

Item No.: 37
Date: 11 2025 FEB



BANZON & PARTNERS
ATTORNEYS AT LAW

GERENTSTEIN T. BANZON JUN MARX C MAROLIÑA
MA. KRISKA ANGELA H. TUMAMAK PRINCESS VENICE C. VILLEGAS
JOMARIE C. TIU RACHEL A. BAYAOA

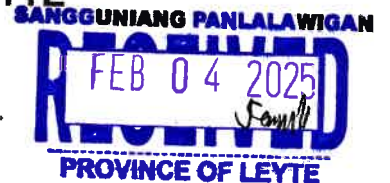
Landline Num (053) 561-0529

2nd Floor, JE Tan Bldg. Corner Rizal and Aviles Sts, Ormoc City

January 31, 2025

HONORABLE SANGGUNIANG PANLALAWIGAN-LEYTE

Leyte Capitol Building
Palo, Leyte



GREETINGS:

We humbly and respectfully submit to your Honorable Office a copy of the Notice of Appeal filed before the Sangguniang Bayan of the Municipality of Kananga, Leyte in re: Administrative Case no. K-ADM-2023-002.

Attached herein is a copy of the said notice and furnished to the counsel of record for the complainant and to the Sangguniang Bayan of Kananga, Leyte.

Thank you and God bless.

Sincerely,

BANZON LAW OFFICE


Atty. Gerenstein T. Banzon
Law Partner


Atty. Ma. Kriska Angela H. Tumamak
Law Partner

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

-oOo-

SABENIANO BIGNAY

Complainant,

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

- versus -

For:
Dishonesty, Oppression,
Misconduct in Office, etc.

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

X-----X

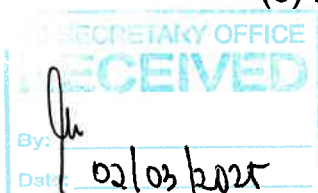
NOTICE OF APPEAL

DEFENDANTS LEAH O. EMPLEO, EMRITA P. LACNO AND JERRY P. EMPLEO, by and through undersigned counsel, by way of Notice of Appeal, unto this Honorable Office, most respectfully avers, that:

1. Respondents, thru undersigned counsel, received a copy of the Ad Hoc Final Resolution (Resolution No. 003) dated January 2, 2025 along with the Sangguniang Bayan Resolution No. 23R.25-795, series of 2025 which was approved on January 6, 2025, adopting and approving in toto Resolution no. 003 last **January 9, 2025.**
2. The dispositive portion of which reads:

"IN VIEW OF THE FOREGOING, this Ad Hoc Committee resolves as follows:

- (a) Finding the three respondents, LEAH O. EMPLEO, EMERITA P. LACNO and JERRY P. EMPLEO, GUILTY of DISHONESTY, MISCONDUCT IN OFFICE, GROSS NEGLIGENCE and DERELICTION OF DUTY;
- (b) Recommending that each of the three respondents LEAH O. EMPLEO, EMERITA P. LACNO and JERRY P. EMPLEO, shall be meted with the penalty of SUSPENSION FROM OFFICE FOR A PERIOD OF SIX (6) MONTHS WITHOUT PAY;



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For:
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LACNO and JERRY P. EMPLEO
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X-----X

NOTICE OF APPEAL

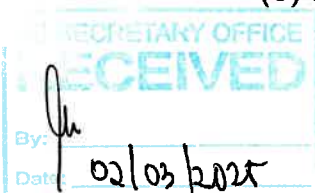
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- (b) Recommending that each of the three respondents LEAH O. EMPLEO, EMERITA P. LACNO and JERRY P. EMPLEO, shall be meted with the penalty of SUSPENSION FROM OFFICE FOR A PERIOD OF SIX (6) MONTHS WITHOUT PAY;



(c) Finding no jurisdiction on the charges for violation of R.A. 3019 and related laws;

3. Section 67 (A) of R.A no. 7160 provides, to wit:

Section 67. Administrative Appeals. - Decisions in administrative cases may, within thirty (30) days from receipt thereof, be appealed to the following:

(a) The sangguniang panlalawigan, in the case of decisions of the sangguniang panlungsod of component cities and the sangguniang bayan; and (*Emphasis underlined*)

(b) xxx

4. Moreover, Rule IX, Section 1 of Resolution No. 22R.21-576, series of 2021 or otherwise known as the 2021 Rules of Procedure of the Sangguniang Bayan of the Municipality of Kananga provides that:

Rule IX Appeal, Section 1. Administrative Appeal-
An appeal may be filed by the respondent within thirty (30) days from the receipt of the decision to the Sangguniang Panlalawigan or Office of the President as case may be (for Provinces, Independent components City or Highly-Urbanized City) whose decision shall be final and executory xxx

5. In addition, Resolution no. 2020-817, approving Provincial Ordinance No. 2020-17 or otherwise known as the Revised Internal Rules of Procedure of the Sangguniang Panlalawigan of Leyte, particularly Rule XVI, Section 41 provides, to wit:

“Section 41. Notice of Appeal. The party who is not satisfied with the

6. Given the foregoing, respondents have until February 8, 2025 to file a Notice of Appeal. However, since Feb. 8, 2025 falls on a Saturday, the next working day will be on **February 10, 2025** to which herein respondents can file this instant Notice of Appeal to the Sangguniang Panlalawigan of the Province of Leyte on both questions of fact and law.

PRAYER

WHEREFORE, in the light of the foregoing premises, it is most respectfully prayed of this Honorable Office that the instant Notice of Appeal be NOTED and GIVEN DUE COURSE and that the Ad Hoc

Final Resolution NO. 003 dated January 2, 2025 which was adopted and approved through Sangguniang Bayan Resolution No. 23R.25-795, series of 2025 be appealed and elevated to the Sangguniang Panalalwigan of the Province of Leyte.

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

Done this on 31st day of January 2025, in Ormoc City, Philippines.

Most respectfully submitted:

BANZON LAW OFFICE

(Counsel for the Respondents-Appellants)

Unit 4, 2/F JE Tan Bldg.

Cor. Rizal and Aviles Sts. Ormoc City

By:


ATTY. MA. KRISKA ANGELA H. TUMAMAK

Roll of Attorney's No. 82440

IBP O.R. No. 329704, dated 12/17/2023

PTR No. 7872599, dated 01/02/2024, Ormoc City

MCLE Compliance No. VIII- 0009154

Valid until April 14, 2028

Office Tel. No: (053) 561-0529

E-mail address: kriskatumamak@yahoo.com

And:


ATTY. GERENTSTEIN T. BANZON

Roll of Attorney's No. 53280

PTR No. 7872598, dtd. 01-02-2024, Ormoc City

IBP O.R. No. 370599, dtd. 12-21-2023, Leyte Chapter

MCLE Compliance No. VI-0016334

Valid Until April 14, 2025

TIN:233393726000

Email: gerentstein@gmail.com

REQUEST

THE RECEIVING CLERK OF OFFICE

Office of the Sangguniang Bayan
Ad Hoc Committee (for case No. K-ADM-2023-002)
Kananga, Leyte

Greetings:

Please submit the foregoing NOTICE OF APPEAL for the consideration and approval of the Honorable Court immediately upon receipt hereof. Thank you.


MA. KRISKA ANGELA H. TUMAMAK

Copy Furnished:

ATTY. DENNIS L. HIBAYA
Solibaga Law Office
Ormoc City

 1/31/2023