Cut issued by the Philippine Coconut Authority with PTC No. R8-LEY1-1016032 dated September 25, 2020;
"5"	Judicial Affidavit of Erlinda Laluna Espejo of Barangay Pansud, La Paz, Leyte;
"6"	Supplemental Judicial Affidavit of Erlinda Laluna Espejo;
"7"	Judicial Affidavit of Eleuterio L. Magayones;
"8"	Judicial Affidavit of Gina Cayubit or any of the other accused;
"9"	Judicial Affidavit of Melmer A. Quillotes

TESTIMONIAL EVIDENCE

For the Prosecution:

1 st Witness	The Private Complainant Raymark Marticio;
2 nd Witness	Evangeline Magayones;
3 rd Witness	Renalyn M. Arcamo;
4 th Witness	Tetche E. Go, the Municipal Assessor of La Paz, Leyte;
5 th Witness	Atty. Vicente T. Cañas;
6 th Witness	Atty. Jerome Tenebro;
7 th Witness	Police Blotter Custodian or Police Staff Sergeant Ruel G. Abueva, Duty Investigator of La Paz Municipal Police Station;
8 th Witness	Minerva O. Langco of the Philippine Coconut Authority

For the Defense:

1 st Witness	Eleuterio I. Magayones
2 nd Witness	Gina Cayubit or any of the other accused
3 rd Witness	Erlinda L. Espejo
4 th Witness	Melmer A. Quillotes
5 th Witness	Representative from Philippine Coconut Authority
6 th Witness	Representative from the Office of the Provincial Assessor

TRIAL DATES

The testimonies of the witnesses shall be presented on the following trial dates at 2:00 o'clock in the afternoon.

For the Prosecution:

August 27, 2024, September 10, 2024, September 24, 2024, October 8, 2024, October 22, 2024, November 12, 2024, November 26, 2024, and January 7, 2025.

For the Defense:

January 21, 2025, February 4, 2025, February 18, 2025, March 4, 2025, March 18, 2025, and April 8, 2025.

Judicial Affidavits of witnesses who have yet to execute sworn statements shall be submitted five (5) days before the assigned trial dates.

Upon receipt of the Order, the parties are further directed to go over the contents of the same immediately so that should they find any errors or any matter not supported by the record, they may take steps to correct such errors within ten (10) days from receipt thereof. Thereafter, no more corrections may be made and this Order shall bind the parties, control the proceedings and limit the trial to the matters set forth herein.

The trial dates are final and non-transferrable and no motions for postponement that are dilatory in character shall be entertained by the Court. If such motions are granted in exceptional cases, the postponement/s by either party shall be deducted from such party/s allocated time to present evidence.

All the accused are notified in open Court of their assigned trial dates. Failure of the party or counsel to comply with the aforementioned scheduled hearings and deadlines shall be a ground for the imposition of fines and other sanctions by the Court.

SO ORDERED.

IN OPEN COURT, this 30th day of July 2024, Municipal Trial Court, Hall of Justice, La Paz, Leyte, Philippines.


NAOMI C. CHIONG-OSEA
Presiding Judge

Page 7
Arraignment and Pre-trial Order
Criminal Case No. 122714
July 30, 2024

Copy Furnished:

ATTY. FERDINAND ARTHUR DIAZ
Private Prosecutor

ATTY. MA. CHRISTINA ERNEST DE OÑO
Counsel for the accused

RAYMARK MARTICIO
Private Complainant

ELEUTERIO MAGAYONES
EMELINDA VERSOZA
ARSENIO ALCUETAS, JR.
TEODULO VERONA, JR.
GINA CAYUBIT
MYRNA ALVERO
DARMIE ALVERO
ERWIN ANTIDO
Accused

CONFORME:

ATTY. FERDINAND ARTHUR B. DIAZ
Private Prosecutor

Atty. MA. CHRISTINA ERNEST DE OÑO
Counsel for the accused

RAYMARK MARTICIO
Private Complainant

ELEUTERIO MAGAYONES
Accused

EMELINDA VERSOZA
Accused

ARSENIO ALCUETAS, JR.
Accused

TEODULO VERONA, JR.
Accused

Page 8
Arraignment and Pre-trial Order
Criminal Case No. 122714
July 30, 2024

GINA CAYUBIT
Accused

MYRNA ALVERO
Accused

DARMIE ALVERO
Accused

ERWIN ANTIDO
Accused