

**OFFICE OF THE SANGGUNIANG
PANLALAWIGAN, PROVINCE OF
LEYTE, PALO, LEYTE**

March 20, 2025

Item No.: 11

Date: 08 2025 APR



Dear Sirs/Madams,

The undersigned is a concern citizen who is a bona fide resident of MacArthur, Leyte.

This pertains to the Municipal Ordinance No. 08 Series of 2025 which was approved on March 10, 2025 by the members of the Sangguniang Bayan of MacArthur, Leyte, revoking Ordinance No. 06 Series of 2019.

As an offshoot to this local legislation the franchise of Mr. Alvin D. Obaob to operate the Cockpit Arena in our place was capriciously revoked with pernicious motive by the members of Sangguniang Bayan without proper observance of the rules provided by the Local Government Code.

I am praying that your honorable Office will investigate this matter as I believe that you have the power to review the passage of such aforesaid Ordinance.

Just recently, a case was already filed with the court for the Annulment of the subject Ordinance and I am attaching herewith a copy of the Complaint for your perusal.

Thank you and more power.

Sincerely yours,


MR. RENE R. LERIA

20 MAR 2025

Nicks

Il. dr. am

Republic of the Philippines
8th Judicial Region
REGIONAL TRIAL COURT
BRANCH 10
Abuyog, Leyte

RTC-186-25-

867-CIV

ALVIN OBAOB y DACLAG,

Plaintiff,

CIVIL CASE NO. _____

-versus-

For:

**MUNICIPALITY OF MacARTHUR,
LEYTE, Mayor RUDIN T. BABANTE,
Vice Mayor JESUS A. BARANDA,
The Sangguniang Bayan Members,
namely: IRENEO G. REMANES Jr.,
JONATHAN T. BARQUIN, XANDRIX
P. PANTIN, JOSE A. BARANDA,
VICTORIANO T. LAZAR, RALPH
MARTIN P. EGOS and RAUL E.
MUNDALA,**

**ANNULMENT OF MUNICIPAL
ORDINANCE NO. 8 SERIES OF
2025 WITH PRAYER FOR WRIT
OF PRELIMINARY INJUNCTION**

defendants.

X-----X

COMPLAINT

PLAINTIFF, through counsel, respectfully submits to this Honorable Court:

PARTIES

1. Plaintiff is of legal age, married, Filipino and a resident of Salvacion, MacArthur, Leyte, where he may be served with court orders and other processes.
2. Defendants, are all of legal age, married, Filipino and elective public officials of Municipal Government of MacArthur, Leyte, where they may be served with summons and other legal notices at the Municipal Hall of MacArthur, Leyte.
3. Plaintiff and Defendants have the legal capacity to sue and be sued.

FACTS OF THE CASE

4. On December 2, 2019, Ordinance No. 6 Series of 2019 was approved by the Sangguniang Bayan of MacArthur, Leyte, granting plaintiff a Franchise for a period of twenty-five (25) years to operate a Cockpit Arena in the Municipality of MacArthur, Leyte, *attached herein is a Certified Photocopy*

from the Original of the Ordinance which forms as integral part of this Complaint marked as Annex "A".

5. On January 6, 2020, defendant Mayor Rubin T. Babante sent a communication to the Members of the Sangguniang Bayan expressing his veto power over Ordinance No. 6 Series of 2019, *attached herein is a Certified Photocopy from the Original of the Letter which forms as integral part of this Complaint marked as Annex "B".*

6. On February 3, 2020, the aforementioned veto was overridden by the members of the Sangguniang Bayan in a Resolution No. 2020-26 during the session that transpired on February 3, 2020, *attached herein is a Certified Photocopy from the Original of the Resolution which forms as integral part of this Complaint marked as Annex "C".*

7. On February 7, 2020, Ordinance No. 6 Series of 2019 and Resolution No. 2020-26 was approved by the Sangguniang Panlalawigan of Leyte in a Resolution No. 2020-85, *attached herein is a Photocopy of the Resolution which forms as integral part of this Complaint marked as Annex "D".*

8. Immediately after the approval by the Sangguniang Panlalawigan of Leyte of the Ordinance and Resolution, plaintiff went to the Office of Barangay Poblacion II of MacArthur, Leyte, for several occasions to obtain a Barangay Clearance, a condition precedent, to get a Mayor's Permit, but it yielded a negative result because every time plaintiff or his authorized representative would go there, they were always told just to go back since the matter would still be referred to the Punong Barangay, and the Punong Barangay is the wife of herein defendant Mayor Rudin T. Babante named Ma. Teresa B. Babante.

9. On March 11, 2020, the COVID-19 pandemic was officially declared by World Health Organization (WHO), as an offshoot to this, a total lockdown was declared on March 16, 2020 all over the Philippines.

10. During this COVID-19 pandemic period, plaintiff was unable to operate the cockpit arena and this circumstance even aggravated is financial losses.

11. In the early part of year 2022, with the intention of starting to operate the Cockpit Arena, plaintiff continued to process again the necessary clearances, permits and other pertinent documents, however, the various offices of the Municipal Government of MacArthur, Leyte, create unnecessary obstacles that hinders plaintiffs' ability to obtain these documents.

12. In fact, the wife of defendant Mayor Rubin T. Babante named Ma. Teresa B. Babante, who is the Punong Barangay of Poblacion District II, refused to issue a Barangay Clearance to plaintiff relative to the operation of the Cockpit Arena.

13. On October 3, 2022, plaintiff appeared before the Session of Sangguniang Bayan of MacArthur, Leyte, and explained to the Municipal Counselors the reason behind why he was unable to operate the Cockpit Arena, *attached herein is a Certified Photocopy from the Original of the Minutes of the 13th Regular Session of the Sangguniang Bayan of MacArthur, Leyte, which form as integral part of this Complaint marked as Annex "E" and series.*

14. Despite plaintiff's hardship in obtaining the various indispensable documents inevitably necessary to operate the cockpit arena, plaintiff was able to obtain Certificates of Business Name Registration from Department of Trade and Industry (DTI) and these are from February 2020 to February 2025 and February 2025 to February 2030, *attached herein is a photocopy of the Certificates which form as integral part of this Complaint marked as Annex "F" & Annex "F-1".*

15. On March 10, 2025, with grave abuse of discretion and non-observance of the rules in legislating a municipal ordinance, as provided by the Local Government Code, defendants in conspiracy and with pernicious motive, capriciously approved Ordinance No. 08 Series of 2025 which revoked the Franchise of plaintiff to operate the Cockpit Arena in MacArthur, Leyte, *attached herein is a Certified Photocopy from the Original of the Ordinance which forms as integral part of this Complaint marked as Annex "G".*

CAUSE OF ACTION

16. The herein plaintiff should not be held liable for the non-operation of the cockpit arena that eventually deprived the Municipality of MacArthur, Leyte of substantial amount of income because it was the fault of the responsible public officials of the Municipal Government of MacArthur, Leyte, who made it hard to plaintiff in securing the clearances and permits inevitably necessary, as condition precedent, to operate the Cockpit Arena.

17. Moreover, Article 1174 of the New Civil Code is the legal basis why plaintiff should not be held liable for the consequence of the non-operation of the cockpit arena, the provision provides that - *Except in cases expressly specified by the law, or when it is otherwise declared by stipulation, or when the nature of the obligation requires the assumption of risk, no person shall be responsible for those events which could not be foreseen, or which, though foreseen, were inevitable.* Thus, COVID-19 pandemic that transpired on March 16, 2020 to July 22, 2023 is an unforeseen event, classified as force majeure and was beyond the control of plaintiff.

18. It is crystal clear that the capricious revocation made by defendants of plaintiff's Franchise to operate the Cockpit Arena was tainted with pernicious motive.

TESTIMONIAL EVIDENCE

19. Plaintiff will testify thru his Judicial Affidavit with a prayer for one (1) reserved corroborative witness if need be in foreseeable future.

DOCUMENTARY EVIDENCES

20. Municipal Ordinance No. 6 Series of 2019; Letter of defendant Mayor Rudin T. Babante to Sangguniang Bayan dated January, 2020; Resolution No. 2020-26; Resolution No. 2020-85 of Sangguniang Panlalawigan of Leyte; Minutes of the 13th Regular Session of the Sangguniang Bayan of MacArthur, Leyte; Municipal Ordinance No. 08 Series of 2025 and Certificates of Business Name Registration.

ARGUMENTS IN SUPPORT FOR THE ISSUANCE OF WRIT OF PRELIMINARY INJUNCTION

21. Plaintiff believes that the honorable trial court can issue a Writ of Preliminary Injunction, as provided in Sec. 3, Rule 58 of the Rules of Court, which will hold in abeyance the implementation of Municipal Ordinance No. 08 Series of 2025.

22. If the implementation of Municipal Ordinance No. 08 Series of 2025 is not restrained, this will result to a grave injustice to plaintiff because the non-operation of the Cockpit Arena is not solely attributable to plaintiff.

PRAYER

WHEREFORE, in view of the foregoing, plaintiff respectfully prays of this Honorable Court - THAT:

I. During the pendency of this present case, but after notice and hearing, a Writ of Preliminary Injunction be issued against defendants to restrain them from implementing Municipal Ordinance No. 08 Series of 2025 until the issue in this instant case is resolved on the merits.

II. To declare as NULL and VOID for lack of legal basis or reasonable ground Municipal Ordinance No. 08 Series of 2025, which revokes the Franchise of plaintiff to operate a Cockpit Arena in the Municipality of MacArthur, Leyte.

Plaintiff further prays for such other relief as the Court deems just and equitable under the circumstances.

Tacloban City for Abuyog, Leyte, March 19, 2025.


MENCHITO L. VIOVICENTE

Counsel for the Plaintiff)

IBP Roll No. 43530, May 5, 1999;

IBP Lifetime No. 03806, 11-28-2003;

MCLE Comp. No. VIII - 0009163, 04-14-28;

PTR No. 8664938, 01-07-25, Tacloban City;

No. 119, Shopping Center, Tacloban City,

09176276358, menchitov@gmail.com

**VERIFICATION AND AFFIDAVIT OF
NON-FORUM SHOPPING**

I, **ALVIN D. OBAOB**, of legal age, married, Filipino and a resident of Salvacion, MacArthur, Leyte, under oath, declare as follows:

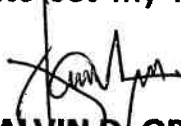
1. That I am the plaintiff in this present case and have read and understood all the allegations contained in this Complaint which are true and correct based on my personal knowledge and on authentic documents which is in my possession.

2. That this Complaint is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

3. That the factual allegations therein have evidentiary support or if so identified specifically will likewise have evidentiary support after a reasonable opportunity for discovery.

4. That I have not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals or any other tribunal. To the best of my knowledge, no such action or proceeding is pending before the Supreme Court, the Court of Appeals, or any tribunal or agency. Should we thereafter, learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or any tribunal or agency, I undertake to report this fact to this Honorable Court within five (5) days from knowledge.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of March 2025 at ABUYOG, LEYTE.


ALVIN D. OBAOB

-Plaintiff-

Driver's Lic. No. H09-16-000901
Valid until 2023/12/06

SUBSCRIBED AND SWORN to before me by the above-named plaintiff this 19 MAR 2025 at ABUYOG, LEYTE, who exhibited his Driver's License as his competent evidence of identity where a photocopy of which are herein attached.



Doc. No. 155 ;
Page No. 32 ;
Book No. CXV ;
Series of 2025 .


ATTY. JOY ESTOLANO-CERRO, CPA
Notary Public
for La Paz, Mayorga, MacArthur,
Abuyog and Javier, Leyte
Until December 31, 2028
Notarial Commission No. 11-24-01
Brgy. Guintagbucan, Abuyog, Leyte
Attorney's Roll No. 60165
PTR No. 111352, Abuyog, Leyte, January 2, 2025
IBP Lifetime Member No. 010822
TIN 930-942-690
MCLE Compliance No. VII-0016302 until 04/14/2028



Republic of the Philippines
 Province of Leyte
 MUNICIPALITY OF MACARTHUR
Office of the Sangguniang Bayan

CERTIFIED TRUE COPY
 FROM THE ORIGINAL

Marie Stephanie D. Pulga
 MARIE STEPHANIE D. PULGA
 Secretary
ANNEX "A"

ORDINANCE NO. 06
 Series of 2019

Sponsored by: SB Member Dante B. Esplanada
 Co-Sponsored by: SB Members Trina C. Burawis, Josephine A. Piga, Roden T. Belleza,
 Leonides C. Ruba Leonardo B. Leria, Jr., Danilo M. Ulbata

"AN ORDINANCE GRANTING ALVIN D. OBAOB A FRANCHISE TO OPERATE COCKPIT ARENA IN THE MUNICIPALITY OF MACARTHUR, LEYTE"

Section 1. A franchise is hereby granted to ALVIN D. OBAOB to operate a cockpit arena in the Municipality of MacArthur, Leyte, subject to the following conditions:

- a) The Franchise shall be for a period of 25 years;
- b) The Franchise shall be liable to pay a franchise tax at the rate of 50% of 1% based on the gross/sales receipts, in lieu of all local business taxes;
- c) Such other conditions that may be later on required by the Municipal Government;

Section 2. All other cockpit franchise previously granted by the municipality which were not in use for more that (5) years are hereby revoked/rescinded accordingly.

Section 3. This Ordinance shall take effect following its approval by the Sangguniang Panlalawigan.

APPROVED, December 02, 2019

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

Evelyn M. Encina
 EVELYN M. ENCINA
 Acting Secretary

ATTESTED:

Renier Leria
 RENIER LERIA
 Municipal Vice-Mayor

MUNICIPALITY OF MACARTHUR
 MACARTHUR LEYTE
 OFFICE OF THE MAYOR
 DATE: 01/02/20
 TIME: 10:17 AM




Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR
Office of the Sangguniang Bayan

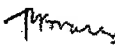
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FROM THE ORIGINAL

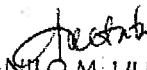

MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian

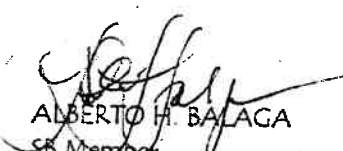
Ordinance No. 06, series of 2019
Page 2


CONCURRED:

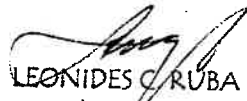

RODENT T. BELLEZA
SB Member



TRINA C. BURAWIS
SB Member



DANILO M. ULBATA
SB Member



ALBERTO H. BALAGA
SB Member


JESUS A. BARANDA
SB Member


LEONIDES C. RUBA
SB Member


JOSEPHINE A. PIGA
SB Member


DANTE B. ESPLANADA
SB Member


LEONARDO A. LERIA, JR.
ABC President

MEL ANDREW P. MALDOS
PPSK President (Absent)

APPROVED:

RUDIN T. BABANTE
MUNICIPAL MAYOR



Republic of the Philippines
Province of Leyte

CERTIFIED PHOTOCOPY
FROM THE ORIGINAL
MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian

MUNICIPALITY OF MACARTHUR

Office of the Municipal Mayor

ANNEX "B"

06 January 2020

HON. RENE R. LERIA
Municipal Vice-Mayor
Office of the Sangguniang Bayan
Municipality of Macarthur, Leyte

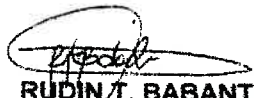
Attention: Members of the Sangguniang Bayan

Dear Hon. Vice-Mayor Leria:

This has reference to the Municipal Ordinance No. 06, Series of 2019 received by this office on 03 January 2020.

May we inform you that pursuant to the power vested in me under the Local Government Code of 1991 as the Municipal Mayor of this municipality, I am returning to you **ORDINANCE NO. 06 Series of 2019, entitled "AN ORDINANCE GRANTING ALVIN D. OBAOB A FRANCHISE TO OPERATE COCKPIT ARENA IN THE MUNICIPALITY OF MACARTHUR, LEYTE," WITHOUT MY SIGNATURE** as the same is hereby **VETOED** for failure to comply with the requirements under the law on the part of the applicant for franchise.

Truly yours,


RUDIN T. BABANTE
Municipal Mayor

RTB



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MacARTHUR

CERTIFIED PHOTOCOPY
FROM THE ORIGINAL

MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian

ANNEX "C"

Office of the Sangguniang Bayan

2020
SF Proc of

Attested:

HON. RENE R. LERIA
Vice-Mayor

Concurred:

HON. RODEN T. BELLEZA
SB Member

HON. TRINA C. BURAWIS
SB Member

HON. DANILO M. ULBATA
SB Member

HON. ALBERTO H. BALAGA
SB Member

HON. JESUS A. BARANDA
SB Member (Abstain)

HON. LEONIDES C. RUBA
SB Member

HON. JOSEPHINE A. PIGA
SB Member

HON. DANTE B. ESPLANADA
SB Member

HON. LEONARDO R. LERIA, Jr.
ABC President

HON. MEL ANDREW MALDOS
SKF President (Absent)

EXCERPT FROM THE MINUTES OF THE 26TH REGULAR SESSION OF
THE SANGGUNIANG BAYAN OF MacARTHUR, LEYTE HELD ON
03 FEBRUARY 2020 AT THE MUNICIPAL SESSION HALL.

PRESENT:

Honorable Rene R. Leria	Vice-Mayor, Presiding
Honorable Roden T. Belleza	SB Member
Honorable Trina C. Burawis	SB Member
Honorable Danilo M. Ulbata	SB Member
Honorable Alberto H. Balaga	SB Member
Honorable Jesus A. Baranda	SB Member
Honorable Leonides C. Ruba	SB Member
Honorable Josephine A. Piga	SB Member
Honorable Dante B. Esplanada	SB Member
Honorable Leonardo R. Leria, Jr.	ABC President

ABSENT:

Honorable Mel Andrew P. Maldos SKF President

Resolution No. 2020-026

RESOLUTION OVERRIDING THE VETO OF THE LOCAL CHIEF
EXECUTIVE ON MUNICIPAL ORDINANCE NO. 6, SERIES OF 2019
GRANTING ALVIN D. OBAOB A FRANCHISE TO OPERATE COCKPIT
ARENA IN THE MUNICIPALITY OF MacARTHUR, LEYTE.

WHEREFORE, on motion of Honorable Dante B. Esplanada, seconded by
Honorable Roden T. Belleza be it

RESOLVED, as it is hereby resolved, to override the veto of the Local Chief
Executive on Municipal Ordinance No. 6, series of 2019;

APPROVED by the 2/3 majority, to wit:

Honorable Roden T. Belleza
Honorable Trina C. Burawis
Honorable Danilo M. Ulbata
Honorable Alberto H. Balaga
Honorable Leonides C. Ruba
Honorable Josephine A. Piga
Honorable Dante B. Esplanada
Honorable Leonardo R. Leria, Jr.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

JENNY R. TAN
Secretary to the Sanggunian



ANNEX "D"

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 27th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEGISLATIVE BUILDING, CAPITOL GROUNDS, TACLOBAN CITY ON 07 FEBRUARY 2020.

RESOLUTION NO. 2020-85

A RESOLUTION DECLARING VALID, MUNICIPAL ORDINANCE NO. 06, SERIES OF 2019, OF THE SANGGUNIANG BAYAN OF MACARTHUR, LEYTE.

WHEREAS, pursuant to Section 468 (a)(1)(i) of Republic Act 7160 otherwise known as The Local Government Code of 1991, among the powers and duties of the Sangguniang Panlalawigan is "to review all ordinances approved by the Sanggunians of component cities and municipalities;"

WHEREAS, MUNICIPAL ORDINANCE NO. 06, series of 2019, of the Sangguniang Bayan of MacArthur, Leyte, entitled: "AN ORDINANCE GRANTING ALVIN D. OBAOB A FRANCHISE TO OPERATE COCKPIT ARENA IN THE MUNICIPALITY OF MACARTHUR, LEYTE," was submitted to the Sangguniang Panlalawigan for approval;

WHEREAS, Attached to subject Ordinance is Resolution No. 2020-326 dated February 5, 2020, entitled: "RESOLUTION OVERRIDING THE VETO OF THE LOCAL CHIEF EXECUTIVE ON MUNICIPAL ORDINANCE NO. 6, SERIES OF 2019 GRANTING ALVIN D. OBAOB A FRANCHISE TO OPERATE COCKPIT ARENA IN THE MUNICIPALITY OF MacArthur, LEYTE;"

WHEREAS, the August Body, upon review, finds the subject Ordinance in conformity with existing laws, rules and regulations;

NOW, THEREFORE, on motion presented by Honorable Raissa J. Vilasig, duly seconded by Honorable Gino E. Merlo, be it

RESOLVED, as it is hereby resolved, TO DECLARE VALID, MUNICIPAL ORDINANCE NO. 06, SERIES OF 2019, OF THE SANGGUNIANG BAYAN OF MACARTHUR, LEYTE.

Approved unanimously.


Over

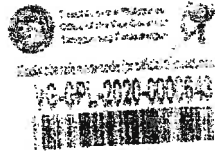
Page 1 of 2 - Res. No. 2020-05 dated
February 7, 2020 on MacArthur Municipal
Ordinance No. 05, series of 2019

HEREBY CERTIFY to the correctness of the foregoing resolution.

FLORINDA JILVS UNWICO
Secretary to the Sanggunian

ATTESTED:


ATTY. CARLO P. LORETO
Vice-Governor
Presiding Officer



Copy furnished:

CE and the Sangguniang Bayan
Of MacArthur, Leyte



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR

CERTIFIED PHOTOCOPY
FROM THE ORIGINAL

MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian

Office of the Sangguniang Bayan **ANNEX "E"**

Concurred:

HON. RAUL E. MUNDALA
SB Member

HON. GWENDOLYN M. BERISO
SB Member

HON. VICTORIANO T. LAZAR
SB Member

HON. JONATHAN T. BARQUIN
SB Member

HON. TRINA C. BURAWIS
SB Member

HON. LEONARDO R. LERIA JR.
SB Member

HON. IRENEO G. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)

HON. MEL ANDREW P. MALDOS
SKF President

Approved:

HON. JESUS A. BARANDA
Municipal Vice Mayor

Minutes of the 13th Regular Session of the Sangguniang Bayan of MacArthur, Leyte held on 03 October 2022 at the Municipal Session Hall.

PRESENT:

Honorable Jesus A. Baranda	Vice Mayor, Presiding
Honorable Raul E. Mundala	SB Member
Honorable Gwendolyn M. Beriso	SB Member
Honorable Victoriano T. Lazar	SB Member
Honorable Jonathan T. Barquin	SB Member
Honorable Trina C. Burawis	SB Member
Honorable Leonardo R. Leria Jr.	SB Member
Honorable Ireneo G. Remanes Jr.	SB Member
Honorable Xandrix P. Pantin	SB Member
Honorable Mel Andrew P. Maldos	SKF President

ABSENT:

Honorable Pepito C. Guimalan	ABC President
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CALLED TO ORDER

The session was called to order at 10:06 in the morning. Hon. Barquin led the opening prayer.

ROLL CALL

As there was only one member of the august body was absent, thus, the Honorable Chair declared the presence of a quorum.


APPROVAL OF THE MINUTES OF THE PRECEDING SESSION


The minutes of the 12th Regular Session, dated September 26, 2022 was read. Following its reading, the Honorable Chair asked if there were comments, corrections, additions or insertions to the minutes read. Honorable Beriso moved for its approval, seconded by Honorable Mundala and Honorable Burawis and was called by the Honorable Chair as approved as read.


COMMITTEE REPORT


1. Honorable Mundala reported to the august body that he attended the Local School Board Meeting held on September 29, 2022 at the Office of the Municipal Mayor Board Room. The LSB meeting was attended by Mr. Renc Babante on behalf of the Local Chief Executive, Mrs. Ma. Victoria E. Mundala, Municipal Budget Officer, Mr. Jacqueline J. Lagarto, Municipal Treasurer,

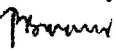
Concurred:



HON. KATRINA MUNDALA
SB Member



HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN F. BARQUIN
SB Member



HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO R. TERIA JR.
SB Member



HON. PRENEO G. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SBF President

Approved:


HON. JESUS A. BARANDA
Municipal Vice Mayor

School Supervisors from MacArthur District 1 and 2, School Principal of Palale Central School, representatives from MacArthur and Danao National High Schools and MacArthur Teachers Associations. The meeting was about the budgeting of the Special Education Fund (SEF). As chairman of the Committee on Education, he suggested to distribute the SEF among all schools. Aside from, he presented his proposal for a municipal ordinance recognizing the outstanding teachers in the municipality of MacArthur, Leyte and Mrs. Cabodil is in support of the proposal and makes the final draft. In addition, last September 30, he was invited as an inducting officer during the induction ceremony of GPTA and Teachers Association at Palale National High School wherein the Honorable Chair showcased his curacha moves.

2. Honorable Lazar reported what had transpired in the conducted public hearing on his proposed municipal ordinance pertaining the anti-modified muffler that was held last September 30, 2022 at the ABC Hall. In the open forum, it was deliberated the amount of noise level to follow. In other LGU, it 85-95 db are commonly used but was recommended and was ruled to have a 99db in accordance to the LTO standard. It was also discussed that impounding period will last only at a maximum 72-hours or 3-days period, in case that the violator will not settle his penalty, the PNP will turn over the vehicle to the LTO.

First Reading and Referral to Committees of Proposed Ordinance, Resolutions, Petitions, Memorials and Other Communications

Proposed Municipal Ordinance Providing for the Rules and Procedures in conducting Administrative Investigation Against Elective Barangay Officials in the Municipality of MacArthur, Leyte

Honorable Remanes Jr. proposed the passage of the Municipal Ordinance providing for the rules and procedures in conducting administrative investigation against elective barangay officials in the Municipality of MacArthur, Leyte. The Honorable Chair spoke that there was an available ordinance that was sponsored before but was invalid due to the absence of the signature of the LCE and was not forwarded to the Sangguniang Panlalawigan. Meanwhile, Honorable Pantin manifested for the urgent passage of the aforementioned municipal ordinance since there is an existing Indorsement from the Office of the Ombudsman pertaining to the complaint against Honorable Guimalan that needs to take action by the august body as part of its quasi-judicial function.

PRIVILEGE SPEECH

No member of the august body availed of the privilege time.

CALENDAR OF BUSINESS

a. UNFINISHED BUSINESS

1. Letter from the Office of the Ombudman (Visayas), Re: Complaint of Jenelito C. Palana Against Honorable Pepito C. Guimalan, Barangay Captain of Barangay Maya, MacArthur, Leyte

MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian

Concurred:

HON. RAUL E. MUNDALA
SB Member

HON. GWENDOLYN M. BERISO
SB Member

HON. VICTORIANO T. LAZAR
SB Member

HON. JONATHAN T. BARQUIN
SB Member

HON. TRINA C. BURAWIS
SB Member

HON. LEONARDO R. LENA JR.
SB Member

HON. ARNEO C. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)

HON. MEL ANDREW P. MALDOS
SRF President

Approved:

HON. JESUSA A. BARANDA
Municipal Vice Mayor

Honorable Pantin imparted to the august body what had transpired in the inquiry done by the Secretary to the Sanggunian at the Sangguniang Panlalawigan. It was found out that the Municipal Ordinance No. 03, Series of 2014, an Ordinance Providing for the Rules and Procedures in conducting Administrative Investigation Against Elective Barangay Officials in the Municipality of MacArthur, Leyte was submitted; hence, no approval of the Sangguniang Panlalawigan. Honorable Pantin added the concern on the jurisdiction to administer the administrative investigation since the Honorable Guimalan, respondent is an ex officio member of the Sangguniang Bayan. He also recommended that the Secretary to the Sangguniang will make a letter in compliance to the letter of the Office of the Ombudsman (Visayas) to acknowledge the receipt of its Indorsement. The Honorable Chair ruled to that the Secretary to the Sangguniang will reply to the Office of the Ombudsman (Visayas) at the soonest possible time. Honorable Beriso queried what will be the content of the letter reply to the Ombudsman. Honorable Maldos recommended to answer the Office of the Ombudsman (Visayas) to inform of the actions taken by the august body. Honorable Maldos also raised his concern relative to the jurisdiction to hear and decide the administrative case. Honorable Burawis manifested that the meeting conducted during the call for dialogue and mediation between the two parties were part of action taken. Honorable Beriso said that she was not objecting but rather seeking for clarifications. Along this line, Honorable Mundala moved a Resolution addressed to the Sangguniang Panlalawigan of Leyte and Department of Interior and Local Government Region 8 Office VIII through its respective Legal Department to seek clarifications on the jurisdiction to conduct administrative investigation. The motion was seconded by Honorable Pantin, Honorable Maldos, Honorable Lena Jr and Honorable Barquin. As there was no objection to the motion presented, the Honorable Chair declared the same as approved and carried.

2. *Invitation to Mr. Alvin Obaob, Franchisee of Cockpit Arena Operation in this municipality, to attend the Regular Session to seek further clarifications on the dormant status of the operation of the cockpit arena in this municipality.*

Honorable Pantin moved to suspend the rules of procedures to accommodate Mr. Alvin Obaob.

Honorable Mundala:
Mr. Chair may I know who is with Mr. Obaob?

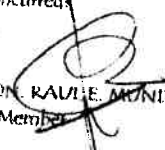
Honorable Chair:
Please stand to be recognize


Atty. Glenda Faith Tenebrero
Good morning. I am Atty. Glenda Faith Tenebrero, respectfully assisting the franchisee, your Honor.


Honorable Chair:
Maam, I would like to request you, not to entertain you. We will only entertain Mr. Obaob, he is the one subject for the inquiry.

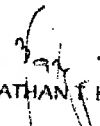
Atty. Tenebrero:
I understand, your Honor.

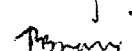
Concluded



HON. RAULIE MONDALA
SB Member



HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN T. BARQUIN
SB Member



HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO R. LERIA JR.
SB Member



HON. RENE O. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SKE President

Approved:


HON. JESUSA A. BARANDA
Municipal Vice Mayor

Honorable Chair:
I will not allow you to talk. We will only allow Mr. Obaob to talk.

Atty. Tenebrero:
Yes, your Honor. But may I be allowed to sit beside the franchisee?

Honorable Chair:
Yes. We will let Mr. Obaob to talk since he is the one invited.

Atty. Tenebrero:
I understand, your Honor. Thank you.

Honorable Chair:
Mr. Obaob you have the floor.

Mr. Obaob:
Good morning, Mr. Chair.

Honorable Barquin:
Thank you, Mr. Chair. Thank you for being here. At last nakita ka na namon. Guin-grant an franchise han aton cockpit arena which is in our municipality uusa la ito nga tawo which was the privilege was given to you sir han 2019 of December, am I correct sir?

Mr. Obaob:
Yes.

Honorable Barquin:
Sir, my question is, are you still interested in operation your cockpit franchise?

Mr. Obaob:
Very interested, sir.

Honorable Barquin:
So what's the steps na imo na gumuhat para makag-operate na it franchise?

Mr. Obaob:
Nag.start ako since guin-grant ha akon an franchise last February, so nagtikang liwat ako pag-furnish han mga requirements nga naka.butang didto han cockpit ordinance. I have here with me mga documents like DTI, the COR, I even furnish the Mayors Permit hadto 2020.


I have here the COR from BIR, DTI, Mayors Clearance issued 2020, may Police Clearance, Barangay Clearance


Honorable Barquin:
Sir, according to the copy here in our office, your franchise was granted in December 2, 2019, and you must do the procedure of doing business must be in January. You must pay the business before January 20 sir.

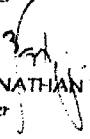
Mr. Obaob:
The Resolution No. 2020-86 asya pagkuan nakon han panlalawigan. Waray anay ako magkuan kay I was waiting for the approval han Panlalawigan kay that's the time magfurnish ako han mga papel kay syempre kinahanglan ko

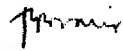
Concurred:


HON. RAUL MUNDALA
SB Member



HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN T. BARQUIN
SB Member



HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO R. LERIA JR.
SB Member



HON. TRENEO G. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SKF President

Approved:


HON. JESUSA. BARANDA
Municipal Vice Mayor

anay makuha an approval from Panlalawigan. So, it was February 7, after February 7 asya na adto nak pag-furnish han mga requirements.

Honorable Barquin:
Mr. Chair, my next question nuruniyan nala. Maybe my colleagues want to have questions.

Honorable Lazar:
We would like to request, he have mention the certifications we would have a copy for us as supplement in our deliberation. Can you provide us a photocopy?

Honorable Chair:
Can you provide a copy, Mr. Obaob?

Mr. Obaob:
Right now, sir? Okay sir.

Honorable Chair:
So, any other question to Mr. Obaob?

Honorable Mundala:
Why until now, he cannot operate the said cockpit arena? What are the reasons, maybe?

Mr. Obaob:
Good morning! Last February 2020, after I furnish adto nga mga copies nga akon guin-present, nakadto ako ha Barangay Hall han Pob. Dist. II. Di ko la maremember kun ano adto nga date, basta I was accompanied by Elizabeth Cabusao. Kami nga duha kumadto ha barangay hall, then, the secretary told me na balik nala kay it is because waray an barangay treasurer. So, in good faith sumiring liwat kami na mabalik nala kami. Then, after pira ka-days bumalik na liwat kami, upod na liwat ako. Nakadto an barangay treasurer. Suniring an barangay treasurer ha akon na balik nala kay waray hi kapitana. Then, in good faith utro, sumiring ako na sige mabalik nala kami. Then, han ikatulo nan ga attempt namon ngadto, waray na ako bumunyog. Nag-delegate nala ako kan Elizabeth Cabusao at that time, naki-alayon ako na kun pwede kumadto hiya. Then, pagbalik niya akon, sumiring hiya na waray hiya intertaina. At that time waray na ako magpadayon na it is because March na adto, an Covid na. So, nagkuan ako na diri la anay kay mayda man pandemic, And yana na liwat after ko maka-received han letter from the Sangguniang Bayan, siguro time na magbalik ako pag-furnish na liwat hin permit ha barangay then nagpa-delegate nala ako kan Roy Padillos. An primero niya pagkadto, sumiring na la na balik nala. Then, habang nag-storya kami ni Roy pag-feedback niya akon, tumawag an barangay secretary over the fone. Nagka-istorya kami han secretary. Nasiring ako "maam, pwede ha ako niyo i-furnish kun anu ba an requirements para magka-mayda ako hin barangay permit?" then said to me "DTI la sir." Sumiring ako na "mayda man ako DTI, maam. Keanu waray man ako niyo release hin barangay permit? Then, sumiring hiya na "pabalika na la ngadi sir hi sir Roy". So guinpabalik ko ngadto. Pagbalik ngadto ni Roy, mayda na letter nga guinpapa-furnish ako han locational map and zoning clearance. Then, nagtawag ako nak guindelegate, ok la iton mag-furnish kita pero waray pa kita nira tagi kun anu ba talaga an requirement for pag-apply han barangay permit. Is there an ordinance or resolution nga masiring na mag-rerequire hira hin zoning clearance ngan locational map. Then, guinpa-receive la an letter. That's all your honor.

Concurred:

HON. RAUL E. MUNDALA
SB Member

HON. GWENDOLYN M. BERISO
SB Member

HON. VICTORIANO T. LAZAR
SB Member

HON. JONATHAN T. BARQUIN
SB Member

HON. TRINA C. BURAWIS
SB Member

HON. LEONARDO R. TERIA JR.
SB Member

HON. KRENEO G. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)

HON. MEL ANDREW P. MALDOS
SKF President

Approved:

HON. JESUSA A. BARANDA
Municipal Vice Mayor

Honorable Chair:

So, you were not able to operate because you don't have any business permit?

Mr. Obaob:

The only thing nga diri ako nakakuan Mr. Chair is because diri ako gintatagan hin barangay permit. Whereas, nag-research liwat ako, DTI man la it guinrequire para magka-mayda permit.

Honorable Pantin:

What is your reason, pira na namon kasurat, for the record la Mr. Chair, because we will sending letters to you to be available because one of the member of this body asks for your presence, that's why we send letter mag-attend ka amon session. So, it was amo ngam nagkuan na kami kun pira ana adto ka session kay katulo na balik an taga postal taz waray ka man liwat didto kakarawat. Tapos yana nag-utro kami, amo adto nagkuan na hi presiding officer na maghatag na hiya hin last chance for your presence, and we are thankful nga nag-attend ka yana han amon session. Maybe because this is 4th or 5th regular session tilang hadto nga nagbaton ka gihap han amon surat han una. For the record, Mr. Chair kun anu iya rason nga waray nakarawat didto kay an una nga surat nakarawat man didto han iyo residence.

Mr. Obaob:

Good morning sir. Naka-duha man la ako nakakarawat hin letter. An first an guinbaton ko, the second an yana. Nagwowonder ako.

Honorable Pantin:

When was you received han invitation nga nakanhi ka yana?

Mr. Obaob:

Yana nga week, nakalimot ako han date.

Honorable Pantin:

Anu nga pama-agi nga surat?

Mr. Obaob:

By Postal.

Honorable Pantin:

That's why we are in quandry kay anu waray pa aabot na pira na ka session kay an baton an taga postal waray may nakarawat didto ha iyo residence. Ada ito surat.

Mr. Obaob:

Anu nga waray nakarawat, waray tawo o waray anu?

Honorable Pantin:

An surat nga guinbalik han taga-postal para liwat hiya mabaro kay iya yana siring, yana la hiya naka-karawat nga semana, where in fact, after han aton surat nga nagbaton hiya, mayda adto follow up nga surat liwat nga guinhatag ha imo kay gusto han august body nga an imo presence nga mahikanhi. May I request Mr. Chair han aton Secretary to para makita gud niya nga mayda gud surat nga guinkadto, bangin ka suming nga waray. So for your information, mayda naton surat nga guinhatag imo nga it was naka-tulo, may I request the letter?

Concurred:

HON. RAUL MUNDALA
SB Member

HON. GWENDOLYN M. BERISO
SB Member

HON. VICTORIANO T. LAZAR
SB Member

HON. JONATHAN T. BARQUIN
SB Member

HON. TRINA C. BURAWIS
SB Member

HON. LEONARDO R. TERIA JR.
SB Member

HON. TRENEO C. KEMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)

HON. MEL ANDREW P. MALDOS
SKF President

Approved:

HON. JESUS A. BARANDA
Municipal Vice Mayor

The Honorable Chair called the Secretary to the Sanggunian. The former asked permission to go to her office to get the requested letter. The Secretary to the Sanggunian returned with the letter and handed it to the Honorable Chair.

Honorable Pantin:
May I ask the Secretary, is it still the same residence an at guin-resend ha iya yana nga iya nakarawat?

Secretary to the Sanggunian:
Yes.

Honorable Pantin:
For you to know nga nag-send hi letter an opisina han Secretary, an it was may ada ito hiya ada docket ha luyo nga three attempts for you to know.

The Secretary to the Sanggunian pointed the makings on the envelop.

Honorable Chair:
9-7-2022, 9-14 and then 9-20 and so there are three attempts sending this letter to Mr. Obaob.

Honorable Barquin:
Sir, an imo ba papel nga tikang ha Municipal Mayor, dated hiya anoh?

Mr. Obaob:
An Mayors Permit?

Honorable Barquin:
Opo. Pati an kanan barangay sir. You presented kanina nga mayda ka-na nakuha kanan barangay.

Mr. Obaob:
Barangay clearance from Barangay Salvacion.

Honorable Barquin:
So where sir, where is your cockpit arena located, sir?

Mr. Obaob:
Pob. Dist II, sir.

Honorable Barquin:
Pob. Dist II. So, an imo yana guinrepresent yana nga papel from barangay level kanan anu hiya nga barangay? Kanan Dist II where the cockpit arena is located?

Mr. Obaob:
Anu nga papel sir? What are you trying to say sir?

Honorable Barquin:
An imo guinpresent kanina, what was that clearance? Permit?


Mr. Obaob:
It is clearance.


Honorable Barquin:
Dated hiya anu sir?

MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian


Concurred:



HON. RALFO M. MUMPALA
SB Member



HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAK
SB Member


HON. JONATHAN T. BARQUIN
SB Member

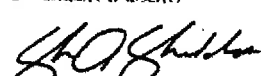

HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO R. LERIA JR.
SB Member


HON. IRENEO G. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SKF President

Approved:


HON. JESUS A. BARANDA
Municipal Vice Mayor

Mr. Obaob:
February 19, 2020

Honorable Barquin:
Because sir nagsurat kasi an kuan. So natagan kana an Office of the Mayor Clearance so you already paid the payment for the business permit?

Mr. Obaob:
Mayor's clearance pala sir because usa hiya nga requirement han pag-approve han business permit an mayors clearance. After the mayors clearance, waray na ako magproceed to the mayor para permit kay waray pa ako barangay permit. So, nakadto barangay. Amo na adto.

Honorable Barquin:
Because Mr. Chair, we have here the copy from the Municipal Treasurers Office and Pob. Dist. II their reply in our request on the steps of the cockpit franchise, kun anu an iya steps tikang hiya matagan hin franchisee. It is indicated here na there is no record kuno daw.

Honorable Barquin read the letter reply of the Municipal Treasurer to the letter request dated September 20, 2022.

Honorable Beriso:
I would like to ask Mr. Obaob if have you paid already any payment to the municipal treasurer since 2019 up to date?

Mr. Obaob:
The payment I made was for the Mayors clearance, police clearance. Other payment waray pa po kay I was waiting na ma-approve an akon barangay clearance an then ma-secure na ako hin payment.

Honorable Beriso:
It is clear na there is no payment at the Municipal Treasurer.


Honorable Burawis:
Thank you, Mr. Chairman. Since waray pa hiya makakakuha hin barangay clearance, normal nga diri pa hiya makabayad nganhi ha munisipyo kay pre-requisite it barangay business permit hit municipal business permit. Thank you.

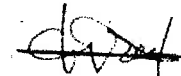
Honorable Barquin:
Sir, just an information la ano, nahatabo ini naha, tackle ini pag-question nga imo franchise kun na-exist ka pa kay mayda naghatag hin letter of intent nga duduha nga tawo. Where in fact, in the municipalit of MacArthur, na-observe naton nga three years na waray operation an aton cockpit. Diri gad hiya signgon nga essential hiya or in need but kay amo it aton culture hit Filipino, so mayda nag-attempt. Gumawas ito ha amon imbestigasyon sir nga diri pa kami pwede maghatag hin franchise kay mayda pa existing franchisee, So the question is, nagtikang an aton deliberation kun anu imo reason. An imo syahan na reason sumiring ka nga tungod han Covid. The global pandemic han covid, dinhi ha aton ha MacArthur, nagka-ada nah in mga Executive Orders han Municipal Mayor han March 2020. Your franchise was December 2019, mayda ka pa adto mga time para magprocess, but siring pa nimo guinhulat pa nimo an advice from the Sangguniang Panlalawigan. An akon liwat sir, kay kun kan-o kami nagsurat sir amo pa la nimo pagtake hin action. Why did you not take action from January this year?

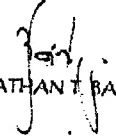

MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian

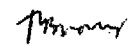
Concurred:


HON. RAUL B. MUNDALA
SB Member



HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN T. BARQUIN
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HON. TRINA C. BURAWIS
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HON. LEONARDO R. LERIA JR.
SB Member



HON. RENEO G. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SKF President

Approved:


HON. JESUS A. BARANDIA
Municipal Vice Mayor

Mr. Obaob:

Sir, I have already taken actions like COR, police clearance, DTI. These are my actions 2020. Sir may I clarify, I am also a registered voter of Barangay Salvacion and I live in Salvacion

Honorable Barquin:

An imo COR sir dated when?

Mr. Obaob:

An akon COR sir, gum-apply ko imi 2020 pero gum-abtan ako pandemic waray ako ig-entertain didto, yana ko la imi nakuha nga 2022.

Honorable Barquin:

Just for a clarification, I have a business in Pob. Dist II, I applied for the business permit, DTI permit during pandemic, June 1, 2020 sir. And I already have the DTI, Certificate of Registration, barangay permit with no hassle sir. That is why I am wondering nga 2022 na ito nahatagn nga COR.

Mr. Obaob:

Sir, the situation han pandemic and the cockpit business nag-iinvolve hin damo nga tawo. Diri ka gud mag-ppursue. Pano ka makaka kuan hin permit when bisan an national level nga sigr pan-declare nga level 2 kita.

Honorable Barquin:

Mr. Chair, you can do business, you can do registration of your business bisan pandemic time. I am referring to the registration of business, not the operation of business.

Honorable Chair:

I think the issue there is not the operation, the securing of business registration.

Mr. Obaob:

Yes, Mr. Chair. But akon point liwat, like Honorable Barquin, I am also a businessman, diri ako magpursue hit akon business kun diri ako makag-operate because of the pandemic. So ma-wait po ako na i-clear out anay an mga category level han pandemic before ako magbalik.

Honorable Pantin:

Mr. Chair, even if he will not operate the cockpit arena, but still he has to accomplish han mga requirements han business permit kay we know nga gintagan ka hin franchise, one of the reason of the Sangguniang Bayan gave you the privilege to have you the franchise basi an LGU magka-ada hin local income. An kuan ito yana Mr. Chair kay until today an aton local government, waray pa maka-income ito nga gintaga ha iya nga franchise. An tungod an iya yana mga rasones nga waray hiya makakakuha ha barangay nga mga requirements basi hiya maka-tansaction ha aton liwat treasurer's office. Just for the record la Mr. Chair. Ngan an imo yana mga pinanguha nga mga documents yana na nga 2022 is it correct? Anu na nga mga months?

Mr. Obaob:

An akon applications imi han 2020 pa, even the DTI han 2020 pa.

Honorable Pantin:

And the other documents?

Marie Stephanie D. Pulga
MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian

Concurred

[Signature]
HON. RAUL DOMINICALA
SB Member

[Signature]
HON. GWENDOLYN M. BERISO
SB Member

[Signature]
HON. VICTORIANO T. LAZAR
SB Member

[Signature]
HON. JONATHAN T. BARQUIN
SB Member

[Signature]
HON. TRINA C. BURAWIS
SB Member

[Signature]
HON. LEONARDO R. LERIA JR.
SB Member

[Signature]
HON. RENE O. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)

[Signature]
HON. MEL ANDREW P. MALDOS
SKF President

Approved:

[Signature]
HON. JESUSA BARANDA
Municipal Vice Mayor

Mr. Obaob:
2020

Honorable Beriso:

So, what I've heard today, it means there is willingness of Mr. Obaob to operate the cockpit arena only nga mayda la mga reasons kay anu nga na-delay. Kay an akon kunta hadto kun mayda willingness an natagan han franchise. So I've heard nga mayda talaga willingness hi Mr. Obaob. That's all, Mr. Chair.

Honorable Chair:

You know Mr. Obaob, you are depriving the income of this cockpit business of this municipality. In spite of the franchise given to you, you did not exert maximum effort in order to operate the cockpit business. That is a source of income of this municipality but we cannot get it because you are holding the franchise wherein you are not operating. So with that reason, Mr. Obaob you must exert effort in order to have our cockfight aficionados, they are involved in illegal cockfighting, we really look into, as a matter of fact I don't want to decide without you because we need to get your side why you did not get operated the cockpit business in this municipality.

Mr. Obaob:
Can I add, Mr. Chair?

Honorable Chair:
Yes.

Mr. Obaob:
The only problem, Mr. Chair is I cannot secure the barangay permit. If the barangay will allow me to issue a barangay permit, maka pursue na ako.

Honorable Chair:
Did you exert your effort in order to have this barangay permit?

Mr. Obaob:
Yes, your Honor. Even this year, lately, nagkuan ako hin tawo, mayda ngani ako application ha barangay para pag-secure hin barangay permit, pero asya man adto quin-aruan man ako hin zoning clearance ngan locational map.

Honorable Chair:
Were you able to secure that requirements given by barangay?

Mr. Obaob:
I was asking the barangay, Mr. Chair kun mayda ba talaga nira guidelines han requirements para ako aruan nira hin zoning clearance ngan locational map. Waray man ako nira tagi, guinsuratan la lugod ako nga mag-furish ako hin locational map nga zoning clearance. I was asking the barangay f mayda nira ordinance nga tanan ba naaro hin business permit ha barangay aruan nira hin locational map ngan zoning clearance?

Honorable Chair:
Maybe Mr. Obaob the nature of business that you are applying for require for clearances.

Mr. Obaob:

MARIE STEPHANIE D. PULGA

Secretary to the Sanggunian

Concurrent:

HON. RAUL MUNDALA
SB Member

HON. GWENDOLYN M. BERISO
SB Member

HON. VICTORIANO T. LAZAR
SB Member

HON. JONATHAN T. BARQUIN
SB Member

HON. TRINA C. BURAWIS
SB Member

HON. LEONARDO R. LERIA JR.
SB Member

HON. RENE G. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ARC President (Absent)

HON. MEL ANDREW P. MALDOS
SKF President

Approved:

HON. JESU A. BARANDA
Municipal Vice Mayor

Your honor, kay asya ako nag-aro ako hin copy han ira ordinance kay willing man liwat ako magfurnish. In fact, myda ko zoning clearance.

Honorable Chair:
So you did not make any effort to secure?

Mr. Obaob:
After that, Mr. Chair, naka-receive naman ako han letter nganhi, so nagdecide ako nga stop ko anay barangay, makig-storya anay ako ha SB, right after mabalik ako pag-secure na liwat.

Honorable Maldos:
So nagiging oppose na hiya han panuyo han franchise, kay maiha na nga waray revenue an munisipyo nga where in fact cockfighting arena should one of the highest nga naghahatag hin revenue ha usa nga locality. So, siguro guin-aaruan ka kay nature han imo business is cockfighting arena, mayda mga regulations han locations kun hin naka-butang an imo cockfighting arena, so maybe amo nga guin-aaro hit barangay. Diri liwat kami maaram kun anu it side hit ngadto ha barangay kay kun anu it ira mga guidelines, Keanu diri ka nira quintatagan. Siguro kun myda ka mga hiton nga mga documents, Keanu diri mo ihatag ha ira kikinahanglan ngan syempre kun anu liwat it legality liwat. Pero it akon la, as much as possible mapadali ia ito nga process kay kinahangalanon, ahw diri gad hiya necessity but dako hiya nga bulig hit municipality. It amo nala siguro nga in the fastest period of time maasikaso para maklaruhan gihap hit iba. Kay kahuna gud hit iba waray existing cockpit arena it MacArthur, damo it intersado gihap. That would be all, Mr. Chair.

Mr. Obaob:
Thank you for the support, Honorable Maldos.
As I've said earlier, asya man an nakabalaong han akon permit didto ha barangay. After ini mapadayon na liwat ako pagsecure para mapadali.

Honorable Maldos:
Kun anu ira kaylangan, ihatag nah.

Mr. Obaob:
Kasi nagkuan gihap ako ha local code, waray hiya ha local code nga magkuan an barangay hin zoning clearance ngan locational map asya nangaro ako ordinance, pagklaro la ha barangay, diri po ako nagdedemand. Naaro la po ako han guidelines other than that waray gud ako iba nga intention.

Honorable Burawis:
Ibutang ta anu nga maka-kuha na hiya hin mga permits but, an aton mga issuances han mga Executive Orders prohibiting hin kadamo hin tawo. If I am not wrong, it ak nahinumduman, an last nga issuance han Executive Order han yana la nga May. So, bisan pa adto hiya maka-kuha ngan nagbayad hiya hin mga permits, waray la gihap qamit kay mayda pa mga Executive Orders nga diri pa kita nahagawas hin level 2 han covid 19 pandemic. So mayda mga pagprohibit hit mga kadamo hit mga tawo. That's all, Mr. Chair.

Honorable Chair:
Honorable Burawis, if you look at the situation, cockfighting is has been on, I think March pa ada or April so we could not say that this activity has not been going on. This activity has been going on, so nat napausahaan it rason ni Mr.

MARIE STEPHANE D. PULGA
Secretary to the Sanggunian

Concurred:

HON. RAULIE MENDALA
SB Member

HON. GWENDOLYN M. BERISO
SB Member

HON. VICTORIANO T. LAZAR
SB Member

HON. JONATHAN T. BARQUIN
SB Member

HON. TRINA C. BURAWIS
SB Member

HON. LEONARDO R. LERIA JR.
SB Member

HON. RENE O. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)

HON. MEL ANDREW P. MALDOS
SKF President

Approved:

HON. JESUSA A. BARANDA
Municipal Vice Mayor

Obaob tungod siguro may mga waray hiya ka secure nga mga clearances that's why he cannot operate the cockprt.

Honorable Pantin:

Amo adto nat premise. Mr. Chair. Guin-tagan hiya hin franchise para magka-ada hin income an aton munisipyo. By this time, Mr. Chair, we are thankful kan Mr. Obaob for coming over, responded our invitation. And today Mr. Chair, because of, to inform you, mayda dinhi nag-apply nga mga to ask franchise. Therefore, nga guinkuan namon kamo, nga guin-inform ka kun anu na an imo franchise, kun na-operate o a waray so amo ito nga umabot kit aini nga punto yana. So it aton yana Mr. Chair, yana nga anhi na hiya, to ask hit iya franchise kun iya ini gagamiton. From his mouth, he is willing. It amon liwat yana na august body, there are persons who are willing to operate, it kuan yana Mr. Chair, it iya mga requirements, iya ito ig-pursue. Siring pa he have to make extra efforts nga magka-ada ka ito. Because nakukuan naton an purpose han franchise. Bisan magka-ada hin income. Ikaw magka-income ka, maka-income gihapon it mga local, nga mga nagpapakabuhi, so amo ito it purpose Keanu mayda kita franchise, so you are willing to comply with the requirements?

Mr. Obaob:
Yes, sir.

Honorable Chair:
You are to operate the previous cockfight owned by the Leria's family, same location, same building?

Mr. Obaob:
Yes, sir same location, same building.

Honorable Chair:
Is there any violation of that building? Do you think is there any violation as far that building is concern?

Mr. Obaob:
As I have checked the papers, it has fire safety clearance, zoning clearance, all the clearances.

Honorable Chair:
How about the address of the residence to that area?

Mr. Obaob:
Siguro sir waray man ha provision nga bawal hiya ha residences.

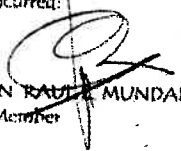
Honorable Chair:
You seeing no violation?

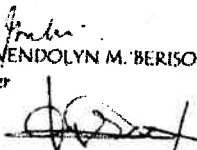
Mr. Obaob:
As far as I know, waray man siguro.


Honorable Remanes Jr:
He was given the franchise 2019, any documents you filed? Before you will be given the franchise, you have to submit any requirements before you will be given the franchise, you have been given the franchise but you have not submit any requirements.

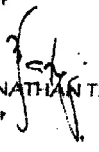
MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian

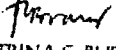
Concurred:



HON. RAUL M. MUNDALA
SB Member



HON. GWENDOLYN M. BERISO
SB Member


HON. VICTORIANO T. LAZAR
SB Member


HON. JONATHAN T. BARQUIN
SB Member



HON. TRINA C. BURAWIS
SB Member


HON. LEONARDO R. LERIA JR.
SB Member



HON. IRENEO C. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)


HON. MEL ANDREW P. MALDOS
SKT President

Approved:


HON. JESUS A. BARANDA
Municipal Vice Mayor

Mr. Obaob:
As I've recall, mayda ko letter of intent nga guinpasa before ha SB.

Honorable Remanes Jr:
Kay it paghatag hit franchise hit cockpit operation, guinrequire ka anay ugsa ka tagan hin franchise Clearance, pareho han mayor's clearance, zoning ordinance kay waray la ako kahinumdum mga unon or pito ha adto ugsa ka tagan hin franchise. Ada ito ha PD 449, sanglit nahipa-usa la baa ko Keanu nahitagi hin franchise nga waray requirements nga guinsumitar ngadi ha Sangguniang Bayan. Mag-apply ka ngan upod it mga requirements. Nahakalimot la ako, di ngan unon, pito ito nga requirements.

Honorable Pantin:
Mr. Chair, may I request the office of the Secretary if there are documents submitted when Mr. Obaob applied for the franchise in 2019 because it is the query of Honorable Remanes Jr. Mr. Chair. During han imo pag-submit han letter of intent mayda nimo guinpan-submit nga adto pinanyakan.

Mr. Obaob:
An akon la nasubmit adto sir was only, letter of intent.

Honorable Pantin:
Only letter of intent and the Sanggunian gave that franchise. That is for the record, Mr. Chair, that he only submitted the letter of intent during the application of the franchise. The other documents mentioned by Honorable Remanes Jr. waray adto hiya, Mr. Chair.

Honorable Maldos:
This is not a question, Mr. Chair. Since the franchisee already appeared here nga mayda talaga hiya intention magpadayon han iya franchise, it anu la it aton, nasiring hiya nga magpapadayon hiya pagprocess ha barangay, an ak pagkaka-anu, diri hiya nahatag han requirements kay diri man liwat nahatag an barangay han guidelines. An anu la ito ngada, mahangadto la kita ha stalemate situation nag waray la gihap operation nga matatabo. Anu man it maupay ito?

Mr. Obaob:
I am willing to comply.

Honorable Maldos:
It amon nala in inga igpursue para liwat mabuligan it aton municipality ngan aton mga vendors, mas mag-improve pa it aton bungto. Hinaot unta nga you will exert efforts para diri nga ada haim it franchise imo kuan. Hinaot unta nga diri na maiha makag-operate na ito nga franchise. Makuan nim an franchise. Kan an amon adto kun diri ka interesado, ighatag nala ha iba. Interesado ka man medyo panindigan liwat nga extra effort labi na nga 2019 pa.

Honorable Chair:
Mr. Obaob, your timeline of your franchise is 25 years?

Mr. Obaob:
Yes sir.

Honorable Chair:
Isn't it to long, 25 years, give chance to others?

MARIE STEPHANIE D. PULGA Secretary of the Sanggunian

Concurred:

HON. RAFAEL MUNDALA SB Member

HON. GWENDOLYN M. BERISO SB Member

HON. VICTORIANO T. LAZAR SB Member

HON. JONATHAN T. BARQUIN SB Member

HON. TRINA C. BURAWIS SB Member

HON. LEONARDO R. LERIA JR. SB Member

HON. IRENEO G. REMANES JR. SB Member

HON. XANDRIX P. PANTIN SB Member

HON. PEPITO C. GUIMALAN ABC President (Absent)

HON. MEL ANDREW P. MALDOS SKF President

Approved:

HON. JESUS A. BARANDA Municipal Vice Mayor

Mr. Obaob:
Dini man po ako an nag-approve adto.

Honorable Pantin:
In your letter of intent, did you signify how long you want to operate?

Mr. Obaob:
I cannot remember sir

Since there were no more concerns raised, the Honorable Chair, thanked Mr. Obaob for his presence to attend the invitation. However, Honorable Pantin made an addition. He asked Mr. Obaob to inform the august body if he had secured a business license in order to inform the interested applicants that were on hold to be able to inform them and Mr. Obaob agreed. Honorable Mundala also asked Mr. Obaob if what will be his next move or what are his plans and when will it be, since cockpit arena is a revenue source. Mr. Obaob replied that he will start again in securing the barangay permit and do will do his best to secure the barangay permit. Honorable Maldos added that it would be better if there will be an operation of the cockpit arena to help in coping up the decrease of the IRA and would help generate the income to meet the income target for next year. The Honorable Chair asked Mr. Obaob when will he start his operation. Mr. Obaob answered the soonest. Finally, the Honorable Chair thanked Mr. Obaob and likewise, Mr. Obaob thanked the august body.

Session resumed.

b. BUSINESS OF THE DAY

1. *Second Reading: Proposed Municipal Ordinance No. 03, Series of 2022; An Ordinance Creating the Position of Municipal Government Assistant Department Head I and Defining the Functions and Duties*

Honorable Burawis made a correction on Section 3 of the proposed municipal ordinance. Honorable Barquin noted on the correction and moved for the approval of the Second Reading and was seconded by Honorable Pantin, Honorable Mundala and Honorable Burawis. As there was no objection to the motion presented the Honorable Chair declared the approval of the Second Reading.

2. *Proposed Annual General Fund Budget for CY 2023 of the Municipality of MacArthur, Leyte involving the amount of Php122,984,550.00*

Honorable Barquin declared that the AGFB CY 2023 is subject for review by the Sangguniang Bayan Committee on Finance, Ways and Means.

3. *Annual Investment Program for CY 2023 of the Municipality of MacArthur, Leyte.*

Honorable Maldos made a correction in the attached MDC Minutes wherein his title was interchanged with Honorable Remanes Jr. He manifested that it can be approved given the corrections be made.

With the reservations given, Honorable Barquin moved a Resolution to adopt the Annual Investment Program CY 2023 of the Municipality of MacArthur.

Concurred:

HON. RAUL B. MUNDALA
SB Member

HON. GWENDOLYN M. BERISO
SB Member

HON. VICTORIANO T. LAZAR
SB Member

HON. JONATHAN T. BARQUIN
SB Member

HON. TRINA C. BURAWIS
SB Member

HON. LEONARDO R. LERIA JR.
SB Member

HON. ARENEO C. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)

HON. MEL ANDREW P. MALDOS
SKF President

Approved:

HON. JESUS A. BARANDA
Municipal Vice Mayor

Leyte. The motion was seconded by Honorable Leria Jr., Honorable Pantin, Honorable Burawis and Honorable Maldos. As there was no objection to the motion presented and correcting the error found, the Honorable Chair, declared the same as approved and carried.

4. Letter from the Office of the Municipal Mayor forwarding the appointment of Dr. Olah Joy Abueva-Cavero, MD as the Municipal Health Officer.

Honorable Pantin moved to suspend the rules of procedures to accommodate Dr. Cavero. Honorable Barquin asked Dr. Cavero if she is happy providing services to the people of MacArthur. Dr. Cavero cheerfully answered affirmatively. The Honorable Chair asked how long was she been serving the RHU of MacArthur, Leyte. Dr. Cavero answered that she's been serving for eight (8) months and she is happy with it. Honorable Beriso queried relative to the address of residence and how long she's been residing in that place. Dr. Cavero answered that she is currently residing in Barangay Romualdez since February of 2022. Honorable Lazar quantified the interest of Dr. Cavero to stay in the municipality as Health Officer by giving a scenario if she will be offered or given the opportunity for a better compensation and position from another agency. Dr. Cavero answered that she was been offered before for a higher position but declined the offer and chose to work in MacArthur for she does not want to be away from her parents. Since there were no more concerns and queries the Honorable Chair thanked Dr. Cavero.

Session resumed.

Along this line, Honorable Mundala moved for the concurrence of Dr. Cavero as Municipal Health Officer of the Municipality of MacArthur, Leyte. The motion was seconded by en masse. As there was no objection to the motion presented, the Honorable Chair, declared the same as approved and carried.

c. Unassigned Business

Proposed Municipal Ordinance Providing for the Rules and Procedures in conducting Administrative Investigation Against Elective Barangay Officials in the Municipality of MacArthur, Leyte

Honorable Remanes Jr moved for the First Reading of the aforementioned proposed municipal ordinance. Honorable Pantin reiterated his manifestation on the urgency of the passage of the proposed ordinance in order to take actions on the existing complaint against Honorable Guimalan that was Indorsed by the Office of the Ombudsman (Visayas) received dated September 19, 2022. The proposed ordinance will be the guiding principle of the august body in conducting administrative investigation as part of the quasi-judicial function of the august body. Honorable Maldos also gave an agreed to the manifestations of Honorable Pantin. Hence, the Honorable Chair ruled to certify the urgency of passage of the aforementioned municipal ordinance. Along with this, Honorable Remanes Jr., moved for the approval of the Second and Final Reading of the aforementioned ordinance. The motion was seconded by Honorable Maldos, Honorable Pantin and Honorable Burawis. As there was no objection to the motion presented the Honorable Chair, declared the same as approved and carried.

VIII. OTHER MATTERS

Marie Stephanie D. Pulga
MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian

Concurred:

Raul M. Mundala
HON. RAUL M. MUNDALA
SB Member

Gwendolyn M. Beriso
HON. GWENDOLYN M. BERISO
SB Member

Victoriano T. Lazar
HON. VICTORIANO T. LAZAR
SB Member

Jonathan T. Barquin
HON. JONATHAN T. BARQUIN
SB Member

Trina C. Burawis
HON. TRINA C. BURAWIS
SB Member

Leonardo R. Leria Jr.
HON. LEONARDO R. LERIA JR.
SB Member

Trened C. Remanes Jr.
HON. TRENED C. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. PEPITO C. GUIMALAN
ABC President (Absent)

Mel Andrew P. Maldos
HON. MEL ANDREW P. MALDOS
SKF President

Approved:

Jesús A. Baranda
HON. JESÚS A. BARANDA
Municipal Vice Mayor

2. Seminar on Newly Elected Officials of the Sangguniang Bayan of MacArthur.
Leyte was scheduled on September 11-13, 2022.

The Honorable Chair asked Honorable Maldos on the status of the assignment that was given to him. Honorable Maldos apologized that he was not able to look for accommodation for the activity due to his urgent and prior commitments. Thus, it was agreed, that Loni Serrojhos, SB Staff will be the one who will facilitate securing the venue and accommodations.

ADJOURNMENT

There being no more business to be discussed, and on motion of the Honorable Leria Jr., the session as adjourned at 12:58 in the afternoon.

I HEREBY CERTIFY to the correctness of the foregoing minutes:

Marie Stephanie D. Pulga
MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian



ANNEX "F"

This certifies that

A EN R COCKPIT ARENA

(CITY/MUNICIPALITY)

MACARTHUR (LEYTE) REGION VIII (EASTERN VISAYAS)

is a business name registered in this office pursuant to the provisions of Act 3883, as amended by Act 4147 and Republic Act No. 803, and in compliance with the applicable rules and regulations prescribed by the Department of Trade and Industry.

This certificate issued to

ALVIN DACLAG OBAOB

is valid from 20 February 2025 to 20 February 2030 subject to continuing compliance with the above-mentioned laws and all applicable laws of the Philippines, unless voluntarily cancelled

In testimony whereof, I hereby sign this

Certificate of Business Name Registration

and issue the same on 20 February 2025 in the Philippines.

MA. CRISTINA A. ROQUE
Secretary

Business Name No.1580219

This certificate is not a license to engage in any kind of business and valid only at the scope indicated herein.



YNOY352117390339

Documentary Stamp Tax Paid Php 30.00

1,409

This certifies that **ANNEX "F-1"**

A EN R COCKPIT ARENA
(CITY/MUNICIPALITY)

MACARTHUR, LEYTE - REGION VIII (EASTERN VISAYAS)

is a business name registered in this office pursuant to the provisions of Act 3883, as amended by Act 4147 and Republic Act No. 863, and in compliance with the applicable rules and regulations prescribed by the Department of Trade and Industry.

This certificate issued to

ALVIN DACLAG OBAOB

is valid from 13 February 2020 to 13 February 2025 subject to continuing compliance with the above-mentioned laws and all applicable laws of the Philippines, unless voluntarily cancelled

In testimony whereof, I hereby sign this

Certificate of Business Name Registration

and issue the same on 13 February 2020 in the Philippines.

RAMON M. LOPEZ
Secretary

Business Name No. 1580219

This certificate is not a license to engage in any kind of business and valid only at the scope indicated herein.



JLJP182110770078



Republic of the Philippines
 Province of Leyte
 MUNICIPALITY OF MACARTHUR

CERTIFIED TRUE COPY
 FROM THE ORIGINAL
 MARIE STEPHANIE D. PULGA
 Secretary to the Sanggunian

ANNEX "G"

Office of the Sangguniang Bayan

Attested:

HON. JESUS A. BARANDA
 Municipal Vice Mayor

Concurred:

HON. RAUL E. MUNDALA
 SB Member

HON. GWENDOLYN M. BERISO
 SB Member

HON. VICTORIANO T. LAZAR
 SB Member

HON. JONATHAN T. BARQUIN
 SB Member

HON. TRINA C. BURAWIS
 SB Member

HON. LEONARDO R. LERIA JR.
 SB Member (Inhibit)

HON. IRENEO G. REMANES JR.
 SB Member

HON. XANDRIX P. PANTIN
 SB Member

HON. JOSE A. BARANDA
 ABC President

HON. RALPH MARTIN P. EGOS
 SKF President

Approved:

HON. MARTIN T. BARANTE
 Municipal Mayor

Date Approved: MARCH 14, 2025

EXCERPT FROM THE MINUTES OF THE 121ST REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MACARTHUR, LEYTE HELD ON 10 MARCH 2025 AT THE MUNICIPAL SESSION HALL.

PRESENT:

Honorable Jesus A. Baranda	Vice Mayor, Presiding
Honorable Raul E. Mundala	SB Member
Honorable Gwendolyn M. Beriso	SB Member
Honorable Victoriano T. Lazar	SB Member
Honorable Jonathan T. Barquin	SB Member
Honorable Trina C. Burawis	SB Member
Honorable Leonardo R. Leria Jr.	SB Member
Honorable Ireneo G. Remanes Jr.	SB Member
Honorable Xandrix P. Pantin	SB Member
Honorable Jose A. Baranda	ABC President
Honorable Ralph Martin P. Egos	SKF President

ABSENT: None

MUNICIPAL ORDINANCE NO. 08
 Series of 2025

AN ORDINANCE REVOKING THE FRANCHISE GRANTED TO ALVIN D. OBAOB TO OPERATE COCKPIT ARENA IN THE MUNICIPALITY OF MACARTHUR, LEYTE AND DECLARE THE SAME VACANT AND OPEN FOR APPLICATION SUBJECT TO ALL LAWS, RULES, REGULATION AND ORDINANCE RELATED THERETO

SPONSORED BY : Honorable Ireneo G. Remanes Jr.

WHEREFORE, on motion of Honorable Ireneo G. Remanes Jr., duly seconded by Honorable Jonathan T. Barquin, Honorable Xandrix P. Pantin, Honorable Jose A. Baranda, Honorable Victoriano T. Lazar, Honorable Ralph Martin P. Egos, Honorable Raul E. Mundala, be it

Section 1. A franchise was granted to ALVIN D. OBAOB to operate a cockpit arena in the Municipality of MacArthur, Leyte. However, the said grantee did not operate from the time the same was granted, thus, the Municipality was deprive of the revenue that could had been generated

MARIE STEPHANIE D. PULGA
Secretary to the Sanggunian

Attested:

HON. JESUS A. BARANDA
Municipal Vice Mayor

Concurred:

HON. RAUL E. MUNDALA
SB Member

HON. GWENDOLYN M. BERISO
SB Member

HON. VICTORIANO T. LAZAR
SB Member

HON. JONATHAN T. BARQUIN
SB Member

HON. TRINA C. BURAWIS
SB Member

HON. LEONARDO R. LERIA JR.
SB Member (Inhibit)

HON. IRENEO G. REMANES JR.
SB Member

HON. XANDRIX P. PANTIN
SB Member

HON. JOSE A. BARANDA
ABC President

HON. RALPH MARTIN P. EGOS
SKF President

Approved:

HON. EDWIN T. BABANTE
Municipal Mayor

Date Approved: MARCH 14, 2025

from such operation. It also deprived the SABONG AFICIONADOS of their traditional recreation.

Section 2. The said franchisee having failed to operate and comply the conditions required of him by law, his franchise is hereby REVOKED and consider without force and effect whatsoever upon approval of this ordinance.

Section 3. The said franchise is hereby declared vacant and open for application of any qualified and interested applicant.

Section 4. This Ordinance shall take effect upon the approval of the Municipal Chief Executive.

ENACTED by the Sangguniang Bayan in session assembled on March 10, 2025 at Municipal Session Hall, Legislative Building, MacArthur, Leyte, Philippines.

Approved by:

- Honorable Jonathan T. Barquin
- Honorable Xandrix P. Pantin
- Honorable Jose A. Baranda
- Honorable Victoriano T. Lazar
- Honorable Ralph Martin P. Egos
- Honorable Raul E. Mundala

SO ORDAINED.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

MARIE STEPHANIE DE LA CRUZ- PULGA
Secretary to the Sanggunian

Republic of the Philippines
8th Judicial Region
REGIONAL TRIAL COURT
BRANCH 10
Abuyog, Leyte

ALVIN OBAOB y DACLAG,

Plaintiff,

-versus-

CIVIL CASE NO. _____

For:

**MUNICIPALITY OF MacARTHUR,
LEYTE, Mayor RUBIN T. BABANTE,
Vice Mayor JESUS A. BARANDA,
The Sangguniang Bayan Members,
namely: IRENEO G. REMANES Jr.,
JONATHAN T. BARQUIN, XANDRIX
P. PANTIN, JOSE A. BARANDA,
VICTORIANO T. LAZAR, RALPH
MARTIN P. EGOS and RAUL E.
MUNDALA,**

defendants.

X-----X

**ANNULMENT OF MUNICIPAL
ORDINANCE NO. 8 SERIES OF
2025 WITH PRAYER FOR WRIT
OF PRELIMINARY INJUNCTION**

JUDICIAL AFFIDAVIT

I, **ALVIN D. OBAOB**, of legal age, married, Filipino and a resident of Salvacion, MacArthur, Leyte, after having been duly sworn to in accordance with law, depose and say – THAT:

I am respectfully submitting my Judicial Affidavit unto this Honorable Court in Compliance with A.M. No. 12-8-8 SC, otherwise known as Judicial Affidavit Rule, which took effect on January 1, 2013.

I am answering the questions in this examination being conducted by my counsel, Atty. Menchito L. Viovicente, at his Law Office situated in No. 119, Shopping Center, Salazar St., Tacloban City, fully conscious that I do so under oath, and that I may face criminal liability for false testimony or perjury.

I am offering my testimony to prove the following: (a) That I was given a Franchise to operate a Cockpit Arena in the Municipality of MacArthur, Leyte; (b) That I was unable to operate the Cockpit Arena because some public officials create unnecessary obstacles that hinder my ability to obtain the documentary requirements necessary to operate it; (c) That due to COVID-19 pandemic, a force majeure which was beyond my control, I was hindered to operate immediately the Cockpit Arena; (d) That with pernicious motives my

Franchise was revoked capriciously by the defendants; (e) And some other purposes relevant to this case.

QUESTIONS AND ANSWERS

1. Q. Why do you want to execute this Judicial Affidavit?
A. As the plaintiff in this present case, I want to execute this Judicial Affidavit which will serve as my direct testimony.
2. Q. Do you have proof that you are the plaintiff in this case?
A. Yes, I have affixed my signature in the Verification portion of the Complaint.
3. Q. Why did you file this case against defendants?
A. I filed this case because they illegally revoked my Franchise to operate a Cockpit Arena in MacArthur, Leyte.
4. Q. Do you have a proof that a Franchise was given to you?
A. Yes, I have attached a copy to my Complaint.
5. Q. When was your Franchise approved?
A. This was approved by the Sangguniang Bayan of MacArthur, Leyte, on December 2, 2019.
6. Q. What happened next?
A. The aforesaid Ordinance was disapproved by herein defendant Mayor Rudin T. Babante.
7. Q. What happened after his disapproval?
A. His veto was overridden by the members of the Sangguniang Bayan in a Resolution No. 2020-26 which was duly approved during the session that transpired on February 3, 2020.
8. Q. Do you have a copy of such Resolution?
A. Yes, I have attached a copy to my Complaint.
9. Q. Were you able to operate the Cockpit Arena after the approval of your Franchise?

- A. No, because of the COVID-19 pandemic that transpired on March 2020.
10. Q. After the COVID-19 pandemic, did you start with your operation?
- A. Not yet, but before the pandemic was lifted, I started to secure the documentary requirements as a prelude to my operation.
11. Q. Were you able to obtain the necessary documentary requirements?
- A. No, because the various offices of the Municipality of MacArthur, Leyte, create obstacles to hinder my ability to obtain these documentary requirements and moreover the Punong Barangay of Barangay Poblacion II, as to where the Cockpit Arena was built, does not want to issue a Barangay Clearance to me.
12. Q. Who is this Punong Barangay of Barangay Poblacion II?
- A. Ma. Teresa B. Babante, the wife of herein defendant Rudin T. Babante.
13. Q. What happened next?
- A. In response to the invitation addressed to me, I appeared before the 13th session of the Sangguniang Bayan that transpired on December 3, 2022.
14. Q. Do you have any proof to that?
- A. Yes, I have attached the minutes of the session to my Complaint.
15. Q. What transpired in that aforesaid session?
- A. They propounded some questions to me as to why I was not able to operate the Cockpit Arena.
16. Q. What did you tell them?
- A. I informed them that due to COVID-19 pandemic I was not able to operate immediately, and on another note, I told them that some public officials of the various offices of the Municipality of MacArthur, Leyte, create unnecessary obstacles that hinder my ability to obtain the documentary requirements necessary to operate the Cockpit Arena, moreover, my situation was aggravated when the Punong Barangay of Barangay Poblacion II,

as to where the Cockpit Arena is situated, refused to issue a Barangay Clearance to me.

17. Q. What documentary requirements have you obtained as of to date?

A. I have already obtained the Certificates of Business Name Registration with Department of Trade and Industry (DTI) and I have already attached a copy to my Complaint?

18. Q. What happened next?

A. The herein defendants Mayor, Vice Mayor and Sangguniang Bayan Members conspired to revoke my Franchise thru Ordinance No. 08 Series of 2025 which they have approved in their session that transpired on March 10, 2025.

19. Q. What was their ground in revoking your Franchise?

A. They alleged that the Local Government was deprived of substantial revenue due to my fault since I failed to operate the Cockpit Arena.

20. Q. What did you do?

A. I filed this present case.


21. Q. What do you pray of this Honorable Court?

A. I would highly appreciate it if at the outset of the case a Writ of Preliminary Injunction would be issued against defendants to restrain them from implementing Municipal Ordinance No. 08 Series of 2025, until the issue in this instant case is resolved on the merits.

I also pray that Municipal Ordinance No. 08 Series of 2025, which revoked my Franchise to operate the cockpit arena in the Municipality of MacArthur, Leyte, be declared as NULL and VOID for it has no legal basis to stand on.

Atty. VIOVICENTE: NO FURTHER QUESTION.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 19th day of March 2025 at ABUYOG, LEYTE, Philippines.


AVIN D. OBAOB

-plaintiff-

Power of Atty. No. HQ9-16-000901
Valid until 2023/12/08

SUBSCRIBED AND SWORN to before me in the ABUYOG, LEYTE this 19 MAR 2025 by the above named plaintiff.



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Series of 2025

ATTY. JOY ESTOLANO-CERRO, CPA
Notary Public
for La Paz, Mayorga, MacArthur,
Abuyog and Javier, Leyte
Until December 31, 2028
Notarial Commission No. 11-24-01
Brgy. Guintagbucan, Abuyog, Leyte
Attorney's Roll No. 60165
PTR No. 111352, Abuyog, Leyte, January 2, 2025
IBP Lifetime Member No. 010822
TIN 930-942-690
MCLE Compliance No. VIII-0015302 until 04/14/2028

ATTESTATION

I, **MENCHITO L. VIOVICENTE**, counsel of the aforementioned plaintiff who conducted his examination, faithfully recorded or caused to be recorded all the questions propounded to him and all answers he gave to each corresponding questions, and I did not coach him nor allow any other person to exert undue influence when he conceptualized and categorically answered all the above-mentioned questions.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 19th 20 MAR 2025 day of March 2025 at ABUYOG, LEYTE, Philippines.

MENCHITO L. VIOVICENTE
-counsel-

SUBSCRIBED AND SWORN to before me in ABUYOG, LEYTE this 20 MAR 2025 by the above named counsel.

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