Item No.: 39

Date: 11 2025 FEB

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. BRC-SP2024-003**
-versus-	
HON. ANGEL ARAS SIA JR., Municipal Mayor of La Paz, Leyte *Respondent,*	**FOR: MISCONDUCT IN OFFICE and NEGLECT OF DUTY**
x----------x	

SANGGUNIANG PANLALAWIGAN
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PROVINCE OF LEYTE

REPLY

[COMPLAINANT'S MANIFESTATION CUM APOLOGY AND OPPOSITION TO COMPLAINANT'S MOTION TO DISMISS]

RESPONDENT, by and through the undersigned counsel and unto this Honorable Sangguniang Panlalawigan for the Province of Leyte respectfully manifests: THAT –

The Truth will set you fee[1].

1. The complainant and his counsel admit to having received the Order of the Honorable Blue Ribbon Committee of the Sangguniang Panlalawigan for the Province of Leyte dated 7 January 2025 setting this case on 21 January 2025 @1pm hence, they are duly informed of the hearing on said date.

2. It is of no moment that complainant's counsel is set to appear in another case in a different forum during the date of hearing since each case puts up its equally significant merit and schedules are to be followed as a matter of professional courtesy and moreover, it is presumed that he knows his schedule well especially that he received the Order on 5 January 2025 or more than 2 weeks ahead of schedule sans motion for postponement.

3. Anent to the matter of "discussion with Atty. Leo S. Giron" to be candid, while it is true that Atty. Ferdinand Arthur B. Diaz met him during the mediation proceedings at the Philippine Mediation Center (PMC) on 17 January 2025 as opposing counsel, Atty. Diaz told him that the hearing is scheduled on 28 November 2025 but to

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[1] *John 3:32, Christian Community Bible*

caution Atty. Giron replied to him that the hearing was set on 21 January 2025 per issued Order.

4. This was during that time that Atty. Diaz vividly mentioned that the hearing on 21 January 2025 would not proceed and reset to 28 January 2025 to give time to the Honorable Committee to resolve pending motions which surprised Atty. Giron but without any Order issued from this Honorable Office, respondent and the undersigned counsels still attended the 21 January 2025, which, to our expectation, no complainant and counsel appeared given their false presumptions.

5. Given the level of the complainant and his counsel's explanation, they have not given all the truth to this Honorable Office nor to the undersigned counsels who could have been misled if we believed him "Apologies = Truth" as the truth will set you free.

6. As to the matter of outright dismissal of this case due to the non-appearance of the complainant and his counsel despite notice the same is sanctioned by Rule XVI of Resolution no. 2020-817 dated 27 November 2020 on Provincial Ordinance no. 2020-17 "Revised Internal Rules of the Sangguniang Panlalawigan of Leyte" thru the suppletory application of Section 5 Rule 18 of the Rules on Civil Procedure which states that:

> *Section 5. Effect of failure to appear. — **When duly notified**, the **failure of the plaintiff and counsel to appear without valid cause when so required,** pursuant to the next preceding Section, **shall cause the dismissal of the action. The dismissal shall be with prejudice,** unless otherwise ordered by the court. A similar failure on the part of the defendant and counsel shall be cause to allow he plaintiff to present his or her evidence ex-parte within ten (10) calendar days from termination of pre-trial, and the court to render judgment on the basis of the evidence offered. (Underlining & Emphasis Ours)*

7. Such prayer on Section 5 Rule 18 of the Rules on Civil Procedure is anchored on Section 6 of Rule XVI of Revised Internal Rules of the Sangguniang Panlalawigan of Leyte which states that:

> *Section 6. **Suppletory Application of the Rules of Court**. **In the absence of any applicable provision in these Rules**, the pertinent provisions of the Rules of Court, as amended, may, in the interest of expeditious dispensation of justice and whenever practicable and convenient, be applied by analogy or **in suppletory character and effect**. (Underlining & Emphasis Ours)*

8. The absence of any applicable provisions in Sections 18 and 19 of Rule XVI of Revised Internal Rules of the Sangguniang

Panlalawigan of Leyte on failure to appear as a ground for dismissal has been admitted by complainant and his counsel and should be supplied in suppletory character by the Rules of Court to promote expeditious dispensation of justice and whenever practicable and convenient since the 21 January 2025 hearing was reset to due their absence and has caused further delay in the proper administration of justice.

WHEREFORE, it is respectfully moved that the Honorable Blue Ribbon Committee of the Sangguniang Panlalawigan for the Province of Leyte **NOTES** Respondent's Reply to Complainant's Manifestation Cum Apology and Opposition to Complainant's Motion to Dismiss and **ORDER THE DISMISSAL** of this case based on their deliberate failure to appear during the 21 January 2025 hearing despite notice construed as lack of interest on their part.

Respondent prays for such other relief and remedies as may be just and equitable under the premises.

RESPECTFULLY SUBMITTED. Tacloban City, 24 January 2025.

LEO S. GIRON & ASSOCIATES LAW FIRM
[SY – GERONG – CAMAGTING – ORTIZ – PERU – TISMO – APELADO]
Counsel for Petitioner
2/F Wenzhuan Bldg., Quezon Blvd., Brgy. 91, Abucay, Tacloban City
0917-322-0753
by:

LEO S. GIRON
Roll No. 37379
IBP Lifetime No. 00733; 09-19-96; Leyte Chapter
PTR No. 8662851; 01-03-25; Tacloban City
MCLE Compliance No. VIII-0000748; 11-07-22
attyleogiron@gmail.com

MARTIN FRANZ S. SY
Roll No. 70868
IBP Member No. 478875; 11-25-24; Leyte Chapter
PTR No. 1578099; 01-02-2025; Tacloban City
MCLE Exemption No. VIII-BEP000015; 4-20-22
attymartinfranzsy@gmail.com

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ATTY. FERDINAND ARTHUR B. DIA
Counsel for the Complainant
Rm. 101, Gr. Flr., M.B. Yu Bldg., Real

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