



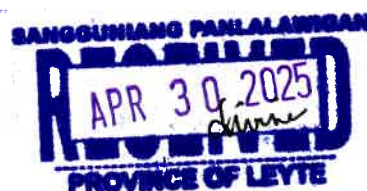
Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Area Office for the Visayas
M. Velez Street, Guadalupe, Cebu City 6000

Item No.: **23**




Date: **MAY 27 2025**

INDORSEMENT
IC-OV-FEB-25-0172
Cebu City

MAR 18 2025

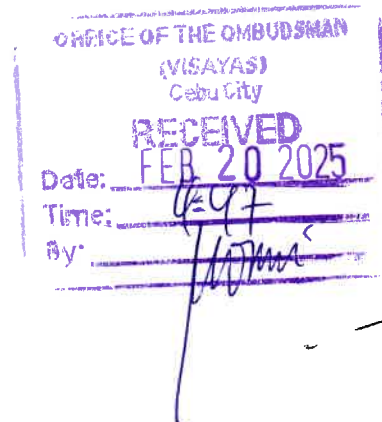


Respectfully forwarded to **HONORABLE LEONARDO M. JAVIER JR.**, Provincial Vice Governor/Presiding Officer, Office of the Sangguniang Panlalawigan, Province of Leyte, Tacloban City, **for appropriate action, the administrative aspect** of the attached complaint of **CHRISTOPHER A. ELEM**, Barangay Combis, Abuyog, Leyte, against **ERWIN V. BELLEZA**, Sangguniang Bayan Member, Municipality of Abuyog, Leyte, ET AL., with the request that the Honorable Provincial Vice Governor/Presiding Officer or an authorized representative please acknowledge receipt hereof and promptly notify this Office and the concerned parties of the action taken on the matter.


DANTE F. VARGAS 3/3/25
Deputy Ombudsman for Visayas 


Cc:
MR. CHRISTOPHER A. ELEM
Barangay Combis, Abuyog
6510 Leyte

Republic of the Philippines
Office of the Ombudsman-Visayas
Cebu City



CHRISTOPHER A. ELEM
Complainant,

- versus -

**ATTY. ERWIN BELLEZA and
SOFIO REAS BELOY JR.**
Respondent.

For: Graft and Corruption,
abuse of authority, violation of
code of conduct and ethical
standard for public officials,
oppression, direct assault, and
Perjury

x ----- x

REPUBLIC OF THE PHILIPPINES)
TACLOBAN CITY, LEYTE) S. S.

COMPLAINT AFFIDAVIT

I, CHRISTOPHER A. ELEM, am of legal age, married, Filipino, the incumbent Punong Barangay of Barangay Combis, Abuyog, Leyte, and a resident of Brgy. Combis, Municipality of Abuyog, Leyte, Philippines.

After having been duly sworn by law, hereby depose and state:

1. I am accusing the respondent, Atty. Erwin Belleza, an incumbent member of the Sangguniang Bayan of Abuyog, Leyte, and a resident of Barangay Buntay, Abuyog, Leyte, of committing the crimes of graft and corruption, abuse of authority, oppression, direct assault, and Perjury.

1.1 Likewise, I am accusing Sofio Reas Beloy Jr., a resident of Poblacion, Abuyog, Leyte, a private citizen, of conspiracy with a public official to commit graft and corruption.

2. That the respondent is likewise the Chairman of the Committee on Legal Matter, Resolutions, Ordinances and Appointment, for the Municipality of Abuyog, Leyte. (*Attached as Annex A is a copy of the list of Chairmanships and members of the Standing Committee.*)

2.1 As the Chairman of the said Committee, he is the presiding officer for the approval and/or to act upon, among others, ordinances submitted before the Sangguniang Bayan of Abuyog.

3. Barangay Combis of Abuyog (Barangay Combis), Leyte, is near the Higasaan River and abundant in mineral resources such as sand and gravel.

3.1 Because of sand and gravel in Barangay Combis and nearby barangays, large truck haulers have been passing through the barangay roads, which has damaged the roads and even the water pipeline in Barangay Combis.

3.2 Further, there was an influx of hauling trucks loaded with sand and gravel during the day and even at night, which created a public nuisance/disturbance for the local constituents. Further, the uncontrolled hauling operations of numerous sand and gravel concessionaires with overweight trucks have damaged barangay roads and water pipelines.

3.3 Because of the aforementioned damage caused by these overweight trucks in our barangay that has affected the residents of Barangay Combis, I submitted a letter of complaint before the Sangguniang Bayan of Abuyog to conduct an ocular inspection on the uncontrolled hauling operations passing through Barangay Combis. Acting on the said Complaint, the SB issued Resolution No. 225, Series of 2024 (*Attached herewith as Annex B is a copy of the SB Resolution No, 225 Series of 2024*)

The respondent committed graft and corruption committed as follows:

3.4 On April 29, 2024, during the inspection by the Committee, interview was conducted on the drivers of hauling trucks passing by the jurisdiction of Barangay Combis when asked who owned the sand and gravel concession in the area, their answers were the same, one Atty. Belleza.

Later on, the respondent Atty. Erwin V. Belleza, SB Member of Abuyog, Leyte, the respondent, who is not part of the Committee on infrastructure to conduct the inspection, arrived and interrupted the ocular inspection and the respondent by confronting the Committee and the Barangay Officials. The respondent further uttered a threatening remark, to wit: "PAG HINAY-HINAY KAMO" (*You all should be careful*)

3.5 The unauthorized interruption made by the respondent is reflected in Committee Report No. 098, series 2024. Further, during the ocular inspection, most of the trucks passing through Barangay Combis would state that the owner of the hauling operation is one Atty. Belleza, the respondent.

3.6. The unusual behavior of the respondent in being hostile and actively interrupting the ocular inspection has prompted the Complainant to check the Sand and Gravel (SAG) Permit of the alleged client of the respondent before the office of the SAG for the province of Leyte.

3.7. It was revealed that in the SAG Permit, it is the respondent who signed the application for the SAG Permit; hence, the reason why the truck drivers would identify the respondent as the owner operating the hauling of Sand and Gravel. (Attached as an **Annex G**, is a copy of the SAG Permit that will show the respondent's signature as the actual applicant.)

3.7.a. The signature of the respondent-Belleza is easily noticeable through the letters and Complaint/Affidavit that he executed. (See **Annex F, F-1, G, and K.**)

3.8 The Committee report further recommended making a checkpoint visible for the passing trucks. (*AttachedAttached, as Annex C, is a copy of the Committee Report No. 098, series 2024.*)

4. The uncontrolled hauling of sand and gravel transport use of overweight trucks that pass through the Barangay Roads of Barangay Combis has damaging effects on the environment and the barangay infrastructures. The continued passing of these trucks has already damaged the barangay water pipeline. Thus, the Local Government of Barangay Combis enacted Barangay Ordinance No. 4, S. 2024, otherwise known as "AN ORDINANCE REGULATING THE OPERATION, EXTRACTION, PROCESSING AND TRANSPORTING/HAULING OF SAND AND GRAVEL AND ANY OTHER LIKE MATERIALS WITHIN THE JURISDICTION OF BARANGAY COMBIS, IMPOSING REGULATORY FEES, AND PROVIDING PENALTIES IN VIOLATION THEREOF AND FOR OTHER PURPOSES," to regulate the extracting and hauling of trucks to be in accord with the existing regulation on its permits and to ensure that no overweight trucks will pass through the Barangay Roads. The inspection of each truck hauling Sand and Gravel that is traversing in the jurisdiction of Barangay Combis is to monitor and record the said hauling activity to ensure compliance with, among others, the Sand and Gravel Permit and to check if the truck volume of the Sand and Gravel hauled is within the permit. Section 3 of the Barangay Ordinance No. 4, S. 2024 provides for the Imposition of Regulatory fees, to wit: There shall be collected Barangay regulatory fee from every SAG- concessionaires, owner or driver of vehicle extracting and hauling sand and gravel and other like materials within the territorial jurisdiction of Barangay Combis, Abuyog, Leyte with the following rates to wit:

CATEGORY	AMOUNT OF FEE
1. Barangay Business Permit Fee/per annum	Php. 1, 500.00
2. Inspection Fee/per cubic meter	25.00
3. Monitoring Fee/ per every Truck Load	50.00

4.1. **The said Barangay Ordinance was transmitted to the Sanguniang Bayan of Abuyog for review on June 28, 2024.** *(AttachedAttached, as Annex D and series, is a copy of the Transmittal, Explanatory Note, Barangay Ordinance No. 4 S of 2024.)*

5. The Sangguniang Bayan of Abuyog failed to take action on the said barangay ordinance for more than thirty (30) days from the submission date on June 28, 2024.

6. After the transmission of the Barangay Ordinance, the Complainant was baffled as to why there was no action.

7. It was later found out that the respondent is the Chairman of the Committee on Legal Matters, resolutions, Ordinances, and Appointment and that approving the same will affect the business interest of the respondent.

8. Since the Barangay Ordinance was intended to regulate the hauling of Sand and Gravel and to monitor the volume allowed in the SAG Permit, the said ordinance will affect the business of Sofio R. Beloy Jr., the brother-in-law and client of the respondent. However, based on the ocular inspection and the application for SAG permit, it is clear that the respondent is the owner and the operator of the Sand and Gravel hauling business. This is manifested by the Easement and Road Right of Way the the respondent-Belleza entered into, to allow the hauling of the Sand and Gravel on the said land. (The said Easement & Road Right of Way is attached as **Exhibit A** of the respondent-Belleza's Complaint/Affidavit, dated August 28, 2024 and that the Commplainant is adopting the same as **Annex Q** herewith.)

9. Fortunately, however, after the lapse of thirty days, under paragraph b of Section 57 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that (b) if the Sangguniang Panlungsod or **Sangguniang Bayan, as the case may be, fails to take action on barangay ordinances within thirty (30) days from receipt thereof, the same shall be deemed approved.**

10. Due to the fact that the Barangay Ordinance is deemed approved, in line with paragraph b of Section 57 of Republic Act No. 7160, the Complainant, together with the Barangay Tanods of Barangay Combis, has implemented Barangay Ordinance No. 4 S 2024.

The respondent committed oppression, direct assault, and abuse of authority.

10.1 On August 01, 2024, the respondent, who appeared drunk and unruly, rammed the iron boom in the Barangay Checkpoint of Barangay Combis. He further uttered in a hostile manner "Waray ka katongod pag checkpoint tanggala iton nga boom! Tanggala! Tanggala! Tanggala!" (You have no right to have a checkpoint; remove the boom! Remove it! Remove it! Remove it!)

10.2 On the video of the incident, it will show that the respondent is under the influence of alcohol because he would not be acting that way if he was sober. (*Attached is a copy of the video of the incident on August 01, 2024, marked as Annex E.*)

Respondent Atty. Belleza, in conspiracy with private individual Sofio Reas Beloy Jr., committed graft and corruption.

10.3 On August 3, 2024, while the ordinance is being implemented by the Local Government Unit of Barangay Combis, the respondent, acting as the lawyer of Sofio Reas Beloy Jr., wrote a letter, stating among others, that the ordinance has not yet approved as it is still on the committee level at SB, Abuyog, Leyte. (*Attached as Annex F is a copy of the letter dated August 3, 2024.*)

10.4 On August 14, 2024, the respondent again sent a letter to the Complainant, as a follow-up on his letter dated August 3, 2024. (*Attached herewith as Annex F-1, is a copy of the letter dated August 3, 2024.*)

10.5 The said letter has no other purpose but to intimidate the Complainant and the barangay tanods of Barangay Combis, considering that the respondent is a member of the Sangguniang Bayan of Abuyog, Leyte.

10.6 The respondent, who is a lawyer and a member of the Sangguniang Bayan, ought to know that the Barangay Ordinance No. 4, S of 2024 is already deemed approved, in line with paragraph b of Section 57 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that (b) if the Sangguniang Panglungsod or Sangguniang Bayan, as the case may be, fails to take action on barangay ordinances within thirty (30) days from receipt thereof, the same shall be deemed approved.

10.7 Sofio Reas Beloy Jr. (Mr. Beloy) is publicly known in the Municipality of Abuyog as the respondent's brother-in-law. Further, Mr. Beloy is the known grantee of the Industrial Sand and Gravel Permit.¹ However, during the ocular inspection, as reflected in the Committee Report, the truck drivers stated that the owner of the sand and gravel concession in the area is Atty. Belleza. Further, the respondent even entered into a contract of Easement and Road Right of Way, in his capacity, to facilitate the ingress and egress of the trucks that are hauling sand and gravel. This is a clear indication that the true owner of the SAG Permit is the respondent, and he is just using his brother-in-law, Mr. Beloy, to appear as the owner so that he can abuse his position as a member of the Sangguniang Bayan of Abuyog, to further his interest in the hauling of Sand and Gravel.

10.8 The respondent's wielding his power before the Sangguniang Bayan to prevent the implementation of Barangay Ordinance No. 4 S. 2024 and the action of the respondent in violently confronting the Complainant and the barangay tanods of Barangay Combis is an act which will show the interest of the respondent is not just a lawyer of Sofio Reas Beloy Jr. The overwhelming circumstances will show that the SAG Permit is owned and operated by respondent -Belleza and that he is just using his brother-in-law, Sofio Reas Beloy Jr., to represent himself as the owner of the SAG permit before the SAG office. In fact, the attached SAG permit will show that respondent-Belleza signed the same.

**The respondent, taking
advantage of his position as a
Sangguniang Bayan
member, committed
oppression against the
Complainant**

11. The said letter clearly indicates that the respondent is wielding his position as a member of the Sangguniang Bayan to prevent the implementation of the Barangay Ordinance No. 4 s 2024 in order to protect his business interest.

12. Further, he is abusing his power and authority as a member of the Sangguniang Bayan in the Municipality of Abuyog, Leyte, by filing frivolous criminal cases against the Complainant. The respondent committed Perjury by making false allegations that we ganged up on him. He further included persons who were not in the incident, including my wife, just to vex my person.

¹ A copy of the SAG Permit *is attached as Annex G)*

13. The respondent has further used his power as a member of the Sangguniang Bayan and the Chairman of the Committee on Legal Matters, resolutions, Ordinances and Appointment for the Municipality of Abuyog, Leyte, by filing three separate administrative cases against me relating to the incident on August 01, 2024. (*Attached herewith as Annex H, I, J, are the complaints he filed before the Sangguniang Bayan of Abuyog, Leyte.*)

14. Based on the respondent's allegations in the administrative case, it is clear that he committed perjury. He lied about hitting the steel boom on August 01, 2024; instead, he falsely alleged that he did not bump the steel boom, and he further committed Perjury when he alleged that the complainant and barangay tanods committed slight physical injury on his person when it is apparent in the video that it was the respondent who is hostile during that incident.

15. The respondent further committed Perjury when he alleged that my wife cooperated in mauling him. The respondent committed such Perjury with the malicious intention of exposing the respondent and his wife to a criminal charge. Fortunately, the respondent Belleza attached a video of the incident, and the said video will reveal the perjurious statements made by the respondent and the Direct Assault that he committed against the complainant.

The respondent committed direct assault.

The respondent, taking advantage of his position as a Sangguniang Bayan member, committed oppression against thmere PunongComplainantamplain antgay.

16. The video will show that on August 01, 2024, the complainant and the Barangay Tanods of Barangay Combis were implementing Barangay Ordinance No. 4, series of 2024.

17. The respondent, using his vehicle, rammed on the checkpoint established by the Local Government of Barangay Combis. The said act of the respondent ramming and bumping into the Steel Boom startled and shocked the Complainant and the Barangay Tanods present.

18. After bumping the Steel Boom, the respondent alighted from his vehicle and in the presence of the complainant, who is performing his duty as a Punong Barangay, the respondent removed the steel boom by force and shouted at the complainant.

19. Because of the hostility of the respondent-Belleza, the complainant deescalated the situation and advised his Tanod not to engage in the hostility of the respondent-Belleza.

The respondent committed the crime of Perjury in filing a case against me, including my wife.

20. To make matters worse, respondent Belleza filed a Complaint for grave coercion and physical injuries against the respondents. The said Complaint is laden with perjurious statements.

21. The Complaint Affidavit of the respondent, dated August 28, 2024, is attached as **Annex K**. It is a sworn statement made by the respondent, Belleza.

22. In the said affidavit, the respondent committed Perjury when he alleged in paragraphs 2, 3, 4, 5, 7, 8, 9, to wit:

"2. That sometime on August 01, 2024, at or about 3:00 p.m., the complainant, togethComplainant client Sofio Reas Beloy, Jr., upon reaching his private road, was so shocked to see that there was already a checkpoint and a steel boom or steel barrier barricading my private road thereby impeding and obstructing free passage to and pro, unlawfully by its chairman Christopher A. Elem together with his Barangay Tanods namely:

- | | | |
|----------------------|----------------------|----------------------|
| 1. Marcelino Cecilio | 5. Vivencio Senones. | 8. Fernando Elem |
| 2. Aurilio Elem | 6. Oscar Alvero. | 9. Annabelle Elem |
| 3. Ressel Alvero. | 7. GERALF Alfaro. | 10. Eufreceno Alfaro |
| 4. Emmanuel Caberos | | |

3. *The above-named persons, namely 1) Christopher Elem, 2) Marcelino Cecilio, 3) Aurilio Elem, 4) Ressel Alvero, 5) Emmanuel Caberos, 6) Vivencio Senones, 7) Oscar Alvero, 8) GERALF Alfaro, 9) Fernando Elem 10) Eufreceno Alfaro (hereinafter called the respondents for brevity), collectively conspiring, confederating and helping one another and without any authority of law, using violence, threatens or intimidation prevented and deprived herein affiant from entering and passing through, in his private road when such entry and passing through in his private road is not prohibited by law but instead was his solemn right to do so.*

4. *That the steel boom unlawfully constructed by the respondent was placed so close to the river)about 4 meters) that it*

prevented the complainant from pComplainantt was closed and, considering that he was coming from the river, had to accelerate speed as the road was highly elevated and had to go under the steel boom/steel barrier to safely parked contrary to the malicious post of respondent's cohorts Peter Alvero in his facebook account that complainant bComplainanteel boom and was drank at that time when in truth and in fact, the complainant dComplainantbump the steel boom and was not drunk, but it was, however, the Barangay Tanod of Brgy. Combis, Abuyog, and Leyte, who were drunk, for which reason they were unruly and rude, conduct unbecoming as Tanods, acting more than military or police personnel.

5. *The video maliciously posted of respondent's cohort Peter Alvero on his FB account would readily show that the complainant nComplainant the steel boom but only went underneath or below and that respondents, without any authority of law and by use of violence, threats, or intimidation prevented affiant from entering and passing through his private road when such passing and entering is not prohibited by law but rather is a property right, copy of the same is hereto attached and marked as exhibits B'*

xxxx

7. *That at or about between 4:40 to 4:42 in the afternoon of the same day, when the affiant returned on his way home trying to pass again on his private road, the said respondents with the use and means of violence, threats, or intimidation and without the authority of law, collectively conspiring, confederating and helping one another prevented and deprived again the affiant herein from passing through and exiting from his private road towards the national highway of the same place, by mauling and/or ganging up the affiant and one Aurelio Elem even shouted in vernacular "Gaposon ta ine" which means "let's tie him up," which passing through and exiting from his private road is not prohibited by law but rather a property right.*

8. *That a video taken by the affiant himself regarding the said incident is hereto attached and marked as exhibit C, and the recording of the said incident in the police blotter was made as evidence of an extract, a copy of which is hereto attached and marked as exhibit "C-1."*

9. *As a result of respondent's ganging up and mauling against the affiant, the latter incurred an abrasion on his right cheek caused by Marcelino Cecilio, a copy of his medical certificate is hereto attached and marked as exhibit D.*

Xxxx

12. *That the truck carrying sand and gravel passing through the complainant'sComplainant's is extracted and hauled from Brgy. Anibongon, Abuyog, Leyte from the Sofio Reas Beloy, Jr. concession*

area, and not extracted and haled within Brgy. Combis, Abuyog, Leyte, a copy of the permit of Sofio Reas Beloy is hereto attached and marked as exhibit "E."

xxxx

19. That affiant executed this complaint/affidavit freely and voluntarily, and the contents hereof are true and correct based on my knowledge or from some other authentic documents or record and for whatever legal purpose it may serve. "

23. The allegations are perjurious considering that Annabelle Elem was not a barangay tanod and was not within the proximity of the incident when the complainant was performing his duty as the Punong Barangay and was accompanied by Barangay Tanods of Barangay Combis. The video will show that my wife- Annabelle Elem, was not around because during the time that the respondent bumped the steel boom, the complainant's wife was in the town proper buying some school supplies. When the latter's wife learned about the incident wherein the respondent bumped the steel boom, she, and the respective wives of the barangay tanods, just went from a distance to witness the confrontational act of the respondent. The perjurious statement of the respondent that my wife participated in mauling the respondent is belied by the fact that my wife is incapable of a violent confrontation because she just had a miscarriage and she was on leave. *(Attached, as Annex L and M, is a copy of the DILG certification of Barangay Tanods of Barangay Combis and the Medical Record of Annabelle Elem.)*

24. Further, the attached video will show that he was not ganged up. It was rather he who was antagonistic and disrespectful. The said act of the respondent in violently confronting the complainant and the Barangay tanods, bumping the steel boom, is a conduct that is not suitable for a public officer and is an abuse of authority, an act of oppression committed by a member of the Sangguniang Bayan against the lowly Punong Barangay and Barangay Tanods and a direct assault against the Complainant, who was at that time performing his duty as the Punong Barangay of Barangay Combis. The respondent even resorted to an unethical act of making false allegations against the complainant.

25. The respondent committed Perjury in paragraph 4 of the Complaint/Affidavit because he did not just try to park below the steel boom/steel barrier. The video and the attached pictures² will show that the respondent, using a vehicle, without regard to the safety of the complainant-Punong Barangay and the Barangay Tanods, rammed into the steel boom. The video will further show that the respondent was unruly and rude. The complainant is just de-escalating the situation by saying: "*Abogado kaman,*

² Annex Q and series are the pictures

pag istorya hin formal.” (You are a lawyer; you talk formally)

26. The respondent further committed Perjury by repeatedly claiming in paragraphs 3, 5, and 7 of the Complaint/Affidavit that the checkpoint was established on his private road. It should be noted that he attached a Easement & Road Right of Way, to his complaint, refers to a land designated as Lot No. 417 and that the metes and bounds therein do not include the barangay road. In fact, the said area where the barangay road is located is different from Lot No. 417 and is certified by the Department of Environment and Natural Resources as public land and that it is not the property which is subject of his lease agreement.

26.1 Further, the Municipal Assessor has issued a certification that will negate the claim of respondent-Belleza that it is his private road. (Attached herewith is a copy of the DENR Certification and Municipal Assessor’s Certification, marked as **Annex N and O**, respectively.)

27. The respondent committed Perjury when he falsely stated in paragraph 7 of the Complaint/Affidavit that: “xxx, the said respondents with the use and means of violence, threats or intimidation and without any authority of law, collectively conspiring, confederating and helping one another prevented and deprived again the affiant herein from passing through and exiting from his own private road towards the national highway of same place, **by mauling and/or ganging up the affiant xxx.**”

28. The statement is perjurious because the video shows that the Complainant and the Barangay Tanods did not prevent the respondent from passing through the checkpoint. The video is an overwhelming evidence that the Complainant and the Barangay Tanods did not maul and/or ganged up on the respondent.

29. The respondent again committed Perjury in paragraph 9 of the Complaint Affidavit when he stated: “That as a result of such ganging up and mauling by the respondent against the affiant, the latter incurred an abrasion on his right cheek caused by Marcelino Cecilio, xxx.”

30. This is perjurious because the video will show that no one ganged up and mauled the respondent and that Marcelino Cecilio did not do any act that may result in an abrasion on the right cheek of the respondent. Contrary to the perjurious statements of the respondent-Belleza, the video will clearly show that the respondent Belleza is antagonistic, rude, and unruly towards the complainant and the Barangay Tanods. The said act of the respondent is a patent disrespect to the authority of the Punong Barangay and the Local Government Unit of Barangay Combis, Abuyog, Leyte.

31. That the instant Complaint has been read and explained to me in the *waray waray* dialect and that I have understood the same to be based

on my personal knowledge, and that I am praying that a complaint for graft and corruption be filed against the respondent-Belleza for using his position as a member of the Sangguniang Bayan and Chairman of the Committee on Legal Matter, resolutions, Ordinances and Appointment, to protect his interest and/or the interest of his client Sofio Reas Beloy Jr, in the business of Sand and Gravel. He further violated the law by making it appear that his brother-in-law is the grantee of the SAG Permit when, in truth and fact, the respondent is the valid owner of the said business. His ownership is manifested by his wielding his power as a member of the Sangguniang Bayan, his violent confrontation at the barangay checkpoint his Easement & Road Right of Way contract and that he himself signed the SAG Permit.

32. Further, it is likewise prayed that respondent-Sofio Reas Beloy Jr., although a private individual, conspired with the respondent Belleza by falsely representing himself as the owner of the SAG permit and assisting the respondent Belleza in committing the oppression and harassment against the Local Government Unit of Barangay Combis, Abuyog, Leyte.

33. I also pray that a criminal case for Perjury for every perjurious statement that the respondent made in his Complaint/Affidavit and that a criminal case for Direct Assault against a person in authority, and a case for oppression, and abuse of authority be filed against the respondent-Belleza.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of February 2025 in the City of CEBU.


CHRISTOPHER A. ELEM
Nat Id 3953-0936-4908-3152

SUBSCRIBED AND SWORN to before me this February 20, 2025 at CEBU CTT-, Philippines, affiants exhibited his respective identification card with number above indicated for purposes of confirming his identity. I further certify that I have examined the affiant and apprised him of the contents of this affidavit; he duly swore and affirms to have executed the same and know the contents thereof.


SARAH J. VERGARA
Graft Investigation & Prosecution Officer II
Office of the Ombudsman - Visayas
PROSECUTOR

CERTIFICATION

I HEREBY CERTIFY that I have personally examined the affiant and am satisfied that the affiant voluntarily executed and understood their affidavit.

PROSECUTOR

REPUBLIC OF THE PHILIPPINES)
TACLOBAN CITY) S.S.

**VERIFICATION AND CERTIFICATION
AGAINST FORUM SHOPPING**

I, **CHRISTOPHER A. ELEM**, have a residence and postal address in Brgy. Combis, Abuyog, Leyte, after having been duly sworn to in accordance with law, hereby depose and say that:

1. I am the Complainant in the above-entitled case, and I have caused the preparation and submission of the Complaint;
2. I have read and understood the contents thereof, and the allegations therein are true and correct based on my personal knowledge and/or based on authentic records;
3. The instant Complaint is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
4. The factual allegations therein have evidentiary support or, if specifically identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
5. I have not commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency, except for the cases filed by the respondent-Atty. Belleza, for Illegal Exaction, which is docketed as RTC-ABG-24-4841-CRIM, pending before Regional Trial Court Branch 10, Abuyog, Leyte; Grave Coercion, docketed as Criminal Case No. A-24-08-04, Crim Case No. A-24-10-05, and Crim. Case No. A-24-10-06, and the three Administrative cases before the Sangguniang Bayan of Abuyog, Leyte;
6. If I should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency, I undertake to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom.

IN WITNESS WHEREOF, I have affixed my signature this February 20, 2025, in Cebu City, Philippines.


CHRISTOPHER A. ELEM
Nat Id 3953-0936-4908-3152

SUBSCRIBED AND SWORN to before me on the date and place afore-stated, the affiant personally appeared with his respective identification documents.

WITNESS MY HAND and SIGNATURE on the date and place afore-
stated.

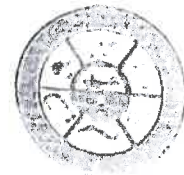
Doc. No. ____;
Page No. ____;
Book No. ____;
Series of 2025.


SARAN J. A. VERGARA
Graft Investigation & Prosecution Officer II
Office of the Ombudsman - Visayas

Annex A



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 40TH REGULAR SESSION OF THE 19TH HONORABLE SANGGUNIANG BAYAN OF ABUYOG, LEYTE HELD AT ITS SESSION HALL, LEGISLATIVE BUILDING MUNICIPAL COMPOUND, ABUYOG, LEYTE ON NOVEMBER 12, 2024

PRESENT:

Hon. James L. Bohol	Municipal Vice-Mayor, Prsdg. Officer
Hon. Jeannette A. Valida	SB Member, Prsdg. Pro-tempore
Hon. Antonio C. Almendra, Jr.	SB Member
Hon. Arnold R. Allera	SB Member
Hon. Patrocinio A. Risos, Jr.	SB Member
Hon. Editha C. Deloy	SB Member
Hon. Edmundo P. Saño	SB Member
Hon. Francisco B. Landia	SB Member, Floor Leader
Hon. Erwin V. Belleza	SB Member
Hon. Dario P. Llave	SB Member, ABC President
Hon. Melliza Jane C. Traya	SB Member, SK Ped. Pres.

ABSENT:

None

CERTIFIED TRUE XEROX COPY

DATE: 12/16/24

RESOLUTION NO. 363, SERIES 2024

A RESOLUTION UPDATING THE COMPOSITION OF THE DIFFERENT
STANDING COMMITTEES OF THE HONORABLE SANGGUNIANG
BAYAN OF ABUYOG, LEYTE

WHEREAS, it is imperative that the standing Committees of the new set of the Honorable Sangguniang Bayan of the Municipality of Abuyog, Leyte shall be updated, so that, thru these standing committees, all matters referred to this Body which needs through studies, investigation, comments and/or recommendations can be done first before it will be deliberated on the floor, except those that are certified by the Local chief Executive as Urgent, as part of the legislative process of the Honorable Body;

THEREFORE, BY THE 19TH SANGGUNIANG BAYAN OF ABUYOG LEYTE IN SESSION ASSEMBLED duly called for and upon motion of Honorable SB Member Francisco B. Landia duly seconded by Honorable SB Member Arnold R. Allera.

RESOLVED AS IT IS HEREBY RESOLVED, to update as it is hereby updated the Standing Committees of the Honorable Sangguniang Bayan of Abuyog, Leyte viz:

exhibitor

CERTIFIED TRUE XEROX COPY
DATE: 12/16/24

CHAIRMANSHIP / VICE-CHAIRMANSHIP / MEMBER
STANDING COMMITTEES

COMMITTEE ON BUDGET, APPROPRIATION AND FINANCE
CHAIRMAN: HON. JEANNETTE A. VALIDA
VICE-CHAIR: HON. ARNOLD R. ALLERA
MEMBER: HON. ANTONIO C. ALMENDRA, JR.

COMMITTEE ON PUBLIC UTILITIES AND FACILITIES
CHAIRMAN: HON. ARNOLD R. ALLERA
VICE-CHAIR: HON. PATROCINIO A. RISOS, JR.
MEMBER: HON. ANTONIO C. ALMENDRA, JR.

COMMITTEE ON PEACE AND ORDER, PUBLIC SAFETY, SECURITY, CIVIL DEFENSE AND POLICE
CHAIRMAN: HON. ERWIN V. BELLEZA
VICE-CHAIR: HON. DARIO P. LLEVE
MEMBER: HON. MELLIZA JANE C. TRAYA

COMMITTEE ON GOOD GOVERNMENT, PUBLIC ETHICS AND ACCOUNTABILITY
CHAIRMAN: HON. JEANNETTE A. VALIDA
VICE-CHAIR: HON. FRANCISCO B. LANDIA
MEMBER: HON. ARNOLD R. ALLERA

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, FISHERIES AND AQUATIC RESOURCES
CHAIRMAN: HON. EDMUNDO P. SAÑO
VICE-CHAIR: HON. DARIO P. LLEVE
MEMBER: HON. ARNOLD R. ALLERA

COMMITTEE ON PUBLIC HEALTH, SANITATION AND BEAUTIFICATION
CHAIRMAN: HON. JEANNETTE A. VALIDA
VICE-CHAIR: HON. ARNOLD R. ALLERA
MEMBER: HON. EDITHA C. DELOY

COMMITTEE ON YOUTH, SPORTS DEVELOPMENT
CHAIRMAN: HON. MELLIZA JANE C. TRAYA
VICE-CHAIR: HON. DARIO P. LLEVE
MEMBER: HON. ARNOLD R. ALLERA

COMMITTEE ON INFRASTRUCTURE AND PUBLIC WORKS
CHAIRMAN: HON. FRANCISCO B. LANDIA
VICE-CHAIR: HON. ARNOLD R. ALLERA
MEMBER: HON. EDMUNDO P. SAÑO

COMMITTEE ON HOUSING, LAND USE AND REGULATION
CHAIRMAN: HON. ANTONIO C. ALMENDRA, JR.
VICE-CHAIR: HON. ARNOLD R. ALLERA
MEMBER: HON. JEANNETTE A. VALIDA

COMMITTEE ON TRADE, COMMERCE AND INDUSTRY
CHAIRMAN: HON. ANTONIO C. ALMENDRA, JR.
VICE-CHAIR: HON. ARNOLD R. ALLERA
MEMBER: HON. PATROCINIO A. RISOS, JR.

COMMITTEE ON LAWS, RULES, PROCEEDINGS AND PRIVILEGES
CHAIRMAN: HON. FRANCISCO B. LANDIA
VICE-CHAIR: HON. JEANNETTE A. VALIDA
MEMBER: HON. ARNOLD R. ALLERA

COMMITTEE ON LEGAL MATTER, RESOLUTIONS, ORDINANCES AND APPOINTMENT
CHAIRMAN: HON. ERWIN V. BELLEZA
VICE-CHAIR: HON. FRANCISCO B. LANDIA
MEMBER: HON. JEANNETTE A. VALIDA

COMMITTEE ON WOMEN, FAMILY, SENIOR CITIZENS AND SOCIAL WELFARE DEVELOPMENT
CHAIRMAN: HON. ARNOLD R. ALLERA
VICE-CHAIR: HON. JEANNETTE A. VALIDA
MEMBER: HON. EDITHA C. DELOY

COMMITTEE ON MARKET, SLAUGHTERHOUSE AND ABATTOIRE, TERMINAL AND WHARF OPERATION
CHAIRMAN: HON. EDMUNDO P. SAÑO
VICE-CHAIR: HON. FRANCISCO B. LANDIA
MEMBER: HON. ARNOLD R. ALLERA

COMMITTEE ON EDUCATION, CULTURE AND THE ARTS
CHAIRMAN: HON. FRANCISCO B. LANDIA
VICE-CHAIR: HON. JEANNETTE A. VALIDA
MEMBER: HON. ARNOLD R. ALLERA

COMMITTEE ON BARANGAY AFFAIRS
CHAIRMAN: HON. DARIO P. LLEVE
VICE-CHAIR: HON. ANTONIO C. ALMENDRA, JR.
MEMBER: HON. PATROCINIO A. RISOS, JR.

COMMITTEE ON AGRICULTURE
CHAIRMAN: HON. EDMUNDO P. SAÑO
VICE-CHAIR: HON. ANTONIO C. ALMENDRA, JR.
MEMBER: HON. DARIO P. LLEVE

COMMITTEE ON GAMES, AMUSEMENT AND RECREATION
CHAIRMAN: HON. ERWIN V. BELLEZA
VICE-CHAIR: HON. EDMUNDO P. SAÑO
MEMBER: HON. EDITHA C. DELOY

COMMITTEE ON HUMAN RIGHTS
CHAIRMAN: HON. PATROCINIO A. RISOS, JR.
VICE-CHAIR: HON. ARNOLD R. ALLERA
MEMBER: HON. ANTONIO C. ALMENDRA, JR.

COMMITTEE ON LIVELIHOOD & COOPERATIVE DEVELOPMENT
CHAIRMAN: HON. EDITHA C. DELOY
VICE CHAIR: HON. ANTONIO C. ALMENDRA, JR.
MEMBER: HON. MELLIZA JANE C. TRAYA

COMMITTEE ON TOURISM
CHAIRMAN: HON. EDITHA C. DELOY
VICE-CHAIR: HON. DARIO P. LLEVE
MEMBER: HON. MELLIZA JANE C. TRAYA

RESOLVED FURTHER, that the foregoing updated Committees and its composition be effective upon the approval of this resolution;

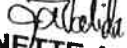
RESOLVED FINALLY, that copies of this resolution be furnished to the Presiding Officer, Vice Mayor James L. Bohol and all the members of the Sangguniang Bayan, all Barangay Captains, and all concerned, for their information.

APPROVED: November 12, 2024


I HEREBY CERTIFY to the correctness of the foregoing resolution.

[Handwritten signatures]

ATTESTED:


HON. JEANNETTE A. VALIDA
SB Member, Prsdg. Pro-Tempore
Acting Temporary Secretary

ARSENIO Y. VILLOTE
Sangguniang Bayan Secretary – O.B.



HON. ANTONIO C. ALMENDRA, JR.
SB Member


HON. ARNOLD R. ALLERA
SB Member


HON. EDITHA C. DELOY
SB Member


HON. FRANCISCO B. LANDIA
SB Member, Floor Leader


HON. DARIO P. LLEVE
SB Member/ ABC Fed. President

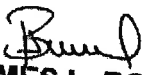

HON. PATROCINIO A. RISOS, JR.
SB Member


HON. EDMUNDO P. SAÑO
SB Member


HON. ERWIN V. BELLEZA
SB Member

HON. MELLIZA JANE C. TRAYA
SB Member/ SK Ped. Pres.

APPROVED:


HON. JAMES L. BOHOL
Municipal Vice Mayor/ Presiding Officer

CERTIFIED TRUE XEROX COPY

DATE 12/16/24


ARSENIO Y. VILLOTE
SECRETARY TO THE SANGGUNIANG

Annex B



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 22ND REGULAR SESSION OF THE 19TH HONORABLE SANGGUNIANG BAYAN OF ABUYOG, LEYTE HELD AT ITS SESSION HALL, LEGISLATIVE BUILDING MUNICIPAL COMPOUND, ABUYOG, LEYTE ON JUNE 4, 2024

PRESENT:

Hon. James L. Bohol	Municipal Vice-Mayor, Prsdg. Officer
Hon. Jeannette A. Valida	SB Member, Prsdg. Pro-tempore
Hon. Antonio C. Almendra, Jr.	SB Member
Hon. Arnold R. Allera	SB Member
Hon. Patrocinio A. Risos, Jr.	SB Member
Hon. Editha C. Deloy	SB Member
Hon. Ednundo P. Saño	SB Member
Hon. Francisco B. Landia	SB Member, Floor Leader
Hon. Erwin V. Belleza	SB Member
Hon. Dario P. Lleve	SB Member, ABC President
Hon. Melliza Jane C. Traya	SB Member, SK Ped. Pres.

ABSENT:

None

RESOLUTION NO. 225, SERIES 2024

A RESOLUTION RESOLVING THE COMPLAINT OF HONORABLE CHRISTOPHER A. ELEM, PUNONG BARANGAY OF BRGY. COMBIS, ABUYOG, LEYTE

PRESENTED for consideration & action of the body was the herein attached committee report contemplating the purpose of the referral contained in the communication letter from Honorable Christopher A. Elem, Punong Barangay of Brgy. Combis, Abuyog, Leyte;

WHEREAS, SB committee report No. 09, s. 2024 was partially deliberated during SB Regular session last May 28, 2024 and was calendared as unfinished business for the June 4, 2024 regular session;

WHEREAS, in the June 4, 2024 regular session the modification and/or correction of the SB Committee incharge was thoroughly deliberated by the August Body copy of which is hereto attached making it as integral part of this resolution marked as "Annex A";

WHEREAS, after a lengthy deliberation on the matter as presented be it

THEREFORE BY THE 19TH SANGGUNIANG BAYAN IN SESSION ASSEMBLED DULY CALLED FOR and upon motion of the Honorable SB Member Francisco B. Landia jointly seconded by Honorable SB Member Arnold R. Allera and Honorable SB Member Antonio C. Almendra, Jr.

RESOLVED, AS IT IS HEREBY RESOLVED, resolving the complaint of Honorable Christopher A. Elem, Punong Barangay of Brgy. Combis, Abuyog, Leyte.

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

RESOLVED FURTHER, to adopt and approved the embodied recommendations of said committee report enumerated hereunder; viz:

1. To put signage to take extra necessary precautions to all dump trucks and other vehicles to slow down upon entering and leaving the area near the National Highway and the private road for safety and security purposes;
2. To write or send communication letter to Provincial Sand and Gravel Task Force for the establishment of checkpoints for monitoring purposes;
3. To write and inquire to the Office of the Provincial Government of Leyte through the Provincial Sand and Gravel as to the regularity of road constructed in a private land considering all the pertinent requirements for the construction and what actions are to be taken thereof.


RESOLVED FINALLY, to send copy of this resolution to Honorable Christopher A. Elem, Punong Barangay of Brgy. Combis, Abuyog, Leyte.

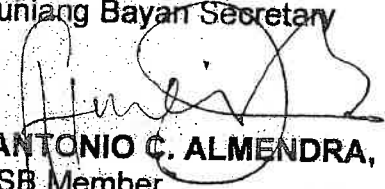
APPROVED: June 4, 2024

I HEREBY CERTIFY to the correctness of the foregoing resolution.

ATTESTED:


ARSENIO Y. VILLOTE
Sangguniang Bayan Secretary


HON. JEANNETTE A. VALIDA
SB Member, Prsdg. Pro-tempore


HON. ANTONIO C. ALMENDRA, JR.
SB Member


HON. ARNOLD R. ALLERA
SB Member


HON. PATROCINIO A. RISOS, JR.
SB Member

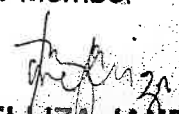

HON. EDITHA C. DELOY
SB Member


HON. EDMUNDO P. SAÑO
SB Member

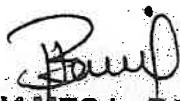

HON. FRANCISCO B. LANDIA
SB Member, Floor Leader

HON. ERWIN V. BELLEZA
SB Member


HON. DARIO P. LLAVE
SB Member/ ABC Fed. President


HON. MELLIZA JANE C. TRAYA
SB Member/ SK Fed. Pres.

APPROVED:


HON. JAMES L. BOHOL
Municipal Vice Mayor/ Presiding Officer

Annex C

ANNEX 9



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan
COMMITTEE REPORT

COMMITTEE REPORT No. 098, series 2024 (Modified/Corrected during June 4, 2024 SB Regular Session
Calendared under Unfinished Business deliberation)

JOINT COMMITTEE ON INFRASTRUCTURE AND PUBLIC UTILITIES AND FACILITIES

SUBJECT: Communication Letter dated April 13, 2024 addressed to the Sangguniang Bayan from Hon.
Christopher A. Elem, Punong Barangay, Barangay Combis, Abuyog, Leyte

DATE REFERRED: April 16, 2024

FACTS:

On April 16, 2024 during the SB Regular Session the subject matter was referred to the Joint Committee on Infrastructure and Public Utilities and Facilities.

On April 19, 2024 a committee hearing was held at the Barangay Hall of Barangay Combis, Abuyog, Leyte, at 9 o'clock in the morning. Those persons invited who attended were Punong Barangay Hon. Christopher A. Elem and Barangay Officials. Conspicuously absent was Mr. Sofio Beloy Jr. the alleged sand and gravel concessionaire in the area. On the same date after the committee hearing was adjourned. The Committee and the Barangay Officials decided to conduct an ocular inspection in the same place or area as mentioned in the communication letter.

On April 29, 2024, the Joint Committee scheduled another committee hearing and invited Mr. Sofio Beloy Jr. the alleged sand and gravel concessionaire and Mr. Hamilton Galler the alleged land owner where the private road was constructed for some clarificatory questions. However, both persons invited failed to appear.

FINDINGS:

- (1) During the ocular inspection the Committee found out that the damaged water pipe at the corner of the national highway and private road was already fixed. It was done through the efforts of the Barangay Officials and its constituents making the Barangay water system back to normal operation. See attached copy of the comment of Sofio Beloy.
- (2) It was noted that the private road constructed from the corner of the national highway is connected to the Barangay Road of Barangay Combis, used as the entrance and exit of dump trucks leading to the concession area. The private land where the road was constructed is allegedly owned by Mr. Hamilton Galler of Barangay Anibongon, Abuyog, Leyte.
- (3) Incidentally, during the inspection four (4) dump trucks entered in the private road. The Committee exercising extra diligence introduced themselves to the drivers and asked them to pull over to gather some information. The committee politely asked the drivers to give their identity through their driver's license for identification purposes only.

The following are the names of drivers, owner of the vehicle, plate number and their place of origin.

Name of Driver	Owner of the Vehicle	Plate Number	Place of Origin
Visaya, Peter Repolyo	Hinunangan Enterprises	NGA 4664	Hinunangan, Southern, Leyte
Como, Alan Malaki	Hinunangan Enterprises	NHF 8611	Hinunangan, Southern, Leyte
Raagas, Kenny Kempis		NBM 2624	Julita, Leyte
Formentera, Jemson Sagesa		NGU 3361	Javier, Leyte

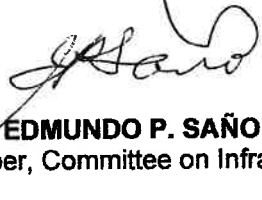
- (4) The drivers came from different municipalities in Leyte, two (2) were from Hinunangan So. Leyte, one (1) from Julita, Leyte and one (1) from Javier, Leyte. When asked why they are there in the area their answers are similar, To LOAD SAND and GRAVEL at the concession site and transport or haul them to their respective municipalities. When asked who owned the sand and gravel concession in the area, their answers were the same, one Atty. Belleza. The drivers and their dump trucks moved on to the concession site, however, two (2) of the drivers decided to return back to their respective place of origin.
- (5) At this juncture, Atty. Erwin V. Belleza, SB Member of Abuyog, Leyte arrived at the ocular inspection area confronted the Committee and Barangay Officials and uttered some words as "PAG HINAY-HINAY KAMO". After a civil exchange of information with the Committee and Barangay Officials, Hon. Erwin V. Belleza immediately left the place.
- (6) The Committee had extended more of their ocular inspection up to the place where they could see the concession site, the source of sand and gravel extraction.
- (7) It was found out that the concession site of Mr. Sofio Beloy Jr. the alleged concessionaire of the area is already within the jurisdiction of Barangay Anibongon, Abuyog, Leyte. At that moment the Committee could see one (1) backhoe with plate number SY215C, and one (1) dump truck with plate number NGU 8659 both owned by Hinunangan Enterprises on standby status at the concession site.

RECOMMENDATION

To send communication letter to the Punong Barangay Hon. Christopher A. Elem and Barangay Officials of Barangay Combis, Abuyog, Leyte to inform them the following:

1. To put signage to take extra necessary precautions to all dump trucks and other vehicles to slow down upon entering and leaving the area near the National Highway and the private road for safety and security purposes.
2. To write or send communication letter to Provincial Sand and Gravel Task Force for the establishment of checkpoints for monitoring purposes.
3. To write and inquire to the Office of the Provincial Government of Leyte through the Provincial Sand and Gravel as to the regularity of road constructed in a private land considering all the pertinent requirements for the construction and what actions are to be taken thereof.


HON. FRANCISCO B. LANDIA
Chairman, Committee on Infrastructure


HON. EDMUNDO P. SAÑO
Member, Committee on Infrastructure


HON. ARNOLD R. ALLERA
Chairman, Committee on Public Utilities & Facilities


HON. ANTONIO C. ALMENDRA, JR.
Member, Committee on Public Utilities and Facilities

Annex D Annex 2



Republic of the Philippines
Municipality of Abuyog
Province of Leyte
BARANGAY COMBIS

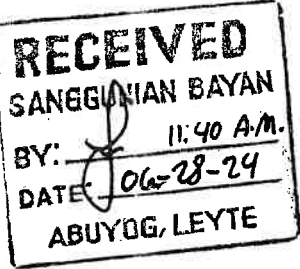
ANNEX 2



-oOo-

OFFICE OF THE SANGGUNIANG BARANGAY

Date: June 10, 2024



ARSENIO Y. VILLOTE
Sangguniang Bayan Secretary
Office of the Sangguniang Bayan
2nd floor, Legislative Building
Municipal Compound
Abuyog, Leyte

Sir:

This is respectfully submit here in attached Ordinance No. 4 s, 2024 of the Sangguniang Barangay of Barangay Combis Abuyog, Leyte for the review of the Honorable Sangguniang Bayan of Abuyog, Leyte.

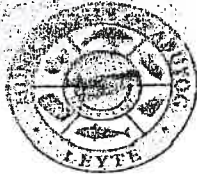
Thank you!

Respectfully yours,

ROWENA A. OPIS

Barangay Secretary

Annex D-1 Annex 3



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF ABUYOG
BARANGAY COMBIS

ANNEX 3



OFFICE OF THE SANGGUNIANG BARANGAY

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BARANGAY OF BARANGAY COMBIS OF ABUYOG, LEYTE HELD AT THE BARANGAY SESSION HALL, ON MAY 20, 2024.

PRESENT:

HON. CHRISTOPHER A. ELEM
HON. ALDYN L. CANIGA
HON. ROMY A. ACHARON
HON. MONIZA C. LERION
HON. JOSE DANTE R. CANIGA
HON. CONRADO EDEN R. LAHER JR.
HON. MARC B. CECILIO
HON. ERIC R. PAJENADO
HON. NIÑO KENNETH C. RISOS

-Punong Barangay
-Barangay Kagawad
-Barangay Kagawad
-Barangay Kagawad
-Barangay Kagawad
-Barangay Kagawad
-Barangay Kagawad
-Barangay Kagawad
-SK Chairperson

EXPLANATORY NOTE

Barangay Combis, Abuyog, Leyte is abundant with mineral resources such as among other first-class sand and gravel deposit within the jurisdiction of the Barangay.

With the influx of hauling trucks/vehicles loaded and hauling sand and gravel from sources in Barangay Combis conducted during daytime, or even at night and up to sunsets creates nuisance/ disturbances, to the local constituents contrary and repugnant to peace observance during siestas and rest times.

The state guarantees the protection and advancement of the people to a balance and healthful ecology in accordance with the rhythm and harmony of nature enunciated in article 2 section 16 of the constitution.

Barangay Combis shall prevent continuous damage of the concrete Barangay roads within its jurisdiction, due to uncontrolled hauling operations of numerous sand and gravel concessionaires with overweight trucks and /or owner or driver of vehicle that passes through in the Barangay roads.

Therefore, this ordinance is proposed for enactment.

HON. MARC B. CECILIO

Chairman Committee on Infrastructure
and Public Works

HON. ROMY A. ACHARON

Chairman Committee on Finance,
Budget and Appropriations

PAGE 1 OF 4 PAGES

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION
OF THE SANGGUNIANG BARANGAY, BARANGAY COMBIS
HELD ON MAY 20, 2024.

INTRODUCED BY:

HONORABLE MARC B. CECILIO

Chairman Committee on Infrastructure and Public Works

HONORABLE ROMY A. ACHARON

Chair Committee on Finance, Budget, and Appropriations

ORDINANCE NO. 04

SERIES OF 2024

AN ORDINANCE REGULATING THE OPERATION, EXTRACTION, PROCESSING AND TRANSPORTING/HAULING OF SAND AND GRAVEL AND ANY OTHER LIKE MATERIALS WITHIN THE JURISDICTION OF BARANGAY COMBIS, IMPOSING REGULATORY FEES, AND PROVIDING PENALTIES IN VIOLATION THEREOF AND FOR OTHER PURPOSES.

Be it ordained by the Sangguniang Barangay of Barangay Combis, Abuyog, Leyte, that-

SECTION 1. TITLE - This ordinance shall be known as "An Ordinance Regulating the Operation, Extraction, Processing and Transporting/Hauling of Sand and Gravel and Any Other Like Materials within the Jurisdiction of Barangay Combis, Imposing Regulatory Fees, and Providing Penalties in Violation Thereof and for other Purposes".

SECTION 2. DEFINITION OF TERMS:

- a. As used in this Ordinance, vehicles shall mean any vehicle fueled and propelled by an engine other than muscular power such as hauling trucks, jeepneys, multi-cabs and including motorcycles with side cars.
- b. Any other like materials shall include soils, stones boulders and other construction filling materials.
- c. Excavation, exploration of mineral resources shall mean any act of extracting, processing of mineral resources in the source within the jurisdiction of Barangay Combis, Abuyog, Leyte.

SECTION 3. IMPOSITION OF REGULATORY FEES - There shall be collected Barangay regulatory fee from every SAG-concessionaires, owner or driver of vehicle extracting and hauling sand and gravel and other like materials within the territorial jurisdiction of the Barangay Combis, Abuyog, Leyte with the following rates to wit:

CATEGORY	AMOUNT OF FEE
1. Barangay Business Permit Fee/per annum	PHP 1,500.00
2. Inspection Fee/per cubic meter	25.00
3. Monitoring Fee/per every Truck Load	50.00

**EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION
OF THE SANGGUNIANG BARANGAY, BARANGAY COMBIS
HELD ON MAY 20, 2024.**

SECTION 4. TIME AND MANNER OF PAYMENT- The regulatory fees imposed in this article shall be paid to the barangay Treasurer before any SAG-concessionaires, owner or driver of trucks or owner of motor vehicles to shall be allowed to extract/haul sand and gravel within the jurisdiction of barangay Combis or Abuyog, Leyte.

SECTION 5. PROHIBITED ACTS- It shall be unlawful for any concessionaires, truck drivers/operators to extract/process and haul sand and gravel and other like materials before 8:00 o'clock in the morning and beyond 5:00 in the afternoon from Mondays to Fridays including Saturday within the jurisdiction of Barangay Combis, Abuyog, Leyte.

SECTION 6. PENALTIES- Violation of any provision of this ordinance shall be meted with the following penalty:

- a. Penalty of Five Hundred Pesos (500.00) for the first offense.
- b. Penalty of Seven Hundred Fifty (750.00) for the second offense.
- c. The maximum penalty of One Thousand Pesos (1,000.00) for the Third and succeeding offense, and imprisonment of not exceeding and one (1) month or both penalties and imprisonment at the discretion of the court.
- d. Succeeding offense, aside from penalty imposed in paragraph c, section 6, hereof, includes impounding of the hauling truck and/or cancellation of its permit to operate; and
- e. Penalties imposed hereof is without prejudice to other penalties imposed by national, provincial government and other local agencies.

SECTION 7. ADMINISTRATIVE PROVISION- No person shall be granted. Barangay permit to extract the sand and gravel or to conduct quarrying and hauling activities within the jurisdiction of the Barangay unless a permit from Provincial Government and/or from DENR/MGB as the case maybe, can be presented with the corresponding official receipt of fees duly paid.

- a. The permit of the provincial government or from the DENR/MGB presented shall always specify the total number of truck loads and the total volumes in cubic meter to be extracted.

SECTION 8. MONITORING AND RECORDING- The Barangay Chairman shall assign a personnel to monitor and record the number of truckloads that has been extracted daily with the instruction to immediately stop the quarrying activities once the total number of truckloads and the corresponding specified volumes contained in the permit have been met and transported.

SECTION 9. AUTHORITY TO SUSPEND SAG-EXTRACTION OPERATION AND HAULING ACTIVITIES- The Barangay Chairman is granted the authority to stop any person, even a Barangay permit has already been granted for doing any quarrying and hauling activities within the jurisdiction of Barangay Combis, Abuyog, Leyte "once the source becomes a threat to human lives, properties as well as detrimental to environment".

PAGE 4 OF 4 PAGES
EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION
OF THE SANGGUNIANG BARANGAY, BARANGAY COMBIS
HELD ON MAY 20, 2024.

SECTION 10. REPEALING CLAUSE - Barangay Ordinances, Resolutions, Local Executive Orders or other administrative issuances found to be inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

SECTION 11. SEPARABILITY CLAUSE - If any provision of this ordinance is declared invalid or unconstitutional by competent court, the other provisions not affected thereby shall continue to be in full force and effect.


SECTION 12. EFFECTIVITY CLAUSE - This Ordinance shall take effect fifteen (15) days after its posting in at least three conspicuous places in the Barangay, in compliance to RA 7160.


ENACTED ON MAY 20, 2024.

I HEREBY CERTIFY, to the correctness of the foregoing ordinance.

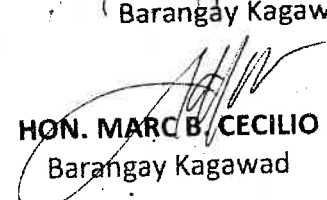

ROWENA A. OPIS
Barangay Secretary

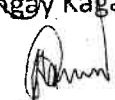
CONCURRED:


HON. ALDYN L. CANIGA
Barangay Kagawad


HON. CONRADO EDEN R. LAHER JR.
Barangay Kagawad


HON. ROMY A. ACHARON
Barangay Kagawad


HON. MARC B. CECILIO
Barangay Kagawad


HON. MONIZA C. LERION
Barangay Kagawad


HON. ERIC R. PAJENADO
Barangay Kagawad


HON. JOSE DANTE R. CANIGA
Barangay Kagawad


HON. NIÑO KENNETH C. RISOS
SK Chairperson

APPROVED BY:


HON. CHRISTOPHER A. ELEM
Punong Barangay

Annex F

August 3, 2024

CHRISTOPHER A. ELEM

Barangay Chairman

Brgy. Combis, Abuyog, Leyte

HON. ELEM.

This is to reiterate that you have no authority to establish much more to maintain a check point on the private road which on behalf of my client SOFIO REAS BELOY, JR., has leased and constructed through another customer at Brgy. Combis, Abuyog, Leyte from CESAR GALLER and to collect fees from the customer of my client for every truck that pass through your barangay using such private road as the concession area of my client is located at Brgy. Anibongon, Abuyog, Leyte as provided in section 133, par e, of R.A 7610, otherwise known as the local government code of 1991.

That from your own ordinance no, 4, S 2024 (which is not yet even approved as it is still on the committee level at SB, Abuyog, Leyte), section 3 thereof, covers only sand and gravel extracted and hauled within the territorial jurisdiction of your barangay and nowhere in said ordinance that grant you any authority to establish a check point

Moreover, granting for the sake of argument that your check point is within the 20 meters easement as provided in section 51 of the water code of the Philippines, your check point was still illegal as it is a nuisance that impedes, obstruct and block free passage, that no person is even allowed to construct a structure thereof of any kind.

From the foregoing, for and in behalf of my said client, may the undesigned counsel absolutely and unconditionally demand from you to remove your steel boom and any structure thereof within two (2) days from receipt of this request otherwise the same shall be remove extra judicially in accordance with law,

Looking forward that this request may merit your action with facility.



ATTY. ERWIN V. BELLEZA

Counsel

0956 647 7981

Buntay, Abuyog, Leyte

Copy furnished:

LCE, Abuyog, Leyte

MENRO, Abuyog, Leyte\

CHIEF OF POLICE, Abuyog, Leyte

Annex F-1

August 14, 2024

HON. CHRISTOPHER A. ELEM

Barangay Chairman
Brgy. Combis
Abuyog, Leyte

HON. ELEM:

This is in connection with my letter dated August 3, 2024 addressed to you office concerning your illegal check point that you were given two (2) days or until August 7, 2024 with in which to remove the same, but however, until now you neglect to comply.

In view thereof, for failure on your part to heed such request, my client has no other recourse but to exercise extra-judicial abatement of nuisance under the civil code and in consonance thereof, my client or any of his authorized representative in order to restore unimpeded, unrestricted, undisturbed free passage thereof, will remove your barrier/steel boom tomorrow morning of August 15, 2024.

Looking forward that you will be guided accordingly.


ATTY. ERWIN V. BELLEZA

Counsel

0956-647-7981

Buntay, Abuyog, Leyte

Copy furnished:

LCE, Abuyog, Leyte

MENRO, Abuyog, Leyte

Chief of Police, Abuyog, Leyte



Republic of the Philippines
OFFICE OF THE GOVERNOR
Province of Leyte

Province of Leyte
Sand & Gravel Task Force
THIS PERMIT IS VALID UNTIL:
NOVEMBER 7, 2024
Signature: _____
Date: MAY 6, 2024

INDUSTRIAL SAND AND GRAVEL PERMIT

ISAG No. : SAG-198-2022
Date Issued : _____, 20____
Permit Holder: SOFIO REAS BELOY JR.

WHEREAS, on February 13, 2024, SOFIO REAS BELOY JR. with the address of Poblacion, Abuyog, Leyte, filed Industrial Sand and Gravel Permit Application No. 21-00019 to extract and dispose of sand and gravel and other unconsolidated materials authorized under Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations for industrial purposes from the permit area situated in

Sitio of _____
Barangay of ANIBONGON
Municipality of ABUYOG
Province of LEYTE
Island of LEYTE

And more particularly described in metes and bounds, to wit:

(TECHNICAL DESCRIPTION)

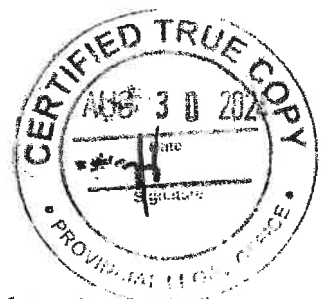
Please see attached Area Clearance and Survey Plan

Containing 4.0368 hectares.

WHEREAS, the aforesaid application, ISAG No. 198-2022, appears to be prima facie well founded;

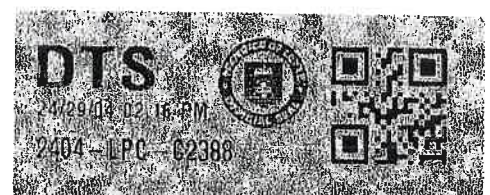
WHEREFORE, this Industrial Sand and Gravel Permit to extract and disposed of sand and gravel and other unconsolidated materials for industrial purposes from the area above-described, is hereby granted to:

Name : SOFIO REAS BELOY JR.
Address : Abuyog, Leyte



Subject to the provisions of the Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations and the following terms and conditions:

FOR BR # 9906657



1. This Permit is for a period of **FIVE THOUSAND (5,000) CUBIC METERS ONLY**
Six (6) MONTHS *Provided*, that the application for renewal shall be filed before the expiry date thereof, and that the Permit Holder has complied with the provisions of the Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations promulgated thereunder, and the terms and conditions of this permit;

✓ 2. The Permit shall be for the exclusive use and benefit of the Permit Holder and not, directly or indirectly, for the benefit of any other person whether natural or juridical, and that the area covered by this Permit shall be used for the purpose only of extracting and disposing the materials herein authorized;

3. The Permit cannot be assigned, transferred or conveyed, in whole or in part, without prior approval of the Provincial Governor concerned;
4. The extraction or removal of materials shall not be allowed within the distance of one (1) kilometer from the boundaries of reservoirs established for public water supply, archeological and historical sites, or of any public or private works or structures unless with prior clearance of the agency or owner concerned is obtained. No extraction, removal and/or disposition of materials shall likewise be allowed in offshore areas within five hundred (500) meters distance from the coast and two hundred (200) meters from the mean low tide level along the beach;
5. The Permit Holder shall, before the issuance of this Permit, execute a bond in the form and amount prescribed by the regulations, and with a surety or sureties satisfactory to the Provincial Governor to guarantee the performance of the Permit Holder's obligations and Implementing Rules and Regulations promulgated thereunder. The bond in the applicable amount shall be maintained throughout the corresponding term of this Permit and until the Government shall order its cancellation;
6. The Permit Holder shall, within ten (10) days after the end of each quarter, submit to the Provincial Governor, Personally or by his/her representative or by registered mail, quarterly production reports in the prescribed form stating the quantity of materials extracted, removed and/or disposed under the Permit and the amounts of fees paid therefor, copy of which shall be furnished the Municipal Treasurers where the Permit area is situated and under operation. At the end of the term, the Permit Holder shall submit to the concerned Office of the Provincial Governor a final report with the detailed list of activities and the corresponding expenditures;
7. The Provincial Governor or his/her duly authorized representative/s may, at any time during the effectivity of the Permit, inspect the operations and the books of accounts and other relevant data of the Permit Holder in which shall be entered the quantity of materials removed or disposed of, the amount of fees paid, the selling price, and the names and addresses of the persons to whom the same were sold;
8. The extraction and removal of quarry resources under this Permit shall be confined within the area specified herein, the boundaries of which according to the application have been well established according to survey rules and regulations. This Permit shall exclude areas closed to mining location as provided in Sec. 19 of the Act;
9. The Permit Holder or his/her representative shall keep the Permit/Permit area available at all time for inspection and examination by the duly authorized representative/s of the Provincial Governor concerned or the Provincial SAG-TF;



10. The Permit Holder shall pay to the Government an excise tax pursuant to Sec. 151 of the national Internal Revenue Code, as amended; such excise tax shall be due and payable upon the removal of the quarry resources extracted from the area embraced by his/her Permit, pursuant to the provisions of the National Internal Revenue Code, as amended;
11. This Permit may be revoked or canceled at any time by the Provincial Governor concerned when in his/her opinion public interest so requires, or upon failure of the Permit Holder to comply with the provision of the Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations promulgated thereunder, as well as with the terms and conditions specified herein; *Provided*, that if the Permit is canceled, or otherwise terminated, the Permit Holder shall be liable for all unpaid fees and taxes due up to the time of the termination or cancellation of the Permit;
12. The Permit Holder shall assume full responsibility and be liable for damages to private and/or public property (ies) that may be occasioned by its operations under the Permit;
13. The Permit Holder shall manage its operations in a technically and environmentally responsible manner to achieve a safe, non-polluting and self-sustaining post disturbance landform;
14. The Permit Holder shall not discriminate on the basis of gender and that the Permit Holder shall respect the right of women workers to participate in policy and decision-making processes affecting their rights and benefits;
15. The Permit Holder shall conform to laws, rules and regulations regarding, among others labor, safety and health standards;
16. The Permit Holder shall not interfere with the rights of other Permit Holders/Operations/Contractors;
17. The Permit Holder shall recognize and respect the rights, customs and traditions of local communities, particularly Indigenous Cultural Communities;
18. The Permit Holder Shall Immediately stop digging and extracting materials the moment man-made articles or artifacts are found. It shall notify the Director of the National Museum of such findings, in which case, the digging shall be under the supervision of the National Museum until said artifacts are recovered;
19. The Permit Holder shall not, by virtue of the Permit, acquire any title over the permit area, without prejudice to its acquisition of the land/surface rights through any mode of acquisition provided by law;
20. The Permit Holder shall pay fees, taxes and other obligations in accordance with existing laws, rules and regulations;
21. The Permit Holder shall comply with its obligations under its ECC, Environmental Protection and Enhancement Program (EPEP) and Annual EPEP, including the allocation of the prescribed annual environmental expense pursuant to Section 171 of the Revised Implementing Rules and Regulations;
22. The statements made in the application or those made later in support thereof, shall be considered as condition and essential parts of this Permit, and any misrepresentation therein stated shall be a cause for the cancelation of this Permit; and



23. The Permit Holder further binds itself to comply with the provisions of RA No. 7942 and the Revised Implementing Rules and Regulations promulgated thereunder, and such other terms and conditions not inconsistent with the Constitution, the Act and the Revised Implementing Rules and Regulations, as well as those which the concerned Provincial Governor may deem to be for the national interest and public welfare.

_____, Philippines, _____, 20 _____


BY THE GOVERNOR:
(Per SO No. 1, September 19, 2022)

Atty. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

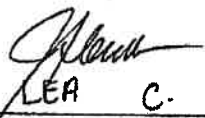
For the Republic of the Philippines
(Grantor)

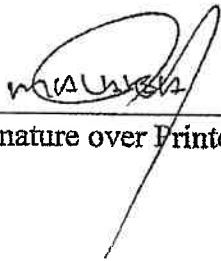
CARLOS JERICO L. PETILLA
Provincial Governor

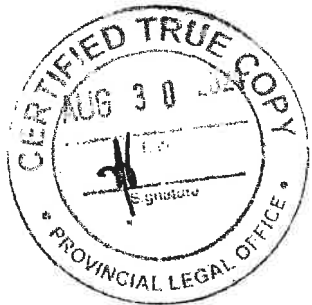
I hereby accept the terms and conditions of this Industrial Sand and Gravel Permit as above stated.


SOFIO REAS BELOY JR.
Permit Holder

Signed in the presence of:


HONEY LEA C. ABUDA
(Signature over Printed Name)


JOEL
(Signature over Printed Name)




ACKNOWLEDGEMENT

Republic of the Philippines)
Province of LEYTE) S.s
City/Municipality of PALO)

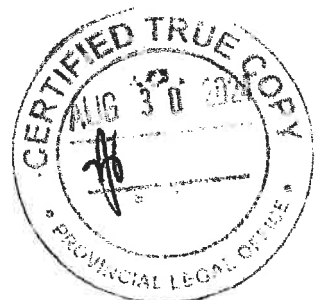
Before me appeared ATTY. JOSE RAYMUND A. ACOL exhibiting to me his/her Identification Card LTO ID (type of ID) valid until _____, known to me and to me known to be the same person who executed the forgoing document, and acknowledged that same is his/her free and voluntary act, and deed as Permit Holder, and for the purposes therein specified. The said instrument, consisting of _____ pages, including his acknowledgment page, is an Industrial Sand and Gravel Permit to extract and dispose of sand and gravel and other unconsolidated materials therein specified for industrial purposes from the area herein mentioned.

WHEREFORE, I have hereunto set my hand and affixed my notarial seal this 08 MAY 2024 day of _____, 20 _____, in PALO, LEYTE.


ATTY. AMOR MARIE C. VELOSO
NOTARY PUBLIC until Dec. 31, 2028
FOR & WITH JURISDICTION OF RTC, TAG. CITY
Notarial Commission No. 2834-04-136, Apr. 17, 2024
Rm. 107, Joemar Bldg., M.H. Del Pilar St., Tag. City
Roll No. 84845 ; 08/18/2023
BEP No. 418045 ; 01/08/2024, Tag. City
PTR No. 848068 ; 01/03/2023, Tag. City
ISGLE Compliance No. VM-0992181, until 4/14/2028

NOTARY PUBLIC
Until Dec 31, 20 _____
PTR No. _____

Doc. No. 170
Page No. 25
Book No. II
Series of. 2024





Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan

September 03, 2024

HON. CHRISTOPHER A. ELEM
Punong Barangay
Brgy. Combis, Abuyog, Leyte

Sir:

Greetings!

On September 03, 2024, during the Regular Session of Sangguniang Bayan, resolved to formally inform you regarding the herein attached Verified Complaint dated August 19, 2024 RE: COMPLAINT OF ATTY. ERWIN V. BELLEZA, BARANGAY BUNTAY, ABUYOG, LEYTE AGAINST HON. CHRISTOPHER A. ELEM, PUNONG BARANGAY, BARANGAY COMBIS, ABUYOG, LEYTE.

This Sanggunian further resolve to direct as you are hereby further directed to submit your verified answer in relation to the herein contemplated complaint fifteen (15) days from receipt hereof.

Please find herewith as attached copies of all documents related thereto.

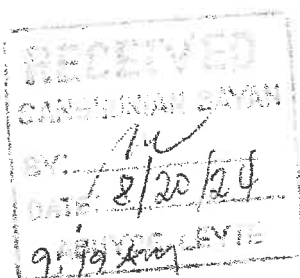
By authority of the Sangguniang Bayan,


ARSENIO Y. VILLOTE
Secretary to the Sanggunian

A/S

Cc:

Atty. Erwin V. Belleza
Complainant
Brgy. Buntay
Abuyog, Leyte



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte

OFFICE OF THE SANGGUNIANG BAYAN

ATTY. ERWIN V. BELLEZA
Complainant,

Administrative Case no. _____

-vs.-

FOR: ABUSE OF AUTHORITY, MIS-
CONDUCT, OPPRESSION ETC...

CHRISTOPHER A. ELEM
Brgy. Chairman
Brgy. Combis, Abuyog, Leyte
Respondent,

x-----x

COMPLAINT

COMES NOW, the complainant, by himself, unto this distinguish Sangguniang Bayan, most respectfully alleges;

1. That complainant is a Filipino citizen, married, of legal age, and a resident of Brgy. Buntay, Abuyog, Leyte, likewise the respondent is a Filipino, citizen, married of legal age, and a resident of Brgy. Combis, Abuyog, Leyte to which they may be served with summons and other processes by this Honorable Sangguniang Bayan;

2. That respondent is the incumbent Brgy. Chairman of Brgy. Combis, Abuyog, Leyte;

3. That complainant is a recipient owner of a private road located at Brgy. Combis, Abuyog, Leyte, which he has an existing contract of easement & road right of way with the private owner Cesar C. Galler of the private land therein covered by Original Certificate of Title no. P-1975 and Tax Declaration no. 08-01029-00048 registered and declared in the name of Policarpo Cecilio, copy of such contract is hereto attached and marked as exhibit 'A';

4. That said private road was constructed using the heavy equipment of JCGO, being one of the customer of the permittee Sofio Reas Beloy, Jr.;

5. That sometime on August 01, 2024 at or about 3:00 o'clock in the afternoon, complainant together with his client Sofio Reas Beloy, Jr., upon reaching his said private road was so shocked to see that there was already a check point and a steel boom barricading the private road impeding and obstructing free passage to and pro, unlawfully established by the respondent herein;

6. That the steel boom unlawfully constructed by the respondent was placed so close to the river that it prevented complainant to pass as it was closed and considering that he was from the river had to accelerate speed as the road was highly elevated and had to go under the steel boom to safely parked contrary to the malicious post of respondent's cohorts Peter Alvero in his face book account that complainant bumped the steel boom and was drank at that time when in truth and in fact, complainant did not bumped the steel post and was not drunk but it was however the Barangay Tanod of Brgy. Combis, Abuyog, Leyte who were drank for which reason they are unruly and rude, conduct unbecoming as Tanods, acting more than a military or police personnel;

7. That picture clip from the video maliciously posted of respondent's cohorts Peter Alvero on his FB account would readily show that complainant never bumped the steel boom, copy of the same are hereto attached and marked a exhibits 'B', and series,

8. That ironically, complainant was denied, refused and prevented entry to his very own private road by the respondent and had by himself to open the closed steel boom to gain entry viz-a-viz, said steel boom unlawfully established by respondent is a nuisance;

9. That complainant later learned that it was established by the respondent on the so called valid ordinance no. 4 s 2024 of the Barangay in order to exact fees for every truck that passed through;

10. That however a close scrutiny of ordinance no. 4 s 2024 (granting for the sake of argument that the same is valid) of Brgy. Combis, Abuyog, Leyte, section 3 thereof would readily show that trucks passing through complainant's private road are not covered by said ordinance, which clearly states;

SECTION 3. IMPOSITION OF REGULATORY FEES. – There shall be collected Barangay regulatory fee from every SAG-concessionaires, owner or driver of vehicle **extracting and hauling** sand and gravel and other like materials **within the territorial jurisdiction of the Barangay Combis, Abuyog, Leyte**, with the following rates to wit:

CATEGORY	AMOUNT OF FEE
1. Barangay Business Permit Fee/ per annum	PHP 1,500.00
2. Inspection Fee/per cubic meter	25.00
3. Monitoring Fee/per every Truck Load	50.00

11. That the trucks carrying sand and gravel passing through complainant's private road are extracted and hauled from Brgy. Anibongon, Abuyog, Leyte and not extracted and hauled within Brgy Combis. Abuyog, Leyte



12. That there is neither in the subject ordinance no. 4 s 2024 nor the local government code of 1991 that empowers respondent to establish a check point;

13. That however, section 133 par e and section 155 both from Republic Act no. 7160, otherwise known as the local government code of 1991, succinctly provides;

Section 133. Common limitations on the Taxing Powers of Local Government Units. – Unless otherwise provided herein, the exercise of the taxing powers of provinces, cities, municipalities and barangays shall not extend to the levy of the following;

e. Taxes, fees and charges and other impositions upon goods carried into or out of, or passing through, the territorial jurisdiction of local government units in the guise of charges for wharfage, tolls for bridges, or otherwise, or other taxes, fees or charges in any form whatsoever upon such goods or merchandise.

Section 155. "The sangguniang concerned may prescribe the terms and conditions and fix the rates for the imposition of toll fees or charges for the **use of any public road, pier, or wharf, waterway, bridge, ferry or telecommunications system funded and constructed by the local government unit concerned.....**

14. That photocopy of DILG Legal Opinion no. 03 s 2012 dated January 13, 2012, regarding the above-cited provision of law is hereby attached and marked as exhibit 'C';

15. That as such, from the foregoing, respondent has no legal authority to build such steel boom and much more establish a check point on the private road of the complainant;

16. That such acts of the respondent in unlawfully creating said steel boom and illegally establishing such check point in the private road of the complainant constitute abuse of authority, dishonesty, oppression and misconduct in office.

17. That as such abuse of authority, dishonesty, oppression and misconduct in office of the respondent that he should be removed or suspended from office as an administrative sanction for his wrongdoing in the performance of his official functions as incumbent barangay chairman of Brgy. Combis, Abuyog, Leyte.

WHEREFORE, in view of the foregoing, it is most respectfully prayed of the Honorable members of this Sangguniang Bayan, that decision may be rendered in favor of the complainant and against the respondent by declaring the suspension of the respondent for six (6) months as Barangay Chairman of Brgy. Combis, Abuyog, Leyte and for such other relief deem just and equitable under the circumstances.

August 19, 2024 at Abuyog, Leyte.



ATTY. ERWIN V. BELLEZA
Complainant

VERIFICATION

I, ATTY. ERWIN V. BELLEZA, Filipino, of legal age, married and resident of Brgy. Buntay, Abuyog, Leyte, after having been duly sworn to in accordance with law, hereby depose and say;

That I am the complainant in the above-entitled complaint, That I have caused the preparation of the foregoing complaint; That I have read and understood the contents thereof and that all the allegations contained therein are true and correct to the best of my own personal knowledge or from some other authentic document or record;

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of August 2024 at Abuyog, Leyte.

ATTY. ERWIN V. BELLEZA
Affiant

SUBSCRIBED AND SWORN TO before me this 20th day of August 2024 at Abuyog, Leyte, affiant exhibiting to me copy of his National ID Card with no. 5098-1538-5126-3064 and I am fully satisfied that the affiant fully understood the contents of the foregoing.

Doc No. 25 ;
Page No. 6 ;
Book No. XLVIII ;
Series of 2024 .

ATTY. YZABEL EDEN M. BERTUMEN-LERIOS
NOTARY PUBLIC
For Lapid, Mayorga, MacArthur, Abuyog and Javier, Leyte
NC No. 11-22-01, until December 31, 2024
Roll of Attorneys No. 72852
PTR No. 8967357, 01/02/2024, Abuyog, Leyte
IBP OR No. 284035 issued on 01/02/2024
MCLE Compliance No. VII-0001134 until 04/14/2025
473 Osmeña St. Brgy. Siro, Abuyog, Leyte

Annex I



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan

September 18, 2024

HON. CHRISTOPHER A. ELEM
Punong Barangay
Brgy. Combis, Abuyog, Leyte

Sir:

Greetings!

On September 17, 2024, during the Regular Session of Sangguniang Bayan, resolved to formally inform you regarding the herein attached Verified Complaint **RE: ATTY. ERWIN V. BELLEZA, COMPLAINANT VS CHRISTOPHER A. ELEM, BRGY. CHAIRMAN, BRGY. COMBIS, ABUYOG, LEYTE, RESPONDENT FOR ABUSE OF AUTHORITY, MISCONDUCT, OPPRESSION ETC...**

This Sanggunian further resolve to direct as you are hereby further directed to submit your verified answer in relation to the herein contemplated complaint fifteen (15) days from receipt hereof.

Please find herewith as attached copies of all documents related thereto.

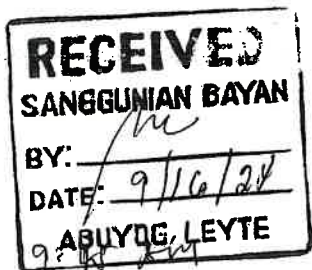
By authority of the Sangguniang Bayan,

ARSENIO Y. VILLOTE
Secretary to the Sanggunian

A/S

Cc:

Atty. Erwin V. Belleza
Complainant
Brgy. Buntay
Abuyog, Leyte



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte

OFFICE OF THE SANGGUNIANG BAYAN

ATTY. ERWIN V. BELLEZA
Complainant,

Administrative Case no. _____

-vs.-

FOR: ABUSE OF AUTHORITY, MIS-
CONDUCT, OPPRESSION ETC...

CHRISTOPHER A. ELEM
Brgy. Chairman
Brgy. Combis, Abuyog, Leyte
Respondent,

X-----X

COMPLAINT

COMES NOW, the complainant, by himself, unto this distinguish Sangguniang Bayan, most respectfully alleges;

1. That complainant is an incumbent Sangguniang Bayan member, a Filipino citizen, married, of legal age, and a resident of Brgy. Buntay, Abuyog, Leyte, likewise the respondent is a Filipino, citizen, married of legal age, and a resident of Brgy. Combis, Abuyog, Leyte to which they may be served with summons and other processes by this Honorable Sangguniang Bayan;

2. That respondent is the incumbent Brgy. Chairman of Brgy. Combis, Abuyog, Leyte;

3. That complainant is a recipient owner of a private road located at Brgy. Combis, Abuyog, Leyte, which he had an existing contract of easement & road right of way with the private owner Cesar C. Galler of the private land therein covered by Original Certificate of Title no. P-1975 and Tax Declaration no. 08-01029-00048 registered and declared in the name of Policarpo Cecilio, copy of such contract is hereto attached and marked as **exhibit 'A'**;

4. That said private road was constructed using the heavy equipment of JCGO, being one of the customer of the permittee Sofio Reas Beloy, Jr.;

5. That sometime on August 01, 2024 at or about 3:00 o'clock in the afternoon, complainant together with his client Sofio Reas Beloy, Jr., upon reaching his said private road was so shocked to see that there was already a check point and a steel boom barricading the private road impeding and obstructing free passage to and pro, unlawfully established by the respondent herein;

6. That respondent together with his drunk barangay Tanods numbering more than ten (10) armed with "arnis" without any authority of law by means of violence, threats or intimidation prevented and deprived the complainant herein from entering and passing through his own private road when his entering and passing is not prohibited by law but rather his right which acts of the respondent is penalized under article 286 of the revised penal code for grave coercion and where in fact complainant herein has already filed the a criminal complaint against the respondent herein, and this complaint is the administrative aspect of his criminal wrongful action;

7. That picture clip from the video maliciously posted of respondent's cohorts Peter Alvero on his FB account would readily show that complainant was blocked, prevented, denied, refused and deprived from entering his very own private road, copies of the same are hereto attached and marked as **exhibits 'B', and series,**

8. That respondent has no authority to establish said check point and prevent complainant (much so that complainant was driving an SUV) from entering his private road as the same is a private road and not public and that he is not authorized to do so by the Sangguniang Barangay/ Council as can be gleaned from the affidavits of the six (6) members of the same, copies of which are hereto attached and marked as **exhibits 'C', 'D' and 'E', respectively;**

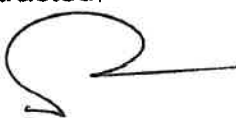
9. That complainant later learned that it was established by the respondent on the so called valid ordinance no. 4 s 2024 of the Barangay in order to exact fees for every truck that passed through;

10. That however a close scrutiny of ordinance no. 4 s 2024 (granting for the sake of argument that the same is valid) of Brgy. Combis, Abuyog, Leyte, section 3 thereof would readily show that trucks passing through complainant's private road are not covered by said ordinance, which clearly states;

SECTION 3. IMPOSITION OF REGULATORY FEES. – There shall be collected Barangay regulatory fee from every SAG-concessionaires, owner or driver of vehicle **extracting and hauling** sand and gravel and other like materials **within the territorial jurisdiction of the Barangay Combis, Abuyog, Leyte,** with the following rates to wit:

CATEGORY	AMOUNT OF FEE
1. Barangay Business Permit Fee/ per annum	PHP 1,500.00
2. Inspection Fee/per cubic meter	25.00
3. Monitoring Fee/per every Truck Load	50.00

11. That the trucks carrying sand and gravel passing through complainant's private road are extracted and hauled from Brgy. Anibongon, Abuyog, Leyte and not extracted and hauled within Brgy Combis. Abuyog, Leyte



12. That there is neither in the subject ordinance no. 4 s 2024 nor the local government code of 1991 that empowers respondent to establish a check point;

13. That however, section 133 par e and section 155 both from Republic Act no. 7160, otherwise known as the local government code of 1991, succinctly provides;

Section 133. Common limitations on the Taxing Powers of Local Government Units. – Unless otherwise provided herein, the exercise of the taxing powers of provinces, cities, municipalities and barangays shall not extend to the levy of the following;

e. Taxes, fees and charges and other impositions upon goods carried into or out of, or passing through, the territorial jurisdiction of local government units in the guise of charges for wharfage, tolls for bridges, or otherwise, or other taxes, fees or charges in any form whatsoever upon such goods or merchandise.

Section 155. "The sangguniang concerned may prescribe the terms and conditions and fix the rates for the imposition of toll fees or charges for the **use of any public road, pier, or wharf, waterway, bridge, ferry or telecommunications system funded and constructed by the local government unit concerned.....**

14. That photocopy of DILG Legal Opinion no. 03 s 2012 dated January 13, 2012, regarding the above-cited provision of law is hereby attached and marked as **exhibit 'F'**;

15. That as such, from the foregoing, respondent has no legal authority to build such steel boom and much more establish a check point on the private road of the complainant and prevent the complainant from entering the same as he was driving an SUV and not a truck carrying quarry materials;

16. That such action of the respondent in preventing complainant from entering his own private road without lawful authority constitute abuse of authority, dishonesty, oppression and misconduct in office that he should be removed or suspended from office as an administrative sanction for his wrongdoing in the performance of his official functions as incumbent barangay chairman of Brgy. Combis, Abuyog, Leyte;

17. That one of the function of a PUNONG BARANGAY as enumerated in section 389 par b, sub-par 1 of the local government code of 1991 among other provides that "Enforce the all laws and ordinances which are applicable within the barangay " yet respondent is the one breaking it.

WHEREFORE, in view of the foregoing, it is most respectfully prayed of the Honorable members of this Sangguniang Bayan, that decision may be rendered in favor of the complainant and against the respondent by declaring respondent as guilty as charge and ordering the suspension of the respondent for six (6) months as Barangay Chairman of Brgy. Combis, Abuyog, Leyte and for such other relief deem just and equitable under the circumstances.

September 13, 2024 at Abuyog, Leyte.


ATTY. ERWIN V. BELLEZA
Complainant

VERIFICATION

I, ATTY. ERWIN V. BELLEZA, Filipino, of legal age, married and resident of Brgy. Buntay, Abuyog, Leyte, after having been duly sworn to in accordance with law, hereby depose and say;

That I am the complainant in the above-entitled complaint, That I have caused the preparation of the foregoing complaint; That I have read and understood the contents thereof and that all the allegations contained therein are true and correct to the best of my own personal knowledge or from some other authentic document or record;

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of September 2024 at Abuyog, Leyte.


ATTY. ERWIN V. BELLEZA
Affiant

SUBSCRIBED AND SWORN TO before me this ____ day of September 2024 at Abuyog, Leyte, affiant exhibiting to me copy of his National ID Card with no. 5098-1538-5126-3064 and I am fully satisfied that the affiant fully understood the contents of the foregoing.


ENERY M. BABUNA
PROSECUTOR

Annex J



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan

September 18, 2024

HON. CHRISTOPHER A. ELEM
Punong Barangay
Brgy. Combis, Abuyog, Leyte

Sir:


Greetings!

On September 17, 2024, during the Regular Session of Sangguniang Bayan, resolved to formally inform you regarding the herein attached Verified Complaint RE: **ATTY. ERWIN V. BELLEZA, COMPLAINANT VS CHRISTOPHER A. ELEM, BRGY. CHAIRMAN, BRGY. COMBIS, ABUYOG, LEYTE, RESPONDENT FOR ABUSE OF AUTHORITY, MISCONDUCT, OPPRESSION ETC...**

This Sanggunian further resolve to direct as you are hereby further directed to submit your verified answer in relation to the herein contemplated complaint fifteen (15) days from receipt hereof.

Please find herewith as attached copies of all documents related thereto.

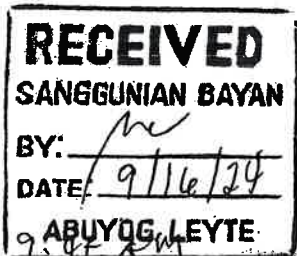
By authority of the Sangguniang Bayan,


ARSENIO Y. VILLOTE
Secretary to the Sanggunian

A/S

Cc:

Atty. Erwin V. Belleza
Complainant
Brgy. Buntay
Abuyog, Leyte



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte

OFFICE OF THE SANGGUNIANG BAYAN

ATTY. ERWIN V. BELLEZA
Complainant,

Administrative Case no. _____

-VS.-

FOR: ABUSE OF AUTHORITY, MIS-
CONDUCT, OPPRESSION ETC...

CHRISTOPHER A. ELEM
Brgy. Chairman
Brgy. Combis, Abuyog, Leyte
Respondent,

X-----X

COMPLAINT

COMES NOW, the complainant, by himself, unto this distinguish Sangguniang Bayan, most respectfully alleges;

1. That complainant is an incumbent Sangguniang Bayan member, a Filipino citizen, married, of legal age, and a resident of Brgy. Buntay, Abuyog, Leyte, likewise the respondent is a Filipino, citizen, married of legal age, and a resident of Brgy. Combis, Abuyog, Leyte to which they may be served with summons and other processes by this Honorable Sangguniang Bayan;

2. That respondent is the incumbent Brgy. Chairman of Brgy. Combis, Abuyog, Leyte;

3. That complainant is a recipient owner of a private road located at Brgy. Combis, Abuyog, Leyte, which he had an existing contract of easement & road right of way with the private owner Cesar C. Galler of the private land therein covered by Original Certificate of Title no. P-1975 and Tax Declaration no. 08-01029-00048 registered and declared in the name of Policarpo Cecilio, copy of such contract is hereto attached and marked as exhibit 'A';

4. That said private road was constructed using the heavy equipment of JCGO, being one of the customer of the permittee Sofio Reas Beloy, Jr.;

5. That sometime on August 01, 2024 at or about 4:40 to 4:42 o'clock in the afternoon, complainant together with his client Sofio Reas Beloy, Jr., upon reaching his said private road on his way home respondent together with his drunk barangay Tanods numbering more than ten (10) armed with "arnis" without any authority of law by means of violence, threats or intimidation prevented and deprived the complainant herein from exiting and passing through his own private road when his exiting and passing is not prohibited by law but rather his right which acts of the respondent is penalized under article 286 of the revised penal code for grave coercion and where in fact complainant herein has already filed the a criminal complaint against the respondent herein, and this complaint is the administrative aspect of his criminal wrongful action:

6. That a video which complainant himself took would readily show that complainant was blocked, prevented, denied, refused and deprived from existing his very own private road, and was even mauled by the barangay tanods one of them was even shouting to tie me with the acquiescence of the respondent, a USB containing said video is hereto attached and marked as **exhibit 'B'**,

7. That respondent has no authority to establish said check point and prevent complainant (much so that complainant was driving an SUV) from exiting his private road as the same is a private road and not public and that he is not authorized to do so by the Sangguniang Barangay/ Council as can be gleaned from the affidavits of the six (6) members of the same, copies of which are hereto attached and marked as **exhibits 'C', 'D' and 'E'**, respectively;

8. That complainant later learned that it was established by the respondent on the so called valid ordinance no. 4 s 2024 of the Barangay in order to exact fees for every truck that passed through;

9. That however a close scrutiny of ordinance no. 4 s 2024 (granting for the sake of argument that the same is valid) of Brgy. Combis, Abuyog, Leyte, section 3 thereof would readily show that trucks passing through complainant's private road are not covered by said ordinance, which clearly states;


SECTION 3. IMPOSITION OF REGULATORY FEES. – There shall be collected Barangay regulatory fee from every SAG-concessionaires, owner or driver of vehicle **extracting and hauling** sand and gravel and other like materials **within the territorial jurisdiction of the Barangay Combis, Abuyog, Leyte**, with the following rates to wit:

CATEGORY	AMOUNT OF FEE
1. Barangay Business Permit Fee/ per annum	PHP 1,500.00
2. Inspection Fee/per cubic meter	25.00
3. Monitoring Fee/per every Truck Load	50.00

10. That the trucks carrying sand and gravel passing through complainant's private road are extracted and hauled from Brgy. Anibongon, Abuyog, Leyte and not extracted and hauled within Brgy Combis. Abuyog, Leyte

11. That there is neither in the subject ordinance no. 4 s 2024 nor the local government code of 1991 that empowers respondent to establish a check point;

12. That however, section 133 par e and section 155 both from Republic Act no. 7160, otherwise known as the local government code of 1991, succinctly provides;



Section 133. Common limitations on the Taxing Powers of Local Government Units. – Unless otherwise provided herein, the exercise of the taxing powers of provinces, cities, municipalities and barangays shall not extend to the levy of the following;

e. Taxes, fees and charges and other impositions upon goods carried into or out of, or passing through, the territorial jurisdiction of local government units in the guise of charges for wharfage, tolls for bridges, or otherwise, or other taxes, fees or charges in any form whatsoever upon such goods or merchandise.

Section 155. "The sangguniang concerned may prescribe the terms and conditions and fix the rates for the imposition of toll fees or charges for the **use of any public road, pier, or wharf, waterway, bridge, ferry or telecommunications system funded and constructed by the local government unit concerned**.....

13. That photocopy of DILG Legal Opinion no. 03 s 2012 dated January 13, 2012, regarding the above-cited provision of law is hereby attached and marked as **exhibit 'F'**;


14. That as such, from the foregoing, respondent has no legal authority to build such steel boom and much more establish a check point on the private road of the complainant and prevent the complainant from exiting the same as he was driving an SUV and not truck carrying quarry materials;


15. That such action of the respondent in preventing complainant from exiting his own private road without lawful authority constitute abuse of authority, dishonesty, oppression and misconduct in office that he should be removed or suspended from office as an administrative sanction for his wrongdoing in the performance of his official functions as incumbent barangay chairman of Brgy. Combis, Abuyog, Leyte;

16. That one of the function of a PUNONG BARANGAY as enumerated in section 389 par b, sub-par 1 of the local government code of 1991 among other provides that "Enforce the all laws and ordinances which are applicable within the barangay " yet respondent is the one breaking it.

WHEREFORE, in view of the foregoing, it is most respectfully prayed of the Honorable members of this Sangguniang Bayan, that decision may be rendered in favor of the complainant and against the respondent by declaring respondent as guilty as charge and ordering the suspension of the respondent for six (6) months as Barangay Chairman of Brgy. Combis, Abuyog, Leyte and for such other relief deem just and equitable under the circumstances.

September 13, 2024 at Abuyog, Leyte.





ATTY. ERWIN V. BELLEZA
Complainant

VERIFICATION

I, ATTY. ERWIN V. BELLEZA, Filipino, of legal age, married and resident of Brgy. Buntay, Abuyog, Leyte, after having been duly sworn to in accordance with law, hereby depose and say;

That I am the complainant in the above-entitled complaint, That I have caused the preparation of the foregoing complaint; That I have read and understood the contents thereof and that all the allegations contained therein are true and correct to the best of my own personal knowledge or from some other authentic document or record;

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of September 2024 at Abuyog, Leyte.


ATTY. ERWIN V. BELLEZA
Affiant

SUBSCRIBED AND SWORN TO before me this ____ day of September 2024 at Abuyog, Leyte, affiant exhibiting to me copy of his National ID Card with no. 5098-1538-5126-3064 and I am fully satisfied that the affiant fully understood the contents of the foregoing.


JHONNY M. DAGUPAN
PROSECUTOR

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF LEYTE)S.S.
MUNICIPALITY OF ABUYOG)

Annex k
ASST. PROV'L. PROSECUTOR
ABUYOG, LEYTE

RECEIVED

BY:

DATE: AUG 28 2024 TIME: 4:40 P.M.
NPS No. VIII-02a-INV-24 H-145/146

COMPLAINT/AFFIDAVIT

I, ATTY. ERWIN V. BELLEZA, Filipino, of legal age, married and a resident of Brgy. Buntay, Abuyog, Leyte, after having been duly sworn to in accordance with law, hereby depose and say;

1. That complainant/affiant (hereinafter called the affiant for brevity) is a recipient owner of a private road located at Brgy. Combis, Abuyog, Leyte, which he has an existing contract of easement & road right of way with the private owner Cesar C. Galler of his private **agricultural land** therein covered by Original Certificate of Title no. P-1975 and Tax Declaration no. 08-01029-00048 registered and declared in the name of Policarpo Cecilio, copy of such contract is hereto attached and marked as **exhibit 'A'**;

2. That sometime on August 01, 2024 at or about 3:00 o'clock in the afternoon, complainant together with his client Sofio Reas Beloy, Jr., upon reaching his said private road was so shocked to see that there was already a check point and a steel boom or steel barrier barricading my private road thereby impeding and obstructing free passage to and pro, unlawfully established by the Barangay officials of Brgy. Combis, Abuyog, Leyte headed by its chairman Christopher A. Elem together with his Barangay Tanods namely;

- | | | |
|----------------------|---------------------|----------------------|
| 1. Marcelino Cecilio | 5. Vivencio Senones | 8. Fernando Elem |
| 2. Aurilio Elem | 6. Oscar Alvero | 9. Annabelle Elem |
| 3. Ressel Alvero | 7. Geralf Alfaro | 10. Eufreceno Alfaro |
| 4. Emmanuel Caberos. | | |

3. That above-named persons namely 1) Christopher A. Elem, 2) Marcelino Cecilio, 3) Aurelio Elem, 4) Ressel Alvero, 5) Emmanuel Caberos, 6) Vivencio Senones, 7) Oscar Alvero, 8) Geralf Alfaro, 9) Fernando Elem, 10) Annabelle Elem, and 11) Eufreceno Alfaro (hereinafter called the respondents for brevity), collectively conspiring, confederating and helping one another and without any authority of law, by means of violence, threats or intimidation prevented and deprived herein affiant from entering and passing through, in his own private road when such entry and passing through in his own private road is not prohibited by law but rather was his solemn right to do so.

4. That the steel boom unlawfully constructed by the respondent was placed so close to the river (about 4 meters) that it prevented complainant to pass as it was closed and considering that he was coming from the river had to accelerate speed as the road was highly elevated and had to go under the steel boom/steel barrier to safely parked contrary to the malicious post of respondent's cohorts Peter Alvero in his face book account that complainant bumped the steel boom and was drank at that time when in truth and in fact, complainant did not bumped the steel post and was not drunk but it was however the Barangay Tanod of Brgy. Combis, Abuyog, Leyte who were drank for which reason they are unruly and rude, conduct unbecoming as Tanods, acting more than a military or police personnel;

5. That video maliciously posted of respondent's cohorts Peter Alvero on his FB account would readily show that complainant never bumped the steel boom but only goes underneath or below and that respondents without any authority of law and by use of violence, threats, or intimidation prevented affiant from entering and passing through his own private road when such passing and entering is not prohibited by law but rather is a property right, copy of the same is hereto attached and marked a **exhibits 'B'**,

6. That ironically, complainant was blocked, denied, refused, deprived and prevented entry to his very own private road by the respondents and had by himself had to bravely open the closed steel boom to gain entry viz-a-viz, said steel boom unlawfully established by respondent is a nuisance in accordance with article 51 of the water code of the Philippines (Presidential Decree no. 1067) which provides

Article 51. The banks or rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, **twenty (20) meters in agricultural areas** and forty (40) meters in forest areas along their margins, are subject to the easement of public use in the interest of recreation, navigation, flottage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, flottage, fishing or salvage or to build structures of any kind.

7. That at or about between 4:40 to 4:42 in the afternoon of same day, when affiant returned on his way home trying to pass again in his private road, the said respondents with the use and means of violence, threats or intimidation and without any authority of law, collectively conspiring, confederating and helping one another prevented and deprived again the affiant herein from passing through and exiting from his own private road towards the national highway of same place, by mauling and/or ganging up the affiant and one Aurelio Elem even shouted in vernacular "Gaposon ta ine" which means "lets tie him up", which passing through and exiting from his own private road is not prohibited by law but rather a property right;

8. That a video taken by the affiant himself regarding said incident is hereto attached and marked as **exhibit 'C'**, and the recording of the said incident in the police blotter was made as evidence of an extract, copy of which is hereto attached and marked as **exhibit 'C-1'**;

9. That as a result of such ganging up and mauling by the respondent against the affiant, the latter incurred an abrasion on his right cheek caused by Marcelino Cecilio, copy of his medical certificate is hereto attached and marked as **exhibit 'D'**;

10. That complainant later learned that it said pool barrier/steel boom was established by the respondent on the so called valid ordinance no. 4 s 2024 of the Barangay in order to exact fees for every truck that passed through;



11. That however a close scrutiny of ordinance no. 4 s 2024 (granting for the sake of argument that the same is valid) of Brgy. Combis, Abuyog, Leyte, section 3 thereof would readily show that trucks carrying sand and gravel and passing through complainant's private road are not covered by said ordinance, which clearly states;

SECTION 3. IMPOSITION OF REGULATORY FEES. – There shall be collected Barangay regulatory fee from every SAG-concessionaires, owner or driver of vehicle **extracting and hauling** sand and gravel and other like materials **within the territorial jurisdiction of the Barangay Combis, Abuyog, Leyte**, with the following rates to wit:

CATEGORY	AMOUNT OF FEE	
1. Barangay Business Permit Fee/ per annum	PHP	1,500.00
2. Inspection Fee/per cubic meter		25.00
3. Monitoring Fee/per every Truck Load		50.00

12. That the trucks carrying sand and gravel passing through complainant's private road are extracted and hauled from Brgy. Anibongon, Abuyog, Leyte from the concession area of Sofio Reas Beloy, Jr., and not extracted and hauled within Brgy Combis. Abuyog, Leyte, copy of the permit of Sofio Reas Beloy is hereto attached and marked as **exhibit 'E'**

13. That there is neither in the subject ordinance no. 4 s 2024 nor the local government code of 1991 that empowers respondent to establish a check point;

14. That however, section 133 par e and section 155 both from Republic Act no. 7160, otherwise known as the local government code of 1991, succinctly provides;

Section 133. Common limitations on the Taxing Powers of Local Government Units. – Unless otherwise provided herein, the exercise of the taxing powers of provinces, cities, municipalities and barangays shall not extend to the levy of the following;

e. Taxes, fees and charges and other impositions upon goods carried into or out of, or passing through, the territorial jurisdiction of local government units in the guise of charges for wharfage, tolls for bridges, or otherwise, or other taxes, fees or charges in any form whatsoever upon such goods or merchandise.

Section 155. "The sangguniang concerned may prescribed the terms and conditions and fix the rates for the imposition of toll fees or charges for the **use of any public road, pier, or wharf, waterway, bridge, ferry or telecommunications system funded and constructed by the local government unit concerned.....**



15. That photocopy of DILG Legal Opinion no. 03 s 2012 dated January 13, 2012, regarding the above-cited provision of law is hereby attached and marked as **exhibit 'F'**

16. That as such, from the foregoing, respondent has no legal authority to build such steel boom and much more establish a check point on the private road of the complainant;

17. That moreover, a certification from SB Secretary that subject ordinance no. 4, s. 2024 of Brgy. Combis, Abuyog, Leyte, was not yet approved, copy of which is hereto attached and marked as **exhibit 'G'**;

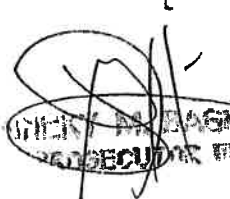
18. That as such, in view of the foregoing, affiant herein now respectfully pleads that a case for slight physical injury as defined and penalized under Article 266 and two (2) counts for grave coercion as defined and penalized under Article 286 both of the Revised Penal Code may be filed in the proper court against all the respondents, (1) That incident that occurred on August 1, 2024 at or about 3:00 in the afternoon and the other (2) one that happened at or between 2:40 and 2:42 o'clock in the afternoon of August 1, 2024 and violation of section 51 of the Water Code of the Philippines.

19. That affiant executed this complaint/affidavit freely and voluntarily and the contents hereof are true and correct based on my own personal knowledge or from some other authentic documents or record and for whatever legal purpose it may serve

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of August 2024 at Abuyog, Leyte.


ATTY. ERWIN V. BELLEZA
Complainant/Affiant

SUBSCRIBED AND SWORN TO before me this 28th day of August 2024 at Abuyog, Leyte, and I hereby certify that I have personally examined the affiant and that I am fully satisfied that he understood his complaint/affidavit and that he freely, voluntarily and understood the same, exhibiting to me copy of his National ID Card with no. 5098-1538-5126-3064 issued on July 13, 2022.


NOTARY PUBLIC

EASEMENT & ROAD RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS:

I, CESAR C. GALLER, Filipino, of legal age, married and a resident of Brgy. Sta Fe, Abuyog, Leyte, hereinafter called the **SERVIENT OWNER**, and ERWIN V. BELLEZA, Filipino, of legal age, married and a resident of Brgy. Buntay, Abuyog, Leyte, hereinafter called the **RECIPIENT**, hereby **WITNESSETH**:

That the **SERVIENT OWNER**, herein is the co-owner of a certain parcel of land located at Brgy. Combis, Abuyog, Leyte, designated as lot no. 417, covered by OCT no. P-1975 and TD no. 08-01029-00048 registered and declared in the name of Policarpo Cecilio and bounded on the N., Abuyog-Silago Road; NE., lot 21 & 20 of Abuyog, Pls-323, and road; SE., Higasa-an river; SW., Higasa-an river,. And lot 35 and NW lot 23.

That the **RECIPIENT** herein plans to construct a private road for his own use, benefits, interest and advantage.

That **SERVIENT OWNER** herein, grants and allow **RECIPIENT** (his heirs and assigns) an easement of road right of way on his said private land for him to construct and use a private road for his benefit and advantage.

That the **SERVIENT OWNER** hereof, hereby, **GRANTS, ALLOWS, PERMITS** and gives his consent to the **RECIPIENT** herein (his heirs and assigns) a private easement of road right of way and to construct a private road (sufficient in area that a 10 wheeler truck can conveniently pass ingress/egress) over a portion of my share in the above-described property for his own benefit and advantage in the following terms and conditions;

1. That the **RECIPIENT** shall pay the **SERVIENT OWNER** the amount of Five Thousand (5,000.00) pesos, per month payable after 30 days from 1st day of actual operation or use, as compensation for the use by the **RECIPIENT** of the said private access/easement of road right of way for as long as the **RECIPIENT** needs beginning actual use of it by the **RECIPIENT**;
2. That the **RECIPIENT** shall shoulder the construction and maintenance of the said private access/easement of road right of way.

That the parties herein covenants to faithfully comply with the terms and conditions of this contract.

IN WITNESS WHEREOF, We hereunto set our hand this 13 MAR 2024 day of March 2024 at Abuyog, Leyte.

CESAR C. GALLER

Servient owner

PHL NAT'L ID Card w/ # 2496-7462-5842-0376

ERWIN V. BELLEZA

Recipient

PHL NAT'L ID Card w/ # 5098-1538-5126-3064

Signed in the presence of:

JOBELYN ESTRIBER
Witness

HONEY LEA C. CUBILO
Witness

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)

PROVINCE OF LEYTE) S.S.

MUNICIPALITY OF ABUYOG)

BEFORE ME, this 13 MAR 2024 day of March 2024 at Abuyog, Leyte, personally appeared the above-named parties, known to me to be the same person who executed the foregoing instrument and they acknowledge to me that the same are their own free act and voluntary deed.

WITNESS MY HAND AND SEAL, the day, year, and place above written.

ATTY. JOY ESTOLANO-CERRO, CPA

Notary Public

for La Paz, Mayorga, MacArthur,

Abuyog and Jayvir, Leyte

Until December 31, 2024

Notarial Commission No. 11-23-02

Brgy. Guinaburan, Abuyog, Leyte

Attorney's Roll No. 60165

PTR No. 8967356; Abuyog, Leyte, January 2, 2024

IBP Lifetime Member No. 010822

Doc. No. 416

Page No. 85

Book No. CV



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE
ABUYOG POLICE STATION
Abuyog, Leyte



August 05, 2024

CERTIFICATION

Exhibit 'C-1'

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the following record of incident/event is true copy from the Police Blotter of the Abuyog Police Station, to wit;

<u>Entry Number</u>	<u>Page Number</u>	<u>Date</u>	<u>Time</u>
0012	0005	August 02, 2024	3:00 P.M

For Record

At about 3:00 o'clock in the afternoon of August 01, 2024, I Erwin V. Belleza, married, Filipino of legal age and resident of Brgy. Buntay Abuyog, Leyte together with my brother in law Sufio Reas Beloy Jr., Filipino of legal age, married and resident of Brgy. Victory Abuyog, Leyte while on your way to the later concession site at Brgy. Anibongon Abuyog, Leyte while already at my private road at Brgy. Combis Abuyog, Leyte, I was so stunned that barangay officials of Brgy. Combis Abuyog, Leyte, headed by Chairman Christopher Elem, together with his family tanods namely, Marcelino Cecilio, Vivencio Cenones, Fernando Elem, Aurelio Eltan, Oscar Alvero, Anabel Elta, Munica Elem, Rocil Elem, Gerald Alfaro, Eufrucino Alfaro and Diore John Dues had barricaded and stablished an illegal checkpoint on my private road and without any Authority of law with use of violence, force, threats and intimidation and while in the influence of liquor prevented me from entering, existing and passing through to and pro my private road to and from the concession area of my brother in law which is a family owned not prohibited by law in violation of article 286 of the revised penal code, that they helping each other ganged me and even tried to hit my face and other parts of my body which had inflicted me an injury to my face and one shouted to me.

Recorded by: PMSg Marvin M Deliso

Prepared by:

PCpl Ryan Refuerzo
Desk Officer


PMAJ FLORANDO S RELENTE
OIC, Abuyog MPS

OR: 9633212
August 08, 2024

Attending Physician
Medical Officer III



Republic of the Philippines
OFFICE OF THE GOVERNOR
Province of Leyte

Exhibit 'E'

Province of Leyte
Sand & Gravel Task Force
THIS PERMIT IS VALID UNTIL:
NOVEMBER 2, 2024
Signature: [Signature]
Date: MAY 6, 2024

INDUSTRIAL SAND AND GRAVEL PERMIT

ISAG No. : SAG-198-2022
Date Issued : _____, 20____
Permit Holder: SOFIO REAS BELOY JR.

WHEREAS, on February 13, 2024, SOFIO REAS BELOY JR. with the address of Poblacion, Abuyog, Leyte, filed Industrial Sand and Gravel Permit Application No. 21-00019 to extract and dispose of sand and gravel and other unconsolidated materials authorized under Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations for industrial purposes from the permit area situated in

Sitio of _____
Barangay of ANIBONGON
Municipality of ABUYOG
Province of LEYTE
Island of LEYTE

And more particularly described in metes and bounds, to wit:

(TECHNICAL DESCRIPTION)

Please see attached Area Clearance and Survey Plan

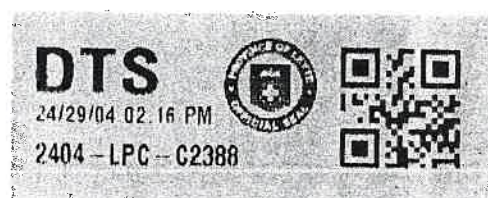
Containing 4.0368 hectares.

WHEREAS, the aforesaid application, ISAG No. 198-2022, appears to be *prima facie* well founded;

WHEREFORE, this Industrial Sand and Gravel Permit to extract and disposed of sand and gravel and other unconsolidated materials for industrial purposes from the area above-described, is hereby granted to:

Name : SOFIO REAS BELOY JR.
Address : Abuyog, Leyte

Subject to the provisions of the Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations and the following terms and conditions:



1. This Permit is for a period of **FIVE THOUSAND (5,000) CUBIC METERS ONLY**
Six (6) MONTHS *Provided*, that the application for renewal shall be filed before the expiry date thereof, and that the Permit Holder has complied with the provisions of the Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations promulgated thereunder, and the terms and conditions of this permit;
2. The Permit shall be for the exclusive use and benefit of the Permit Holder and not, directly or indirectly, for the benefit of any other person whether natural or juridical, and that the area covered by this Permit shall be used for the purpose only of extracting and disposing the materials herein authorized;
3. The Permit cannot be assigned, transferred or conveyed, in whole or in part, without prior approval of the Provincial Governor concerned;
4. The extraction or removal of materials shall not be allowed within the distance of one (1) kilometer from the boundaries of reservoirs established for public water supply, archeological and historical sites, or of any public or private works or structures unless with prior clearance of the agency or owner concerned is obtained. No extraction, removal and/or disposition of materials shall likewise be allowed in offshore areas within five hundred (500) meters distance from the coast and two hundred (200) meters from the mean low tide level along the beach;
5. The Permit Holder shall, before the issuance of this Permit, execute a bond in the form and amount prescribed by the regulations, and with a surety or sureties satisfactory to the Provincial Governor to guarantee the performance of the Permit Holder's obligations and Implementing Rules and Regulations promulgated thereunder. The bond in the applicable amount shall be maintained throughout the corresponding term of this Permit and until the Government shall order its cancellation;
6. The Permit Holder shall, within ten (10) days after the end of each quarter, submit to the Provincial Governor, Personally or by his/her representative or by registered mail, quarterly production reports in the prescribed form stating the quantity of materials extracted, removed and/or disposed under the Permit and the amounts of fees paid therefor, copy of which shall be furnished the Municipal Treasurers where the Permit area is situated and under operation. At the end of the term, the Permit Holder shall submit to the concerned Office of the Provincial Governor a final report with the detailed list of activities and the corresponding expenditures;
7. The Provincial Governor or his/her duly authorized representative/s may, at any time during the effectivity of the Permit, inspect the operations and the books of accounts and other relevant data of the Permit Holder in which shall be entered the quantity of materials removed or disposed of, the amount of fees paid, the selling price, and the names and addresses of the persons to whom the same were sold;
8. The extraction and removal of quarry resources under this Permit shall be confined within the area specified herein, the boundaries of which according to the application have been well established according to survey rules and regulations. This Permit shall exclude areas closed to mining location as provided in Sec. 19 of the Act;
9. **The Permit Holder or his/her representative shall keep the Permit/Permit area available at all time for inspection and examination by the duly authorized representative/s of the Provincial Governor concerned or the Provincial SAG-TF;**

10. The Permit Holder shall pay to the Government an excise tax pursuant to Sec. 151 of the national Internal Revenue Code, as amended; such excise tax shall be due and payable upon the removal of the quarry resources extracted from the area embraced by his/her Permit, pursuant to the provisions of the National Internal Revenue Code, as amended;
11. This Permit may be revoked or canceled at any time by the Provincial Governor concerned when in his/her opinion public interest so requires, or upon failure of the Permit Holder to comply with the provision of the Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations promulgated thereunder, as well as with the terms and conditions specified herein; *Provided*, that if the Permit is canceled, or otherwise terminated, the Permit Holder shall be liable for all unpaid fees and taxes due up to the time of the termination or cancellation of the Permit;
12. The Permit Holder shall assume full responsibility and be liable for damages to private and/or public property (ies) that may be occasioned by its operations under the Permit;
13. The Permit Holder shall manage its operations in a technically and environmentally responsible manner to achieve a safe, non-polluting and self-sustaining post disturbance landform;
14. The Permit Holder shall not discriminate on the basis of gender and that the Permit Holder shall respect the right of women workers to participate in policy and decision-making processes affecting their rights and benefits;
15. The Permit Holder shall conform to laws, rules and regulations regarding, among others labor, safety and health standards;
16. The Permit Holder shall not interfere with the rights of other Permit Holders/Operations/Contractors;
17. The Permit Holder shall recognize and respect the rights, customs and traditions of local communities, particularly Indigenous Cultural Communities;
18. The Permit Holder Shall Immediately stop digging and extracting materials the moment man-made articles or artifacts are found. It shall notify the Director of the National Museum of such findings, in which case, the digging shall be under the supervision of the National Museum until said artifacts are recovered;
19. The Permit Holder shall not, by virtue of the Permit, acquire any title over the permit area, without prejudice to its acquisition of the land/surface rights through any mode of acquisition provided by law;
20. The Permit Holder shall pay fees, taxes and other obligations in accordance with existing laws, rules and regulations;
21. The Permit Holder shall comply with its obligations under its ECC, Environmental Protection and Enhancement Program (EPEP) and Annual EPEP, including the allocation of the prescribed annual environmental expense pursuant to Section 171 of the Revised Implementing Rules and Regulations;
22. The statements made in the application or those made later in support thereof, shall be considered as condition and essential parts of this Permit, and any misrepresentation therein stated shall be a cause for the cancelation of this Permit; and



23. The Permit Holder further binds itself to comply with the provisions of RA No. 7942 and the Revised Implementing Rules and Regulations promulgated thereunder, and such other terms and conditions not inconsistent with the Constitution, the Act and the Revised Implementing Rules and Regulations, as well as those which the concerned Provincial Governor may deem to be for the national interest and public welfare.

_____, Philippines, _____, 20 _____


BY THE GOVERNOR:
(Per SO No. 1, September 19, 2022)

Atty. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer


For the Republic of the Philippines
(Grantor)

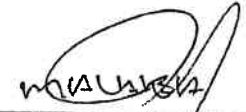
CARLOS JERICO L. PETILLA
Provincial Governor 

I hereby accept the terms and conditions of this Industrial Sand and Gravel Permit as above stated.


SOFIO REAS BELOY JR.
Permit Holder

Signed in the presence of:


HONEY LEA C. ABUDA
(Signature over Printed Name)


JOEL
(Signature over Printed Name)

ACKNOWLEDGEMENT

Republic of the Philippines)
Province of LEYTE) S.s
City/Municipality of PALO)

Before me appeared ATTY. JOSE RAYMOND A. ACOL exhibiting to me his/her Identification Card LTO ID (type of ID) valid until _____, known to me and to me known to be the same person who executed the forgoing document, and acknowledged that same is his/her free and voluntary act, and deed as Permit Holder, and for the purposes therein specified. The said instrument, consisting of _____ pages, including his acknowledgment page, is an Industrial Sand and Gravel Permit to extract and dispose of sand and gravel and other unconsolidated materials therein specified for industrial purposes from the area herein mentioned.

WHEREFORE, I have hereunto set my hand and affixed my notarial seal this 08 MAY 2024 day of _____, 20 _____, in PALO, LEYTE.


ATTY. AMOR MARIE C. VELOSO
NOTARY PUBLIC until Dec. 31, 2028
FOR & WITH JURISDICTION OF RTC, TAG. CITY
Notarial Commission No. 2024-04-138, Apr. 17, 2024
Rm. 107, Jeomar Bldg., M.H. Del Pilar St., Tag. City
Roll No. 04843 ; 08/18/2022
NDP No. 410048 ; 01/03/2024, Tag. City
PTR No. 0480000 ; 01/03/2024, Tag. City
MCLE Compliance No. VII-0000001, until 4/14/2028

NOTARY PUBLIC
Until Dec 31, 20 _____
PTR No. _____

Doc. No. 170
Page No. 35
Book No. II
Series of. 2024



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
A. Francisco Gold Condominium
EDSA Cor. Mapagmahal St., Diliman
Quezon City



LEGAL SERVICE

SIGNATURE _____
DATE: _____
TIME: _____
CONTROL NO. _____

DILG Legal Opinion No. 03 s. 2012

JAN 13 2012

HON. ROSAURO V. MASILANG
Municipal Mayor
Municipality of Sariaya
Quezon Province

Dear **Mayor Masilang**:

This has reference to your 18 November 2011 letter requesting the Department's opinion on whether trucks carrying aggregate sub-based course (ASBC) is covered by DILG MC No. 2011-122 and DILG MC No. 2011-151.

As indicated in your letter, barangay ordinances imposing said fees were enacted to generate additional resources intended to augment regular funds utilized for barangay road maintenance and rehabilitation.

We answer in the **AFFIRMATIVE**.

Pass through fees are **TAXES, FEES, CHARGES AND OTHER IMPOSITIONS UPON GOODS CARRIED INTO OR OUT OF, OR PASSING THROUGH** the territorial jurisdiction of the LGUs in the guise of a toll, charges for wharfage or others taxes, fees, or charges in any form upon goods or merchandise.

Taxes, fees or charges on trucks carrying raw materials and cement finished products imposed by LGUs through ordinances, as in this case, are in the nature of pass through fees and thus considered illegal impositions/collections which run counter to Section 133 (e) of the Local Government Code of 1991 (the "Code").

It should be noted that illegal fees or illegal collections are those imposed by the LGUs which are not covered by their specific taxing powers and common taxing powers. This also covers the imposition of the taxes, fees and charges enumerated under Section 133 of the Code. In addition to the foregoing, a tax, fee, or charge may be considered an illegal collection if it is imposed by the LGU absent any ordinance directing the imposition of the same.

Nevertheless, LGUs may regulate the **USE** of its roads or other public facilities as provided under Section 155 of the Code through the imposition of toll fees or charges thereon **PROVIDED THAT IT IS FUNDED AND CONSTRUCTED BY THE LOCAL GOVERNMENT UNIT** concerned.

We hope the foregoing sufficiently addresses your concern.

Very truly yours,

JESUS B. DOQUE IV
Director III

LS087b



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT, based on records filed in this office Ordinance No. 04, s. 2024 of the Sangguniang Barangay of Combis, Abuyog, Leyte RE: AN ORDINANCE REGULATING THE OPERATION, EXTRACTION, PROCESSING AND TRANSPORTING/HAULING OF SAND AND GRAVEL AND ANY OTHER LIKE MATERIALS WITHIN THE JURISDICTION OF BARANGAY COMBIS, IMPOSING REGULATORY FEES, AND PROVIDING PENALTIES IN VIOLATION THEREOF AND FOR OTHER PURPOSES was calendared last July 2, 2024 regular session of the Sangguniang Bayan of this municipality, referred to the SB Committee on Environment and Natural Resources on the same date and was noted by the committee chairman.


This is to certify further, that subject barangay ordinance was still at the SB Committee level, certified xerox copy is hereto attached.

This certification is being issued upon request of Honorable Erwin V. Belleza, SB Member of Abuyog, Leyte for whatever legal purpose it may serve.

August 5, 2024, Abuyog, Leyte.


ARSENIO Y. VILLOTE
Sangguniang Bayan Secretary

Attested:


HON. JAMES L. BOHOL
Municipal Vice Mayor, Presiding Officer

a/s

Annex L



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
Municipal Local Government Operations Office
Abuyog, Leyte

CERTIFICATION

THIS IS TO CERTIFY that based on records of the office, the following are the duly appointed Barangay Tanods of Barangay Combis, Municipality of Abuyog Leyte, to wit:

1. MARCELINO R. CECILIO
2. MICHAEL C. CABEROS
3. POLICARPO R. CECILIO
4. RESSEL C. ALVERO
5. FERNANDO R. ELEM
6. MARK GLEN A. SALAN
7. EUPRECINO R. ALFARO
8. OSCAR L. ALVERO – *filed resignation letter with the office*
9. JOMAR R. SAPICO
10. ARNULFO E. ALMINE
11. JERSON D. GONZALES
12. DENNIS R. LAMOSTE
13. RHEY C. ROBIN
14. VIVENCIO P. SENONES
15. LITO S. CODILLA
16. JESSIE A. PAGALAN
17. MA. ROSANDY SINONES
18. EMMANUEL C. CABEROS
19. AURELIO R. ELEM - *filed resignation letter with the office*
20. ROLANDO S. OBEJAS – *filed resignation letter with the office*
21. BENJIE A. DIMIAO
22. GERALDO B. GONZALES, SR.
23. LEONIL C. ALVERO

Issued this 12st day of September 2024 at the DILG Abuyog Municipal Operations Office, Abuyog Leyte for whatever legal purpose this may serve.

IVAN CORNELIUS V. CO
MLGOO

Matino, Mahusey, at Maasahan
DILG Abuyog Municipal Operations Office,
2F Putyukan sa Abuyog, Civic Center, Brgy Loyonsawang,
Abuyog, Leyte

Annex 13

PHILIPPINE CIVIL SERVICE COMMISSION
MEDICAL CERTIFICATE

I hereby waive all rights and privileges pertaining to professional confidence between physician and patient, and the physician accomplishing this form is authorized to answer in details all questions contained herein


ANNABEL S. ELEM
(Signature of Patient)

(N.S) Attending physician should fill on the blanks below. Every detail should be answered to avoid delay in action on application for leave submitted by the patient.

ANNABEL S. ELEM of **COMBIS ELEMENTARY SCHOOL**
(Name of Patient) Brgy. Combis, Abuyog, Leyte
(Name of Office)

having made application for leave of absence on account of illness. I do hereby certify that I was the applicant's actual attending physician from JULY 14, 2024 to JULY 16, 2024 inclusive and from my professional knowledge of the case, the following statements are submitted, as contemplated by the provision of section 8 of the Civil Service Rule XVI.

Name of disease or disability: G5P4 (4014) ABORTION INCOMPLETE SPONTANEOUS 13 2/7 WEEKS, AOG, LATE NON SEPTIC; COMPLETION CURETTAGE UNDER SAB

Nature of disease or disability: OB-GYNE

ETIOLOGY: Under this heading, in addition to giving fully the etiology of the disease or disability, the physician must either state in the language of the Executive Order, "There are no indications whatsoever that the disease named was due to immoral or vicious habits" or give the indications.

"THERE ARE NO INDICATIONS WHATSOEVER THAT THE DISEASE NAMED WAS DUE TO IMMORAL OR VICIOUS HABITS OR GIVE THE INDICATIONS."

HISTORY: Labor pains associated with vaginal discharges thus admission.

Laboratory test or examination was _____ made in this case. The applicant was confined in his/her (house/hospital) from JULY 14, 2024 to JULY 16, 2024

I hereby certify that the above statement are complete and true in every detail, and that in consequence of the disease or disability above specified, the applicant was ill and unable to be on duty on account of disease from _____ inclusive and that his/her claim is meritorious.

At this certificate is executed in the
Philippines. . . Affix



Doc. Stamp
5, 2024


FLORENCE JAMIN-CURBILLA, M.D.
Medical Officer III

Lic. # 107337
Signature of Attending Physician

Postal Address
LEYTE PROVINCIAL HOSPITAL
PAWING, PALO, LEYTE

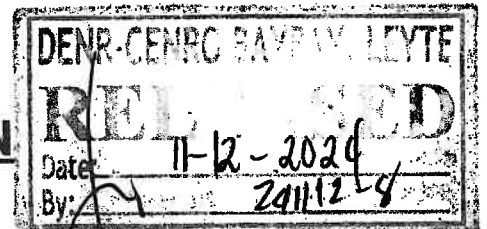


Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS NA YAMAN



Annex N

CERTIFICATION
Land Classification Status



TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that based on available records in our office, the tract of land is identified as Dry River bed abutting Lot 35 and 41, Pls-323, located in Barangay Combis, Abuyog, Leyte. That per verification and projection the area falls inside **Unclassified Public Forest** per Land Classification Map no. 618, under the Provision of Section 1827 of the Administrative Code for the purposes of Section 1844 of said code as amended by Section I of Act. 3077, Project No. 4, certified on October 18, 1926.

This is to certify further that the dried river bed is classified as property of public dominion belonging to the state. And this certification does not construed as a permit of any kind.

This certification is issued upon request Christoher A. Elem for whatever legal purpose/s it may serve.

Issued this 12th day of November, 2024 at DENR-CENRO-Baybay City, Leyte, Philippines.

Projected and Verified by:

DANTE M. UY
Engineer - II

Approved:

ELMER B. LABACLADO
CENR Officer

Cert. Fee : ₱28.00
O.R. No. : 2645613
Date : 11-12-24

Annex 0



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF ABUYOG


OFFICE OF THE MUNICIPAL ASSESSOR

CERTIFICATION


TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that as per verification of the Assessment records kept with this office **Lot No. 35 Pls-323 located at Brgy. Combis, Abuyog, Leyte** is not yet declared for taxation purposes.

Issued upon request of interested party this 10th day of **October, 2024** at **Abuyog, Leyte, Philippines** for whatever legal purposes it may serve.


MARILYN C. RUDAS, REA, REB
Municipal Assessor

Cert. Fee : Php100.00
O.R. No. : 9883758
Issued on : 10/10/2024
Issued at : Abuyog, Leyte
Doc. Stamp: P30.00
O.R. No. : 9883758

Verified & Prepared by:

TRINIDAD O. REQUIOMA
Administrative Aide III

EASEMENT & ROAD RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS:

I, CESAR C. GALLER, Filipino, of legal age, married and a resident of Brgy. Sta Fe, Abuyog, Leyte, hereinafter called the **SERVIENT OWNER**, and ERWIN V. BELLEZA, Filipino, of legal age, married and a resident of Brgy. Buntay, Abuyog, Leyte, hereinafter called the **RECIPIENT**, hereby **WITNESSETH**:

That the **SERVIENT OWNER**, herein is the co-owner of a certain parcel of land located at Brgy. Combis, Abuyog, Leyte, designated as lot no. 417, covered by OCT no. P-1975 and TD no. 08-01029-00048 registered and declared in the name of Policarpo Cecilio and bounded on the N., Abuyog-Silago Road; NE., lot 21 & 20 of Abuyog, Pls-323, and road; SE., Higasa-an river; SW., Higasa-an river,. And lot 35 and NW lot 23.

That the **RECIPIENT** herein plans to construct a private road for his own use, benefits, interest and advantage.

That **SERVIENT OWNER** herein, grants and allow **RECIPIENT** (his heirs and assigns) an easement of road right of way on his said private land for him to construct and use a private road for his benefit and advantage.

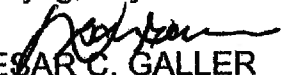
That the **SERVIENT OWNER** hereof, hereby, **GRANTS, ALLOWS, PERMITS** and gives his consent to the **RECIPIENT** herein (his heirs and assigns) a private easement of road right of way and to construct a private road (sufficient in area that a 10 wheeler truck can conveniently pass ingress/egress) over a portion of my share in the above-described property for his own benefit and advantage in the following terms and conditions;

1. That the **RECIPIENT** shall pay the **SERVIENT OWNER** the amount of Five Thousand (5,000.00) pesos, per month payable after 30 days from 1st day of actual operation or use, as compensation for the use by the **RECIPIENT** of the said private access/easement of road right of way for as long as the **RECIPIENT** needs beginning actual use of it by the **RECIPIENT**;
2. That the **RECIPIENT** shall shoulder the construction and maintenance of the said private access/easement of road right of way.

That the parties herein covenants top faithfully comply with the terms and conditions of this contract.

13 MAR 2024

IN WITNESS WHEREOF, We hereunto set our hand this _____ day of March 2024 at Abuyog, Leyte.


CESAR C. GALLER
Servient owner

PHL NAT'L ID Card w/ # 2496-7462-5842-0376


ERWIN V. BELLEZA
Recipient

PHL NAT'L ID Card w/ # 5098-1538-5126-3064

Signed in the presence of:


JOBELYN ESTRIBER
Witness


HONEY LEA C. CUBILO
Witness

ATTY. JOY ESTOLANO-CERRO, CPA
Notary Public
for La Paz, Mayorga, MacArthur,
Abuyog and Jayyer, Leyte
Until December 31, 2024
Notarial Commission No. 11-22-02
Brgy. Guindagupan, Abuyog, Leyte
Attorney's Roll No. 60165
PTR No. 9967358; Abuyog, Leyte, January 2, 2024
Not. Lifetime Member No. 010822

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF LEYTE) S.S.
MUNICIPALITY OF ABUYOG)

BEFORE ME, this 13 MAR 2024 day of March 2024 at Abuyog, Leyte, personally appeared the above-named parties, known to me to be the same person who executed the foregoing instrument and they acknowledge to me that the same are their own free act and voluntary deed.
WITNESS MY HAND AND SEAL, the day, year, and place above written.

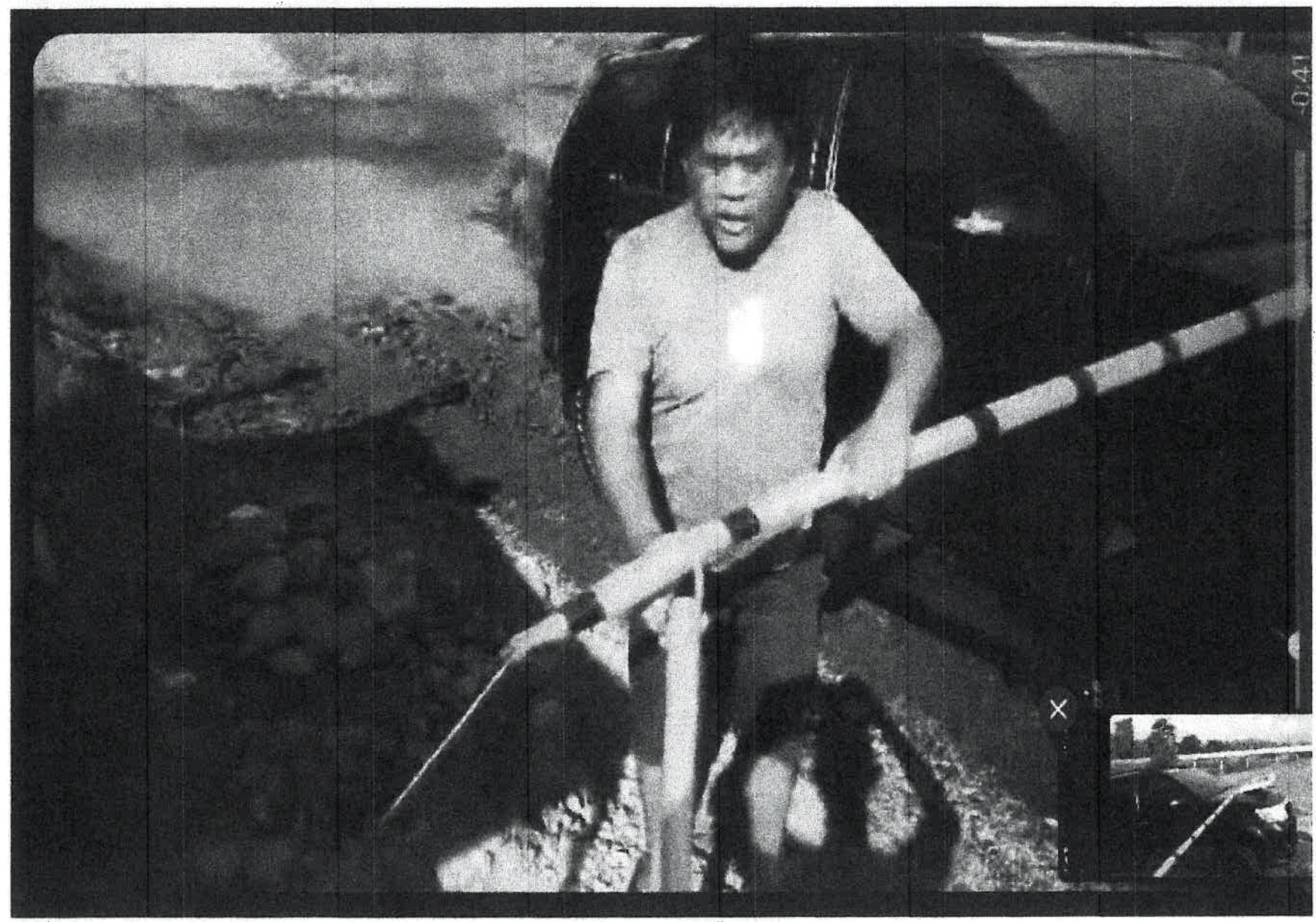
Doc. No. 416
Page No. 85
Book No. CV

AMNER P
Belleza

JOS R GALLER

JENIFER K. GALLER

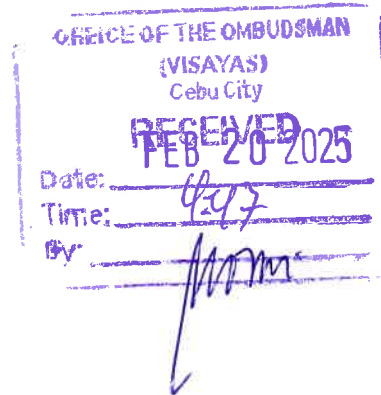
Annex Q







Republic of the Philippines
Office of the Ombudsman-Visayas
Cebu City



CHRISTOPHER A. ELEM
Complainant,

- versus -

**ATTY. ERWIN BELLEZA and
SOFIO REAS BELOY JR.**
Respondent.

For: Graft and Corruption,
abuse of authority, violation of
code of conduct and ethical
standard for public officials,
oppression, direct assault, and
Perjury

x ----- x

REPUBLIC OF THE PHILIPPINES)
TACLOBAN CITY, LEYTE) S. S.

COMPLAINT AFFIDAVIT

I, CHRISTOPHER A. ELEM, am of legal age, married, Filipino, the incumbent Punong Barangay of Barangay Combis, Abuyog, Leyte, and a resident of Brgy. Combis, Municipality of Abuyog, Leyte, Philippines.

After having been duly sworn by law, hereby depose and state:

1. I am accusing the respondent, Atty. Erwin Belleza, an incumbent member of the Sangguniang Bayan of Abuyog, Leyte, and a resident of Barangay Buntay, Abuyog, Leyte, of committing the crimes of graft and corruption, abuse of authority, oppression, direct assault, and Perjury.

1.1 Likewise, I am accusing Sofio Reas Beloy Jr., a resident of Poblacion, Abuyog, Leyte, a private citizen, of conspiracy with a public official to commit graft and corruption.

2. That the respondent is likewise the Chairman of the Committee on Legal Matter, Resolutions, Ordinances and Appointment, for the Municipality of Abuyog, Leyte. (*Attached as Annex A is a copy of the list of Chairmanships and members of the Standing Committee.*)

2.1 As the Chairman of the said Committee, he is the presiding officer for the approval and/or to act upon, among others, ordinances submitted before the Sangguniang Bayan of Abuyog.

3. Barangay Combis of Abuyog (Barangay Combis), Leyte, is near the Higasaan River and abundant in mineral resources such as sand and gravel.

3.1 Because of sand and gravel in Barangay Combis and nearby barangays, large truck haulers have been passing through the barangay roads, which has damaged the roads and even the water pipeline in Barangay Combis.

3.2 Further, there was an influx of hauling trucks loaded with sand and gravel during the day and even at night, which created a public nuisance/disturbance for the local constituents. Further, the uncontrolled hauling operations of numerous sand and gravel concessionaires with overweight trucks have damaged barangay roads and water pipelines.

3.3 Because of the aforementioned damage caused by these overweight trucks in our barangay that has affected the residents of Barangay Combis, I submitted a letter of complaint before the Sangguniang Bayan of Abuyog to conduct an ocular inspection on the uncontrolled hauling operations passing through Barangay Combis. Acting on the said Complaint, the SB issued Resolution No. 225, Series of 2024 (*Attached herewith as Annex B is a copy of the SB Resolution No. 225 Series of 2024*)

The respondent committed graft and corruption committed as follows:

3.4 On April 29, 2024, during the inspection by the Committee, interview was conducted on the drivers of hauling trucks passing by the jurisdiction of Barangay Combis when asked who owned the sand and gravel concession in the area, their answers were the same, one Atty. Belleza.

Later on, the respondent Atty. Erwin V. Belleza, SB Member of Abuyog, Leyte, the respondent, who is not part of the Committee on infrastructure to conduct the inspection, arrived and interrupted the ocular inspection and the respondent by confronting the Committee and the Barangay Officials. The respondent further uttered a threatening remark, to wit: "PAG HINAY-HINAY KAMO" (*You all should be careful*)

3.5 The unauthorized interruption made by the respondent is reflected in Committee Report No. 098, series 2024. Further, during the ocular inspection, most of the trucks passing through Barangay Combis would state that the owner of the hauling operation is one Atty. Belleza, the respondent.

3.6. The unusual behavior of the respondent in being hostile and actively interrupting the ocular inspection has prompted the Complainant to check the Sand and Gravel (SAG) Permit of the alleged client of the respondent before the office of the SAG for the province of Leyte.

3.7. It was revealed that in the SAG Permit, it is the respondent who signed the application for the SAG Permit; hence, the reason why the truck drivers would identify the respondent as the owner operating the hauling of Sand and Gravel. (Attached as an **Annex G**, is a copy of the SAG Permit that will show the respondent's signature as the actual applicant.)

3.7.a. The signature of the respondent-Belleza is easily noticeable through the letters and Complaint/Affidavit that he executed. (See **Annex F, F-1, G, and K.**)

3.8 The Committee report further recommended making a checkpoint visible for the passing trucks. (*AttachedAttached, as Annex C, is a copy of the Committee Report No. 098, series 2024.*)

4. The uncontrolled hauling of sand and gravel transport use of overweight trucks that pass through the Barangay Roads of Barangay Combis has damaging effects on the environment and the barangay infrastructures. The continued passing of these trucks has already damaged the barangay water pipeline. Thus, the Local Government of Barangay Combis enacted Barangay Ordinance No. 4, S. 2024, otherwise known as "AN ORDINANCE REGULATING THE OPERATION, EXTRACTION, PROCESSING AND TRANSPORTING/HAULING OF SAND AND GRAVEL AND ANY OTHER LIKE MATERIALS WITHIN THE JURISDICTION OF BARANGAY COMBIS, IMPOSING REGULATORY FEES, AND PROVIDING PENALTIES IN VIOLATION THEREOF AND FOR OTHER PURPOSES," to regulate the extracting and hauling of trucks to be in accord with the existing regulation on its permits and to ensure that no overweight trucks will pass through the Barangay Roads. The inspection of each truck hauling Sand and Gravel that is traversing in the jurisdiction of Barangay Combis is to monitor and record the said hauling activity to ensure compliance with, among others, the Sand and Gravel Permit and to check if the truck volume of the Sand and Gravel hauled is within the permit. Section 3 of the Barangay Ordinance No. 4, S. 2024 provides for the Imposition of Regulatory fees, to wit: There shall be collected Barangay regulatory fee from every SAG- concessionaires, owner or driver of vehicle extracting and hauling sand and gravel and other like materials within the territorial jurisdiction of Barangay Combis, Abuyog, Leyte with the following rates to wit:

CATEGORY	AMOUNT OF FEE
1. Barangay Business Permit Fee/per annum	Php. 1, 500.00
2. Inspection Fee/per cubic meter	25.00
3. Monitoring Fee/ per every Truck Load	50.00

4.1. The said Barangay Ordinance was transmitted to the Sangguniang Bayan of Abuyog for review on June 28, 2024. *(AttachedAttached, as Annex D and series, is a copy of the Transmittal, Explanatory Note, Barangay Ordinance No. 4 S of 2024.)*

5. The Sangguniang Bayan of Abuyog failed to take action on the said barangay ordinance for more than thirty (30) days from the submission date on June 28, 2024.

6. After the transmission of the Barangay Ordinance, the Complainant was baffled as to why there was no action.

7. It was later found out that the respondent is the Chairman of the Committee on Legal Matters, resolutions, Ordinances, and Appointment and that approving the same will affect the business interest of the respondent.

8. Since the Barangay Ordinance was intended to regulate the hauling of Sand and Gravel and to monitor the volume allowed in the SAG Permit, the said ordinance will affect the business of Sofio R. Beloy Jr., the brother-in-law and client of the respondent. However, based on the ocular inspection and the application for SAG permit, it is clear that the respondent is the owner and the operator of the Sand and Gravel hauling business. This is manifested by the Easement and Road Right of Way the the respondent-Belleza entered into, to allow the hauling of the Sand and Gravel on the said land. (The said Easement & Road Right of Way is attached as **Exhibit A** of the respondent-Belleza's Complaint/Affidavit, dated August 28, 2024 and that the Commplainant is adopting the same as **Annex Q** herewith.)

9. Fortunately, however, after the lapse of thirty days, under paragraph b of Section 57 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that (b) if the Sangguniang Panlungsod or **Sangguniang Bayan, as the case may be, fails to take action on barangay ordinances within thirty (30) days from receipt thereof, the same shall be deemed approved.**

10. Due to the fact that the Barangay Ordinance is deemed approved, in line with paragraph b of Section 57 of Republic Act No. 7160, the Complainant, together with the Barangay Tanods of Barangay Combis, has implemented Barangay Ordinance No. 4 S 2024.

The respondent committed oppression, direct assault, and abuse of authority.

10.1 On August 01, 2024, the respondent, who appeared drunk and unruly, rammed the iron boom in the Barangay Checkpoint of Barangay Combis. He further uttered in a hostile manner "Waray ka katongod pag checkpoint tanggala iton nga boom! Tanggala! Tanggala! Tanggala!" (You have no right to have a checkpoint; remove the boom! Remove it! Remove it! Remove it!)

10.2 On the video of the incident, it will show that the respondent is under the influence of alcohol because he would not be acting that way if he was sober. (*Attached is a copy of the video of the incident on August 01, 2024, marked as Annex E.*)

Respondent Atty. Belleza, in conspiracy with private individual Sofio Reas Beloy Jr., committed graft and corruption.

10.3 On August 3, 2024, while the ordinance is being implemented by the Local Government Unit of Barangay Combis, the respondent, acting as the lawyer of Sofio Reas Beloy Jr., wrote a letter, stating among others, that the ordinance has not yet approved as it is still on the committee level at SB, Abuyog, Leyte. (*Attached as Annex F is a copy of the letter dated August 3, 2024.*)

10.4 On August 14, 2024, the respondent again sent a letter to the Complainant, as a follow-up on his letter dated August 3, 2024. (Attached herewith as **Annex F-1**, is a copy of the letter dated August 3, 2024.)

10.5 The said letter has no other purpose but to intimidate the Complainant and the barangay tanods of Barangay Combis, considering that the respondent is a member of the Sangguniang Bayan of Abuyog, Leyte.

10.6 The respondent, who is a lawyer and a member of the Sangguniang Bayan, ought to know that the Barangay Ordinance No. 4, S of 2024 is already deemed approved, in line with paragraph b of Section 57 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that (b) if the Sangguniang Panglungsod or **Sangguniang Bayan, as the case may be, fails to take action on barangay ordinances within thirty (30) days from receipt thereof, the same shall be deemed approved.**

10.7 Sofio Reas Beloy Jr. (Mr. Beloy) is publicly known in the Municipality of Abuyog as the respondent's brother-in-law. Further, Mr. Beloy is the known grantee of the Industrial Sand and Gravel Permit.¹ However, during the ocular inspection, as reflected in the Committee Report, the truck drivers stated that the owner of the sand and gravel concession in the area is Atty. Belleza. Further, the respondent even entered into a contract of Easement and Road Right of Way, in his capacity, to facilitate the ingress and egress of the trucks that are hauling sand and gravel. This is a clear indication that the true owner of the SAG Permit is the respondent, and he is just using his brother-in-law, Mr. Beloy, to appear as the owner so that he can abuse his position as a member of the Sangguniang Bayan of Abuyog, to further his interest in the hauling of Sand and Gravel.

10.8 The respondent's wielding his power before the Sangguniang Bayan to prevent the implementation of Barangay Ordinance No. 4 S. 2024 and the action of the respondent in violently confronting the Complainant and the barangay tanods of Barangay Combis is an act which will show the interest of the respondent is not just a lawyer of Sofio Reas Beloy Jr. The overwhelming circumstances will show that the SAG Permit is owned and operated by respondent -Belleza and that he is just using his brother-in-law, Sofio Reas Beloy Jr., to represent himself as the owner of the SAG permit before the SAG office. In fact, the attached SAG permit will show that respondent-Belleza signed the same.

**The respondent, taking
advantage of his position as a
Sangguniang Bayan
member, committed
oppression against the
Complainant**

11. The said letter clearly indicates that the respondent is wielding his position as a member of the Sangguniang Bayan to prevent the implementation of the Barangay Ordinance No. 4 s 2024 in order to protect his business interest.

12. Further, he is abusing his power and authority as a member of the Sangguniang Bayan in the Municipality of Abuyog, Leyte, by filing frivolous criminal cases against the Complainant. The respondent committed Perjury by making false allegations that we ganged up on him. He further included persons who were not in the incident, including my wife, just to vex my person.

¹ A copy of the SAG Permit *is attached as Annex G)*

13. The respondent has further used his power as a member of the Sangguniang Bayan and the Chairman of the Committee on Legal Matters, resolutions, Ordinances and Appointment for the Municipality of Abuyog, Leyte, by filing three separate administrative cases against me relating to the incident on August 01, 2024. (*Attached herewith as Annex H, I, J, are the complaints he filed before the Sangguniang Bayan of Abuyog, Leyte.*)

14. Based on the respondent's allegations in the administrative case, it is clear that he committed perjury. He lied about hitting the steel boom on August 01, 2024; instead, he falsely alleged that he did not bump the steel boom, and he further committed Perjury when he alleged that the complainant and barangay tanods committed slight physical injury on his person when it is apparent in the video that it was the respondent who is hostile during that incident.

15. The respondent further committed Perjury when he alleged that my wife cooperated in mauling him. The respondent committed such Perjury with the malicious intention of exposing the respondent and his wife to a criminal charge. Fortunately, the respondent Belleza attached a video of the incident, and the said video will reveal the perjurious statements made by the respondent and the Direct Assault that he committed against the complainant.

The respondent committed direct assault.

The respondent, taking advantage of his position as a Sangguniang Bayan member, committed oppression against thmere PunongComplainantamplain antgay.

16. The video will show that on August 01, 2024, the complainant and the Barangay Tanods of Barangay Combis were implementing Barangay Ordinance No. 4, series of 2024.

17. The respondent, using his vehicle, rammed on the checkpoint established by the Local Government of Barangay Combis. The said act of the respondent ramming and bumping into the Steel Boom startled and shocked the Complainant and the Barangay Tanods present.

18. After bumping the Steel Boom, the respondent alighted from his vehicle and in the presence of the complainant, who is performing his duty as a Punong Barangay, the respondent removed the steel boom by force and shouted at the complainant.

19. Because of the hostility of the respondent-Belleza, the complainant deescalated the situation and advised his Tanod not to engage in the hostility of the respondent-Belleza.

The respondent committed the crime of Perjury in filing a case against me, including my wife.

20. To make matters worse, respondent Belleza filed a Complaint for grave coercion and physical injuries against the respondents. The said Complaint is laden with perjurious statements.

21. The Complaint Affidavit of the respondent, dated August 28, 2024, is attached as **Annex K**. It is a sworn statement made by the respondent, Belleza.

22. In the said affidavit, the respondent committed Perjury when he alleged in paragraphs 2, 3, 4, 5, 7, 8, 9, to wit:

“2. That sometime on August 01, 2024, at or about 3:00 p.m., the complainant, together with complainant client Sofio Reas Beloy, Jr., upon reaching his private road, was so shocked to see that there was already a checkpoint and a steel boom or steel barrier barricading my private road thereby impeding and obstructing free passage to and from, unlawfully by its chairman Christopher A. Elem together with his Barangay Tanods namely:

- | | | |
|----------------------|----------------------|----------------------|
| 1. Marcelino Cecilio | 5. Vivencio Senones. | 8. Fernando Elem |
| 2. Aurilio Elem | 6. Oscar Alvero. | 9. Annabelle Elem |
| 3. Ressel Alvero. | 7. Geralf Alfaro. | 10. Eufreceno Alfaro |
| 4. Emmanuel Caberos | | |

3. The above-named persons, namely 1) Christopher Elem, 2) Marcelino Cecilio, 3) Aurilio Elem, 4) Ressel Alvero, 5) Emmanuel Caberos, 6) Vivencio Senones, 7) Oscar Alvero, 8) Geralf Alfaro, 9) Fernando Elem 10) Eufreceno Alfaro (hereinafter called the respondents for brevity), collectively conspiring, confederating and helping one another and without any authority of law, using violence, threats or intimidation prevented and deprived herein affiant from entering and passing through, in his private road when such entry and passing through in his private road is not prohibited by law but instead was his solemn right to do so.

4. That the steel boom unlawfully constructed by the respondent was placed so close to the river (about 4 meters) that it

prevented the complainant from pComplainantt was closed and, considering that he was coming from the river, had to accelerate speed as the road was highly elevated and had to go under the steel boom/steel barrier to safely parked contrary to the malicious post of respondent's cohorts Peter Alvero in his facebook account that complainant bComplainantteel boom and was drank at that time when in truth and in fact, the complainant dComplainantbump the steel boom and was not drunk, but it was, however, the Barangay Tanod of Brgy. Combis, Abuyog, and Leyte, who were drunk, for which reason they were unruly and rude, conduct unbecoming as Tanods, acting more than military or police personnel.

5. *The video maliciously posted of respondent's cohort Peter Alvero on his FB account would readily show that the complainant nComplainant the steel boom but only went underneath or below and that respondents, without any authority of law and by use of violence, threats, or intimidation prevented affiant from entering and passing through his private road when such passing and entering is not prohibited by law but rather is a property right, copy of the same is hereto attached and marked as exhibits B'*

xxxx

7. *That at or about between 4:40 to 4:42 in the afternoon of the same day, when the affiant returned on his way home trying to pass again on his private road, the said respondents with the use and means of violence, threats, or intimidation and without the authority of law, collectively conspiring, confederating and helping one another prevented and deprived again the affiant herein from passing through and exiting from his private road towards the national highway of the same place, by mauling and/or ganging up the affiant and one Aurelio Elem even shouted in vernacular "Gaposon ta ine" which means "let's tie him up," which passing through and exiting from his private road is not prohibited by law but rather a property right.*

8. *That a video taken by the affiant himself regarding the said incident is hereto attached and marked as exhibit C, and the recording of the said incident in the police blotter was made as evidence of an extract, a copy of which is hereto attached and marked as exhibit "C-1."*

9. *As a result of respondent's ganging up and mauling against the affiant, the latter incurred an abrasion on his right cheek caused by Marcelino Cecilio, a copy of his medical certificate is hereto attached and marked as exhibit D.*

Xxxx

12. *That the truck carrying sand and gravel passing through the complainant'sComplainant's is extracted and hauled from Brgy. Anibongon, Abuyog, Leyte from the Sofio Reas Beloy, Jr. concession*

area, and not extracted and haled within Brgy. Combis, Abuyog, Leyte, a copy of the permit of Sofio Reas Beloy is hereto attached and marked as exhibit "E."

xxxx

19. That affiant executed this complaint/affidavit freely and voluntarily, and the contents hereof are true and correct based on my knowledge or from some other authentic documents or record and for whatever legal purpose it may serve. "

23. The allegations are perjurious considering that Annabelle Elem was not a barangay tanod and was not within the proximity of the incident when the complainant was performing his duty as the Punong Barangay and was accompanied by Barangay Tanods of Barangay Combis. The video will show that my wife- Annabelle Elem, was not around because during the time that the respondent bumped the steel boom, the complainant's wife was in the town proper buying some school supplies. When the latter's wife learned about the incident wherein the respondent bumped the steel boom, she, and the respective wives of the barangay tanods, just went from a distance to witness the confrontational act of the respondent. The perjurious statement of the respondent that my wife participated in mauling the respondent is belied by the fact that my wife is incapable of a violent confrontation because she just had a miscarriage and she was on leave. (Attached, as *Annex L and M*, is a copy of the DILG certification of Barangay Tanods of Barangay Combis and the Medical Record of Annabelle Elem.)

24. Further, the attached video will show that he was not ganged up. It was rather he who was antagonistic and disrespectful. The said act of the respondent in violently confronting the complainant and the Barangay tanods, bumping the steel boom, is a conduct that is not suitable for a public officer and is an abuse of authority, an act of oppression committed by a member of the Sangguniang Bayan against the lowly Punong Barangay and Barangay Tanods and a direct assault against the Complainant, who was at that time performing his duty as the Punong Barangay of Barangay Combis. The respondent even resorted to an unethical act of making false allegations against the complainant.

25. The respondent committed Perjury in paragraph 4 of the Complaint/Affidavit because he did not just try to park below the steel boom/steel barrier. The video and the attached pictures² will show that the respondent, using a vehicle, without regard to the safety of the complainant-Punong Barangay and the Barangay Tanods, rammed into the steel boom. The video will further show that the respondent was unruly and rude. The complainant is just de-escalating the situation by saying: "*Abogado kaman,*

² Annex Q and series are the pictures

pag istorya hin formal.” (You are a lawyer; you talk formally)

26. The respondent further committed Perjury by repeatedly claiming in paragraphs 3, 5, and 7 of the Complaint/Affidavit that the checkpoint was established on his private road. It should be noted that he attached a Easement & Road Right of Way, to his complaint, refers to a land designated as Lot No. 417 and that the metes and bounds therein do not include the barangay road. In fact, the said area where the barangay road is located is different from Lot No. 417 and is certified by the Department of Environment and Natural Resources as public land and that it is not the property which is subject of his lease agreement.

26.1 Further, the Municipal Assessor has issued a certification that will negate the claim of respondent-Belleza that it is his private road. (Attached herewith is a copy of the DENR Certification and Municipal Assessor’s Certification, marked as **Annex N and O**, respectively.)

27. The respondent committed Perjury when he falsely stated in paragraph 7 of the Complaint/Affidavit that: “xxx, the said respondents with the use and means of violence, threats or intimidation and without any authority of law, collectively conspiring, confederating and helping one another prevented and deprived again the affiant herein from passing through and exiting from his own private road towards the national highway of same place, by **mauling and/or ganging up the affiant xxx.**”

28. The statement is perjurious because the video shows that the Complainant and the Barangay Tanods did not prevent the respondent from passing through the checkpoint. The video is an overwhelming evidence that the Complainant and the Barangay Tanods did not maul and/or ganged up on the respondent.

29. The respondent again committed Perjury in paragraph 9 of the Complaint Affidavit when he stated: “That as a result of such ganging up and mauling by the respondent against the affiant, the latter incurred an abrasion on his right cheek caused by Marcelino Cecilio, xxx.”

30. This is perjurious because the video will show that no one ganged up and mauled the respondent and that Marcelino Cecilio did not do any act that may result in an abrasion on the right cheek of the respondent. Contrary to the perjurious statements of the respondent-Belleza, the video will clearly show that the respondent Belleza is antagonistic, rude, and unruly towards the complainant and the Barangay Tanods. The said act of the respondent is a patent disrespect to the authority of the Punong Barangay and the Local Government Unit of Barangay Combis, Abuyog, Leyte.

31. That the instant Complaint has been read and explained to me in the *waray waray* dialect and that I have understood the same to be based

on my personal knowledge, and that I am praying that a complaint for graft and corruption be filed against the respondent-Belleza for using his position as a member of the Sangguniang Bayan and Chairman of the Committee on Legal Matter, resolutions, Ordinances and Appointment, to protect his interest and/or the interest of his client Sofio Reas Beloy Jr, in the business of Sand and Gravel. He further violated the law by making it appear that his brother-in-law is the grantee of the SAG Permit when, in truth and fact, the respondent is the valid owner of the said business. His ownership is manifested by his wielding his power as a member of the Sangguniang Bayan, his violent confrontation at the barangay checkpoint his Easement & Road Right of Way contract and that he himself signed the SAG Permit.

32. Further, it is likewise prayed that respondent-Sofio Reas Beloy Jr., although a private individual, conspired with the respondent Belleza by falsely representing himself as the owner of the SAG permit and assisting the respondent Belleza in committing the oppression and harassment against the Local Government Unit of Barangay Combis, Abuyog, Leyte.

33. I also pray that a criminal case for Perjury for every perjurious statement that the respondent made in his Complaint/Affidavit and that a criminal case for Direct Assault against a person in authority, and a case for oppression, and abuse of authority be filed against the respondent-Belleza.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of February 2025 in the City of CEBU.


CHRISTOPHER A. ELEM
Nat Id 3953-0936-4908-3152

SUBSCRIBED AND SWORN to before me this February 26, 2025 at CEBU CITY, Philippines, affiants exhibited his respective identification card with number above indicated for purposes of confirming his identity. I further certify that I have examined the affiant and apprised him of the contents of this affidavit; he duly swore and affirms to have executed the same and know the contents thereof.


SARAH JO A. VERGARA
Graft Investigation & Prosecution Officer II
Office of the Ombudsman - Visayas
PROSECUTOR

CERTIFICATION

I HEREBY CERTIFY that I have personally examined the affiant and am satisfied that the affiant voluntarily executed and understood their affidavit.

PROSECUTOR

REPUBLIC OF THE PHILIPPINES)
TACLOBAN CITY) S.S.

**VERIFICATION AND CERTIFICATION
AGAINST FORUM SHOPPING**

I, **CHRISTOPHER A. ELEM**, have a residence and postal address in Brgy. Combis, Abuyog, Leyte, after having been duly sworn to in accordance with law, hereby depose and say that:

1. I am the Complainant in the above-entitled case, and I have caused the preparation and submission of the Complaint;

2. I have read and understood the contents thereof, and the allegations therein are true and correct based on my personal knowledge and/or based on authentic records;

3. The instant Complaint is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

4. The factual allegations therein have evidentiary support or, if specifically identified, will likewise have evidentiary support after a reasonable opportunity for discovery;

5. I have not commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency, except for the cases filed by the respondent-Atty. Belleza, for Illegal Exaction, which is docketed as RTC-ABG-24-4841-CRIM, pending before Regional Trial Court Branch 10, Abuyog, Leyte; Grave Coercion, docketed as Criminal Case No. A-24-08-04, Criminal Case No. A-24-10-05, and Criminal Case No. A-24-10-06, and the three Administrative cases before the Sangguniang Bayan of Abuyog, Leyte;

6. If I should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency, I undertake to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom.


IN WITNESS WHEREOF, I have affixed my signature this February 20, 2025, in CEBU City, Philippines.


CHRISTOPHER A. ELEM
Nat Id 3953-0936-4908-3152

SUBSCRIBED AND SWORN to before me on the date and place afore-stated, the affiant personally appeared with his respective identification documents.

WITNESS MY HAND and SIGNATURE on the date and place afore-
stated.

Doc. No. ____;
Page No. ____;
Book No. ____;
Series of 2025.


SARAFINO A. VERGARA
Graft Investigation & Prosecution Officer II
Office of the Ombudsman - Visayas



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 40TH REGULAR SESSION OF THE 19TH HONORABLE SANGGUNIANG BAYAN OF ABUYOG, LEYTE HELD AT ITS SESSION HALL, LEGISLATIVE BUILDING MUNICIPAL COMPOUND, ABUYOG, LEYTE ON NOVEMBER 12, 2024

PRESENT:

Hon. James L. Bohol	Municipal Vice-Mayor, Prsdg. Officer
Hon. Jeannette A. Valida	SB Member, Prsdg. Pro-tempore
Hon. Antonio C. Almendra, Jr.	SB Member
Hon. Arnold R. Allera	SB Member
Hon. Patrocinio A. Risos, Jr.	SB Member
Hon. Editha C. Deloy	SB Member
Hon. Edmundo P. Saño	SB Member
Hon. Francisco B. Landia	SB Member, Floor Leader
Hon. Erwin V. Belleza	SB Member
Hon. Dario P. Lleve	SB Member, ABC President
Hon. Melliza Jane C. Traya	SB Member, SK Ped. Pres.

ABSENT:

None

CERTIFIED TRUE XEROX COPY

DATE: 12/16/24

RESOLUTION NO. 363, SERIES 2024

A RESOLUTION UPDATING THE COMPOSITION OF THE DIFFERENT
STANDING COMMITTEES OF THE HONORABLE SANGGUNIANG
BAYAN OF ABUYOG, LEYTE

WHEREAS, it is imperative that the standing Committees of the new set of the Honorable Sangguniang Bayan of the Municipality of Abuyog, Leyte shall be updated, so that, thru these standing committees, all matters referred to this Body which needs through studies, investigation, comments and/or recommendations can be done first before it will be deliberated on the floor, except those that are certified by the Local chief Executive as Urgent, as part of the legislative process of the Honorable Body;

THEREFORE, BY THE 19TH SANGGUNIANG BAYAN OF ABUYOG LEYTE IN SESSION ASSEMBLED duly called for and upon motion of Honorable SB Member Francisco B. Landia duly seconded by Honorable SB Member Arnold R. Allera.

RESOLVED AS IT IS HEREBY RESOLVED, to update as it is hereby updated the Standing Committees of the Honorable Sangguniang Bayan of Abuyog, Leyte viz:

CERTIFIED TRUE XEROX COPY
DATE: 12/16/24

CHAIRMANSHIP / VICE-CHAIRMANSHIP / MEMBER
STANDING COMMITTEES

COMMITTEE ON BUDGET, APPROPRIATION AND FINANCE
CHAIRMAN: HON. JEANNETTE A. VALIDA
VICE-CHAIR: HON. ARNOLD R. ALLERA
MEMBER: HON. ANTONIO C. ALMENDRA, JR.

COMMITTEE ON PUBLIC UTILITIES AND FACILITIES
CHAIRMAN: HON. ARNOLD R. ALLERA
VICE-CHAIR: HON. PATROCINIO A. RISOS, JR.
MEMBER: HON. ANTONIO C. ALMENDRA, JR.

COMMITTEE ON PEACE AND ORDER, PUBLIC SAFETY, SECURITY, CIVIL DEFENSE AND POLICE
CHAIRMAN: HON. ERWIN V. BELLEZA
VICE-CHAIR: HON. DARIO P. LLEVE
MEMBER: HON. MELLIZA JANE C. TRAYA

COMMITTEE ON GOOD GOVERNMENT, PUBLIC ETHICS AND ACCOUNTABILITY
CHAIRMAN: HON. JEANNETTE A. VALIDA
VICE-CHAIR: HON. FRANCISCO B. LANDIA
MEMBER: HON. ARNOLD R. ALLERA

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, FISHERIES AND AQUATIC RESOURCES
CHAIRMAN: HON. EDMUNDO P. SAÑO
VICE-CHAIR: HON. DARIO P. LLEVE
MEMBER: HON. ARNOLD R. ALLERA

COMMITTEE ON PUBLIC HEALTH, SANITATION AND BEAUTIFICATION
CHAIRMAN: HON. JEANNETTE A. VALIDA
VICE-CHAIR: HON. ARNOLD R. ALLERA
MEMBER: HON. EDITHA C. DELOY

COMMITTEE ON YOUTH, SPORTS DEVELOPMENT
CHAIRMAN: HON. MELLIZA JANE C. TRAYA
VICE-CHAIR: HON. DARIO P. LLEVE
MEMBER: HON. ARNOLD R. ALLERA

COMMITTEE ON INFRASTRUCTURE AND PUBLIC WORKS
CHAIRMAN: HON. FRANCISCO B. LANDIA
VICE-CHAIR: HON. ARNOLD R. ALLERA
MEMBER: HON. EDMUNDO P. SAÑO

COMMITTEE ON HOUSING, LAND USE AND REGULATION
CHAIRMAN: HON. ANTONIO C. ALMENDRA, JR.
VICE-CHAIR: HON. ARNOLD R. ALLERA
MEMBER: HON. JEANNETTE A. VALIDA

COMMITTEE ON TRADE, COMMERCE AND INDUSTRY
CHAIRMAN: HON. ANTONIO C. ALMENDRA, JR.
VICE-CHAIR: HON. ARNOLD R. ALLERA
MEMBER: HON. PATROCINIO A. RISOS, JR.

COMMITTEE ON LAWS, RULES, PROCEEDINGS AND PRIVILEGES
CHAIRMAN: HON. FRANCISCO B. LANDIA
VICE-CHAIR: HON. JEANNETTE A. VALIDA
MEMBER: HON. ARNOLD R. ALLERA

COMMITTEE ON LEGAL MATTER, RESOLUTIONS, ORDINANCES AND APPOINTMENT
CHAIRMAN: HON. ERWIN V. BELLEZA
VICE-CHAIR: HON. FRANCISCO B. LANDIA
MEMBER: HON. JEANNETTE A. VALIDA

COMMITTEE ON WOMEN, FAMILY, SENIOR CITIZENS AND SOCIAL WELFARE DEVELOPMENT
CHAIRMAN: HON. ARNOLD R. ALLERA
VICE-CHAIR: HON. JEANNETTE A. VALIDA
MEMBER: HON. EDITHA C. DELOY

COMMITTEE ON MARKET, SLAUGHTERHOUSE AND ABATTOIRE, TERMINAL AND WHARF OPERATION
CHAIRMAN: HON. EDMUNDO P. SAÑO
VICE-CHAIR: HON. FRANCISCO B. LANDIA
MEMBER: HON. ARNOLD R. ALLERA

COMMITTEE ON EDUCATION, CULTURE AND THE ARTS
CHAIRMAN: HON. FRANCISCO B. LANDIA
VICE-CHAIR: HON. JEANNETTE A. VALIDA
MEMBER: HON. ARNOLD R. ALLERA

COMMITTEE ON BARANGAY AFFAIRS
CHAIRMAN: HON. DARIO P. LLEVE
VICE-CHAIR: HON. ANTONIO C. ALMENDRA, JR.
MEMBER: HON. PATROCINIO A. RISOS, JR.

COMMITTEE ON AGRICULTURE
CHAIRMAN: HON. EDMUNDO P. SAÑO
VICE-CHAIR: HON. ANTONIO C. ALMENDRA, JR.
MEMBER: HON. DARIO P. LLEVE

COMMITTEE ON GAMES, AMUSEMENT AND RECREATION
CHAIRMAN: HON. ERWIN V. BELLEZA
VICE-CHAIR: HON. EDMUNDO P. SAÑO
MEMBER: HON. EDITHA C. DELOY

COMMITTEE ON HUMAN RIGHTS
CHAIRMAN: HON. PATROCINIO A. RISOS, JR.
VICE-CHAIR: HON. ARNOLD R. ALLERA
MEMBER: HON. ANTONIO C. ALMENDRA, JR.

COMMITTEE ON LIVELIHOOD & COOPERATIVE DEVELOPMENT
CHAIRMAN: HON. EDITHA C. DELOY
VICE-CHAIR: HON. ANTONIO C. ALMENDRA, JR.
MEMBER: HON. MELLIZA JANE C. TRAYA

COMMITTEE ON TOURISM
CHAIRMAN: HON. EDITHA C. DELOY
VICE-CHAIR: HON. DARIO P. LLEVE
MEMBER: HON. MELLIZA JANE C. TRAYA

RESOLVED FURTHER, that the foregoing updated Committees and its composition be effective upon the approval of this resolution;


RESOLVED FINALLY, that copies of this resolution be furnished to the Presiding Officer, Vice Mayor James L. Bohol and all the members of the Sangguniang Bayan, all Barangay Captains, and all concerned, for their information.

APPROVED: November 12, 2024

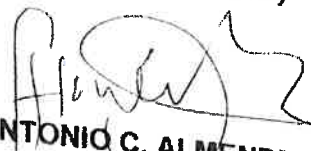
I HEREBY CERTIFY to the correctness of the foregoing resolution.

[Signatures]

ATTESTED:


HON. JEANNETTE A. VALIDA
SB Member, Prsdg. Pro-Tempore
Acting Temporary Secretary

ARSENIO Y. VILLOTE
Sangguniang Bayan Secretary – O.B.



HON. ANTONIO C. ALMENDRA, JR.
SB Member


HON. ARNOLD R. ALLERA
SB Member


HON. EDITHA C. DELOY
SB Member


HON. FRANCISCO B. LANDIA
SB Member, Floor Leader


HON. DARIO P. LLEVE
SB Member/ ABC Fed. President

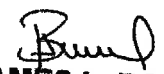

HON. PATROCINIO A. RISOS, JR.
SB Member


HON. EDMUNDO P. SAÑO
SB Member


HON. ERWIN V. BELLEZA
SB Member

HON. MELLIZA JANE C. TRAYA
SB Member/ SK Ped. Pres.

APPROVED:


HON. JAMES L. BOHOL
Municipal Vice Mayor/ Presiding Officer

CERTIFIED TRUE XEROX COPY

DATE 12/16/24


ARSENIO Y. VILLOTE
SECRETARY TO THE SANGGUNIANG

Annex B



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 22ND REGULAR SESSION OF THE 19TH HONORABLE SANGGUNIANG BAYAN OF ABUYOG, LEYTE HELD AT ITS SESSION HALL, LEGISLATIVE BUILDING MUNICIPAL COMPOUND, ABUYOG, LEYTE ON JUNE 4, 2024

PRESENT:

Hon. James L. Bohol	Municipal Vice-Mayor, Prsdg. Officer
Hon. Jeannette A. Valida	SB Member, Prsdg. Pro-tempore
Hon. Antonio C. Almendra, Jr.	SB Member
Hon. Arnold R. Allera	SB Member
Hon. Patrocinio A. Risos, Jr.	SB Member
Hon. Editha C. Deloy	SB Member
Hon. Ednundo P. Saño	SB Member
Hon. Francisco B. Landia	SB Member, Floor Leader
Hon. Erwin V. Belleza	SB Member
Hon. Dario P. Lleve	SB Member, ABC President
Hon. Melliza Jane C. Traya	SB Member, SK Ped. Pres.

ABSENT:

None

RESOLUTION NO. 225, SERIES 2024

A RESOLUTION RESOLVING THE COMPLAINT OF HONORABLE CHRISTOPHER A. ELEM, PUNONG BARANGAY OF BRGY. COMBIS, ABUYOG, LEYTE

PRESENTED for consideration & action of the body was the herein attached committee report contemplating the purpose of the referral contained in the communication letter from Honorable Christopher A. Elem, Punong Barangay of Brgy. Combis, Abuyog, Leyte;

WHEREAS, SB committee report No. 09, s. 2024 was partially deliberated during SB Regular session last May 28, 2024 and was calendared as unfinished business for the June 4, 2024 regular session;

WHEREAS, in the June 4, 2024 regular session the modification and/or correction of the SB Committee incharge was thoroughly deliberated by the August Body copy of which is hereto attached making it as integral part of this resolution marked as "Annex A";

WHEREAS, after a lengthy deliberation on the matter as presented be it

THEREFORE BY THE 19TH SANGGUNIANG BAYAN IN SESSION ASSEMBLED DULY CALLED FOR and upon motion of the Honorable SB Member Francisco B. Landia jointly seconded by Honorable SB Member Arnold R. Allera and Honorable SB Member Antonio C. Almendra, Jr.

RESOLVED, AS IT IS HEREBY RESOLVED, resolving the complaint of Honorable Christopher A. Elem, Punong Barangay of Brgy. Combis, Abuyog, Leyte.

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

RESOLVED FURTHER, to adopt and approved the embodied recommendations of said committee report enumerated hereunder; viz:

1. To put signage to take extra necessary precautions to all dump trucks and other vehicles to slow down upon entering and leaving the area near the National Highway and the private road for safety and security purposes;
2. To write or send communication letter to Provincial Sand and Gravel Task Force for the establishment of checkpoints for monitoring purposes;
3. To write and inquire to the Office of the Provincial Government of Leyte through the Provincial Sand and Gravel as to the regularity of road constructed in a private land considering all the pertinent requirements for the construction and what actions are to be taken thereof.


RESOLVED FINALLY, to send copy of this resolution to Honorable Christopher A. Elem, Punong Barangay of Brgy. Combis, Abuyog, Leyte.

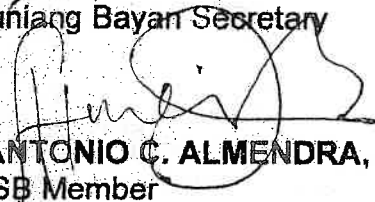
APPROVED: June 4, 2024

I HEREBY CERTIFY to the correctness of the foregoing resolution.

ATTESTED:


ARSENIO Y. VILLOTE
Sangguniang Bayan Secretary


HON. JEANNETTE A. VALIDA
SB Member, Prsdg. Pro-tempore


HON. ANTONIO C. ALMENDRA, JR.
SB Member


HON. ARNOLD R. ALLERA
SB Member

HON. PATROCINIO A. RISOS, JR.
SB Member


HON. EDITHA C. DELOY
SB Member


HON. EDMUNDO P. SAÑO
SB Member



HON. FRANCISCO B. LANDIA
SB Member, Floor Leader

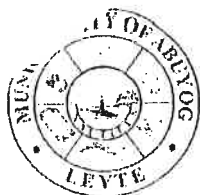
HON. ERWIN V. BELLEZA
SB Member


HON. DARIO P. Llave
SB Member/ ABC Fed. President


HON. MELLIZA JANE C. TRAYA
SB Member/ SK Ped. Pres.

APPROVED:


HON. JAMES L. BOHOL
Municipal Vice Mayor/ Presiding Officer



Republic of the Philippines
MUNICIPALITY OF ABUYOG
 Province of Leyte



Office of the Sangguniang Bayan
COMMITTEE REPORT

COMMITTEE REPORT No. 098, series 2024 (Modified/Corrected during June 4, 2024 SB Regular Session Calendared under Unfinished Business deliberation)

JOINT COMMITTEE ON INFRASTRUCTURE AND PUBLIC UTILITIES AND FACILITIES

SUBJECT: Communication Letter dated April 13, 2024 addressed to the Sangguniang Bayan from Hon. Christopher A. Elem, Punong Barangay, Barangay Combis, Abuyog, Leyte

DATE REFERRED: April 16, 2024

FACTS:

On April 16, 2024 during the SB Regular Session the subject matter was referred to the Joint Committee on Infrastructure and Public Utilities and Facilities.

On April 19, 2024 a committee hearing was held at the Barangay Hall of Barangay Combis, Abuyog, Leyte, at 9 o'clock in the morning. Those persons invited who attended were Punong Barangay Hon. Christopher A. Elem and Barangay Officials. Conspicuously absent was Mr. Sofio Beloy Jr. the alleged sand and gravel concessionaire in the area. On the same date after the committee hearing was adjourned. The Committee and the Barangay Officials decided to conduct an ocular inspection in the same place or area as mentioned in the communication letter.

On April 29, 2024, the Joint Committee scheduled another committee hearing and invited Mr. Sofio Beloy Jr. the alleged sand and gravel concessionaire and Mr. Hamilton Galler the alleged land owner where the private road was constructed for some clarificatory questions. However, both persons invited failed to appear.

FINDINGS:

- (1) During the ocular inspection the Committee found out that the damaged water pipe at the corner of the national highway and private road was already fixed. It was done through the efforts of the Barangay Officials and its constituents making the Barangay water system back to normal operation. See attached copy of the comment of Sofio Beloy.
- (2) It was noted that the private road constructed from the corner of the national highway is connected to the Barangay Road of Barangay Combis, used as the entrance and exit of dump trucks leading to the concession area. The private land where the road was constructed is allegedly owned by Mr. Hamilton Galler of Barangay Anibongon, Abuyog, Leyte.
- (3) Incidentally, during the inspection four (4) dump trucks entered in the private road. The Committee exercising extra diligence introduced themselves to the drivers and asked them to pull over to gather some information. The committee politely asked the drivers to give their identity through their driver's license for identification purposes only.

The following are the names of drivers, owner of the vehicle, plate number and their place of origin.

Name of Driver	Owner of the Vehicle	Plate Number	Place of Origin
Visaya, Peter Repolyo	Hinunangan Enterprises	NGA 4664	Hinunangan, Southern, Leyte
Como, Alan Malaki	Hinunangan Enterprises	NHF 8611	Hinunangan, Southern, Leyte
Raagas, Kenny Kempis		NBM 2624	Julita, Leyte
Formentera, Jemson Sagesa		NGU 3361	Javier, Leyte

- (4) The drivers came from different municipalities in Leyte, two (2) were from Hinunangan So. Leyte, one (1) from Julita, Leyte and one (1) from Javier, Leyte. When asked why they are there in the area their answers are similar, To LOAD SAND and GRAVEL at the concession site and transport or haul them to their respective municipalities. When asked who owned the sand and gravel concession in the area, their answers were the same, one Atty. Belleza. The drivers and their dump trucks moved on to the concession site, however, two (2) of the drivers decided to return back to their respective place of origin.
- (5) At this juncture, Atty. Erwin V. Belleza, SB Member of Abuyog, Leyte arrived at the ocular inspection area confronted the Committee and Barangay Officials and uttered some words as "PAG HINAY-HINAY KAMO". After a civil exchange of information with the Committee and Barangay Officials, Hon. Erwin V. Belleza immediately left the place.
- (6) The Committee had extended more of their ocular inspection up to the place where they could see the concession site, the source of sand and gravel extraction.
- (7) It was found out that the concession site of Mr. Sofio Beloy Jr. the alleged concessionaire of the area is already within the jurisdiction of Barangay Anibongon, Abuyog, Leyte. At that moment the Committee could see one (1) backhoe with plate number SY215C, and one (1) dump truck with plate number NGU 8659 both owned by Hinunangan Enterprises on standby status at the concession site.

RECOMMENDATION

To send communication letter to the Punong Barangay Hon. Christopher A. Elem and Barangay Officials of Barangay Combis, Abuyog, Leyte to inform them the following:

1. To put signage to take extra necessary precautions to all dump trucks and other vehicles to slow down upon entering and leaving the area near the National Highway and the private road for safety and security purposes.
2. To write or send communication letter to Provincial Sand and Gravel Task Force for the establishment of checkpoints for monitoring purposes.
3. To write and inquire to the Office of the Provincial Government of Leyte through the Provincial Sand and Gravel as to the regularity of road constructed in a private land considering all the pertinent requirements for the construction and what actions are to be taken thereof.

HON. FRANCISCO B. LANDIA
Chairman, Committee on Infrastructure

HON. EDMUNDO P. SAÑO
Member, Committee on Infrastructure

HON. ARNOLD R. ALLERA
Chairman, Committee on Public Utilities & Facilities

HON. ANTONIO C. ALMENDRA, JR.
Member, Committee on Public Utilities and Facilities

Annex D Annex 2



Republic of the Philippines
Municipality of Abuyog
Province of Leyte
BARANGAY COMBIS

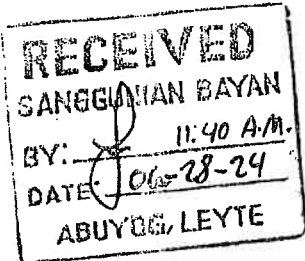
ANNEX 2



-oOo-

OFFICE OF THE SANGGUNIANG BARANGAY

Date: June 10, 2024



ARSENIO Y. VILLOTE
Sangguniang Bayan Secretary
Office of the Sangguniang Bayan
2nd floor, Legislative Building
Municipal Compound
Abuyog, Leyte

Sir:

This is respectfully submit here in attached Ordinance No. 4 s, 2024 of the Sangguniang Barangay of Barangay Combis Abuyog, Leyte for the review of the Honorable Sangguniang Bayan of Abuyog, Leyte.

Thank you!

Respectfully yours,

ROWENA D. OPIS

Barangay Secretary



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF ABUYOG
BARANGAY COMBIS

Annex D-1 Annex 3
ANNEX 3



OFFICE OF THE SANGGUNIANG BARANGAY

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BARANGAY OF BARANGAY COMBIS OF ABUYOG, LEYTE HELD AT THE BARANGAY SESSION HALL, ON MAY 20, 2024.

PRESENT:

HON. CHRISTOPHER A. ELEM
HON. ALDYN L. CANIGA
HON. ROMY A. ACHARON
HON. MONIZA C. LERION
HON. JOSE DANTE R. CANIGA
HON. CONRADO EDEN R. LAHER JR.
HON. MARC B. CECILIO
HON. ERIC R. PAJENADO
HON. NIÑO KENNETH C. RISOS

-Punong Barangay
-Barangay Kagawad
-Barangay Kagawad
-Barangay Kagawad
-Barangay Kagawad
-Barangay Kagawad
-Barangay Kagawad
-Barangay Kagawad
-SK Chairperson

EXPLANATORY NOTE

Barangay Combis, Abuyog, Leyte is abundant with mineral resources such as among other first-class sand and gravel deposit within the jurisdiction of the Barangay.

With the influx of hauling trucks/vehicles loaded and hauling sand and gravel from sources in Barangay Combis conducted during daytime, or even at night and up to sunsets creates nuisance/ disturbances, to the local constituents contrary and repugnant to peace observance during siestas and rest times.

The state guarantees the protection and advancement of the people to a balance and healthful ecology in accordance with the rhythm and harmony of nature enunciated in article 2 section 16 of the constitution.

Barangay Combis shall prevent continuous damage of the concrete Barangay roads within its jurisdiction, due to uncontrolled hauling operations of numerous sand and gravel concessionaires with overweight trucks and /or owner or driver of vehicle that passes through in the Barangay roads.

Therefore, this ordinance is proposed for enactment.

HON. MARC B. CECILIO

Chairman Committee on Infrastructure
and Public Works

HON. ROMY A. ACHARON

Chairman Committee on Finance,
Budget and Appropriations

PAGE 1 OF 4 PAGES

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION
OF THE SANGGUNIANG BARANGAY, BARANGAY COMBIS
HELD ON MAY 20, 2024.

INTRODUCED BY:

HONORABLE MARC B. CECILIO

Chairman Committee on Infrastructure and Public Works

HONORABLE ROMY A. ACHARON

Chair Committee on Finance, Budget, and Appropriations

**ORDINANCE NO. 04
SERIES OF 2024**

AN ORDINANCE REGULATING THE OPERATION, EXTRACTION, PROCESSING AND TRANSPORTING/HAULING OF SAND AND GRAVEL AND ANY OTHER LIKE MATERIALS WITHIN THE JURISDICTION OF BARANGAY COMBIS, IMPOSING REGULATORY FEES, AND PROVIDING PENALTIES IN VIOLATION THEREOF AND FOR OTHER PURPOSES.

Be it ordained by the Sangguniang Barangay of Barangay Combis, Abuyog, Leyte, that-

SECTION 1. TITLE - This ordinance shall be known as "An Ordinance Regulating the Operation, Extraction, Processing and Transporting/Hauling of Sand and Gravel and Any Other Like Materials within the Jurisdiction of Barangay Combis, Imposing Regulatory Fees, and Providing Penalties in Violation Thereof and for other Purposes".

SECTION 2. DEFINITION OF TERMS:

a. As used in this Ordinance, vehicles shall mean any vehicle fueled and propelled by an engine other than muscular power such as hauling trucks, jeepneys, multi-cabs and including motorcycles with side cars.

b. Any other like materials shall include soils, stones boulders and other construction filling materials.

c. Excavation, exploration of mineral resources shall mean any act of extracting, processing of mineral resources in the source within the jurisdiction of Barangay Combis, Abuyog, Leyte.

SECTION 3. IMPOSITION OF REGULATORY FEES - There shall be collected Barangay regulatory fee from every SAG-concessionaires, owner or driver of vehicle extracting and hauling sand and gravel and other like materials within the territorial jurisdiction of the Barangay Combis, Abuyog, Leyte with the following rates to wit:

CATEGORY	AMOUNT OF FEE
1. Barangay Business Permit Fee/per annum	PHP 1,500.00
2. Inspection Fee/per cubic meter	25.00
3. Monitoring Fee/per every Truck Load	50.00

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION

OF THE SANGGUNIANG BARANGAY, BARANGAY COMBIS

HELD ON MAY 20, 2024.

SECTION 4. TIME AND MANNER OF PAYMENT- The regulatory fees imposed in this article shall be paid to the barangay Treasurer before any SAG-concessionaires, owner or driver of trucks or owner of motor vehicles to shall be allowed to extract/haul sand and gravel within the jurisdiction of barangay Combis or Abuyog, Leyte

SECTION 5. PROHIBITED ACTS- It shall be unlawful for any concessionaires, truck drivers/operators to extract/process and haul sand and gravel and other like materials before 8:00 o'clock in the morning and beyond 5:00 in the afternoon from Mondays to Fridays including Saturday within the jurisdiction of Barangay Combis, Abuyog, Leyte.

SECTION 6. PENALTIES- Violation of any provision of this ordinance shall be meted with the following penalty:

- a. Penalty of Five Hundred Pesos (500.00) for the first offense.
- b. Penalty of Seven Hundred Fifty (750.00) for the second offense.
- c. The maximum penalty of One Thousand Pesos (1,000.00) for the Third and succeeding offense, and imprisonment of not exceeding and one (1) month or both penalties and imprisonment at the discretion of the court.
- d. Succeeding offense, aside from penalty imposed in paragraph c, section 6, hereof, includes impounding of the hauling truck and/or cancellation of its permit to operate; and
- e. Penalties imposed hereof is without prejudice to other penalties imposed by national, provincial government and other local agencies.

SECTION 7. ADMINISTRATIVE PROVISION- No person shall be granted. Barangay permit to extract the sand and gravel or to conduct quarrying and hauling activities within the jurisdiction of the Barangay unless a permit from Provincial Government and/or from DENR/MGB as the case maybe, can be presented with the corresponding official receipt of fees duly paid.

- a. The permit of the provincial government or from the DENR/MGB presented shall always specify the total number of truck loads and the total volumes in cubic meter to be extracted.

SECTION 8. MONITORING AND RECORDING- The Barangay Chairman shall assign a personnel to monitor and record the number of truckloads that has been extracted daily with the instruction to immediately stop the quarrying activities once the total number of truckloads and the corresponding specified volumes contained in the permit have been met and transported.

SECTION 9. AUTHORITY TO SUSPEND SAG-EXTRACTION OPERATION AND HAULING ACTIVITIES- The Barangay Chairman is granted the authority to stop any person, even a Barangay permit has already been granted for doing any quarrying and hauling activities within the jurisdiction of Barangay Combis, Abuyog, Leyte "once the source becomes a threat to human lives, properties as well as detrimental to environment".

PAGE 4 OF 4 PAGES

**EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION
OF THE SANGGUNIANG BARANGAY, BARANGAY COMBIS
HELD ON MAY 20, 2024.**


SECTION 10. REPEALING CLAUSE - Barangay Ordinances, Resolutions, Local Executive Orders or other administrative issuances found to be inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

SECTION 11. SEPARABILITY CLAUSE - If any provision of this ordinance is declared invalid or unconstitutional by competent court, the other provisions not affected thereby shall continue to be in full force and effect.


SECTION 12. EFFECTIVITY CLAUSE - This Ordinance shall take effect fifteen (15) days after its posting in at least three conspicuous places in the Barangay, in compliance to RA 7160.


ENACTED ON MAY 20, 2024.


I HEREBY CERTIFY, to the correctness of the foregoing ordinance.

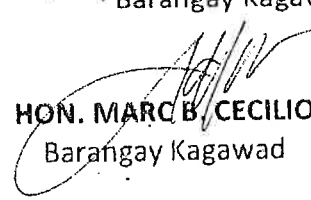

ROWENA A. OPIS
Barangay Secretary

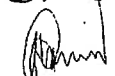
CONCURRED:



HON. ALDYN L. CANIGA
Barangay Kagawad


HON. CONRADO EDEN R. LAHER JR.
Barangay Kagawad


HON. ROMY A. ACHARON
Barangay Kagawad


HON. MARC B. CECILIO
Barangay Kagawad



HON. MONIZA C. LERION
Barangay Kagawad


HON. ERIC R. PAJENADO
Barangay Kagawad


HON. JOSE DANTE R. CANIGA
Barangay Kagawad


HON. NIÑO KENNETH C. RISOS
SK Chairperson

APPROVED BY:


HON. CHRISTOPHER A. ELEM
Punong Barangay

Annex #

August 3, 2024

CHRISTOPHER A. ELEM

Barangay Chairman

Brgy. Combis, Abuyog, Leyte

HON. ELEM.

This is to reiterate that you have no authority to establish much more to maintain a check point on the private road which on behalf of my client SOFIO REAS BELOY, JR., has leased and constructed through another customer at Brgy. Combis, Abuyog, Leyte from CESAR GALLER and to collect fees from the customer of my client for every truck that pass through your barangay using such private road as the concession area of my client is located at Brgy. Anibongon, Abuyog, Leyte as provided in section 133, par e, of R.A 7610, otherwise known as the local government code of 1991.

That from your own ordinance no, 4, S 2024 (which is not yet even approved as it is still on the committee level at SB, Abuyog, Leyte), section 3 thereof, covers only sand and gravel extracted and hauled within the territorial jurisdiction of your barangay and nowhere in said ordinance that grant you any authority to establish a check point

Moreover, granting for the sake of argument that your check point is within the 20 meters easement as provided in section 51 of the water code of the Philippines, your check point was still illegal as it is a nuisance that impedes, obstruct and block free passage, that no person is even allowed to construct a structure thereof of any kind.

From the foregoing, for and in behalf of my said client, may the undesigned counsel absolutely and unconditionally demand from you to remove your steel boom and any structure thereof within two (2) days from receipt of this request otherwise the same shall be remove extra judicially in accordance with law,

Looking forward that this request may merit your action with facility.



ATTY. ERWIN V. BELLEZA

Counsel

0956 647 7981

Buntay, Abuyog, Leyte

Copy furnished:

LCE, Abuyog, Leyte

MENRO, Abuyog, Leyte\

CHIEF OF POLICE, Abuyog, Leyte

Annex F-1

August 14, 2024

HON. CHRISTOPHER A. ELEM

Barangay Chairman

Brgy. Combis

Abuyog, Leyte

HON. ELEM:

This is in connection with my letter dated August 3, 2024 addressed to you office concerning your illegal check point that you were given two (2) days or until August 7, 2024 with in which to remove the same, but however, until now you neglect to comply.

In view thereof, for failure on your part to heed such request, my client has no other recourse but to exercise extra-judicial abatement of nuisance under the civil code and in consonance thereof, my client or any of his authorized representative in order to restore unimpeded, unrestricted, undisturbed free passage thereof, will remove your barrier/steel boom tomorrow morning of August 15, 2024.

Looking forward that you will be guided accordingly.


ATTY. ~~ERWIN V. BELLEZA~~

Counsel

0956-647-7981

Buntay, Abuyog, Leyte

Copy furnished:

LCE, Abuyog, Leyte

MENRO, Abuyog, Leyte

Chief of Police, Abuyog, Leyte



Republic of the Philippines
OFFICE OF THE GOVERNOR
Province of Leyte

Province of Leyte
Sand & Gravel Task Force
THIS PERMIT IS VALID UNTIL:
NOVEMBER 7, 2024
Signature: [Signature]
Date: MAY 6, 2024

INDUSTRIAL SAND AND GRAVEL PERMIT

ISAG No. : SAG-198-2022
Date Issued : , 20
Permit Holder: SOFIO REAS BELOY JR.

WHEREAS, on February 13, 2024, SOFIO REAS BELOY JR. with the address of Poblacion, Abuyog, Leyte, filed Industrial Sand and Gravel Permit Application No. 21-00019 to extract and dispose of sand and gravel and other unconsolidated materials authorized under Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations for industrial purposes from the permit area situated in

Sitio of
Barangay of ANIBONGON
Municipality of ABUYOG
Province of LEYTE
Island of LEYTE

And more particularly described in metes and bounds, to wit:

(TECHNICAL DESCRIPTION)

Please see attached Area Clearance and Survey Plan

Containing 4.0368 hectares.

WHEREAS, the aforesaid application, ISAG No. 198-2022, appears to be prima facie well founded;

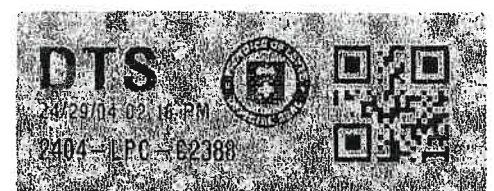
WHEREFORE, this Industrial Sand and Gravel Permit to extract and disposed of sand and gravel and other unconsolidated materials for industrial purposes from the area above-described, is hereby granted to:

Name : SOFIO REAS BELOY JR.
Address : Abuyog, Leyte



Subject to the provisions of the Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations and the following terms and conditions:

POR 6R # 9906657

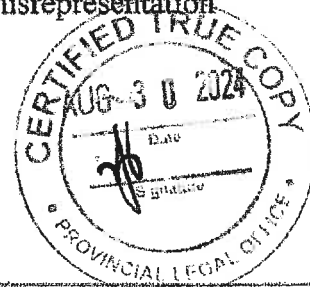


1. This Permit is for a period of **FIVE THOUSAND (5,000) CUBIC METERS ONLY**
Six (6) MONTHS *Provided, that the application for renewal shall be filed before the expiry date thereof, and that the Permit Holder has complied with the provisions of the Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations promulgated thereunder, and the terms and conditions of this permit;*

- Valid* 2. The Permit shall be for the exclusive use and benefit of the Permit Holder and not, directly or indirectly, for the benefit of any other person whether natural or juridical, and that the area covered by this Permit shall be used for the purpose only of extracting and disposing the materials herein authorized;
3. The Permit cannot be assigned, transferred or conveyed, in whole or in part, without prior approval of the Provincial Governor concerned;
4. The extraction or removal of materials shall not be allowed within the distance of one (1) kilometer from the boundaries of reservoirs established for public water supply, archeological and historical sites, or of any public or private works or structures unless with prior clearance of the agency or owner concerned is obtained. No extraction, removal and/or disposition of materials shall likewise be allowed in offshore areas within five hundred (500) meters distance from the coast and two hundred (200) meters from the mean low tide level along the beach;
5. The Permit Holder shall, before the issuance of this Permit, execute a bond in the form and amount prescribed by the regulations, and with a surety or sureties satisfactory to the Provincial Governor to guarantee the performance of the Permit Holder's obligations and Implementing Rules and Regulations promulgated thereunder. The bond in the applicable amount shall be maintained throughout the corresponding term of this Permit and until the Government shall order its cancellation;
6. The Permit Holder shall, within ten (10) days after the end of each quarter, submit to the Provincial Governor, Personally or by his/her representative or by registered mail, quarterly production reports in the prescribed form stating the quantity of materials extracted, removed and/or disposed under the Permit and the amounts of fees paid therefor, copy of which shall be furnished the Municipal Treasurers where the Permit area is situated and under operation. At the end of the term, the Permit Holder shall submit to the concerned Office of the Provincial Governor a final report with the detailed list of activities and the corresponding expenditures;
7. The Provincial Governor or his/her duly authorized representative/s may, at any time during the effectivity of the Permit, inspect the operations and the books of accounts and other relevant data of the Permit Holder in which shall be entered the quantity of materials removed or disposed of, the amount of fees paid, the selling price, and the names and addresses of the persons to whom the same were sold;
8. The extraction and removal of quarry resources under this Permit shall be confined within the area specified herein, the boundaries of which according to the application have been well established according to survey rules and regulations. This Permit shall exclude areas closed to mining location as provided in Sec. 19 of the Act;
9. The Permit Holder or his/her representative shall keep the Permit/Permit area available at all time for inspection and examination by the duly authorized representative/s of the Provincial Governor concerned or the Provincial SAG-TF;



10. The Permit Holder shall pay to the Government an excise tax pursuant to Sec. 151 of the national Internal Revenue Code, as amended; such excise tax shall be due and payable upon the removal of the quarry resources extracted from the area embraced by his/her Permit, pursuant to the provisions of the National Internal Revenue Code, as amended;
11. This Permit may be revoked or canceled at any time by the Provincial Governor concerned when in his/her opinion public interest so requires, or upon failure of the Permit Holder to comply with the provision of the Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations promulgated thereunder, as well as with the terms and conditions specified herein; *Provided*, that if the Permit is canceled, or otherwise terminated, the Permit Holder shall be liable for all unpaid fees and taxes due up to the time of the termination or cancellation of the Permit;
12. The Permit Holder shall assume full responsibility and be liable for damages to private and/or public property (ies) that may be occasioned by its operations under the Permit;
13. The Permit Holder shall manage its operations in a technically and environmentally responsible manner to achieve a safe, non-polluting and self-sustaining post disturbance landform;
14. The Permit Holder shall not discriminate on the basis of gender and that the Permit Holder shall respect the right of women workers to participate in policy and decision-making processes affecting their rights and benefits;
15. The Permit Holder shall conform to laws, rules and regulations regarding, among others labor, safety and health standards;
16. The Permit Holder shall not interfere with the rights of other Permit Holders/Operations/Contractors;
17. The Permit Holder shall recognize and respect the rights, customs and traditions of local communities, particularly Indigenous Cultural Communities;
18. The Permit Holder Shall Immediately stop digging and extracting materials the moment man-made articles or artifacts are found. It shall notify the Director of the National Museum of such findings, in which case, the digging shall be under the supervision of the National Museum until said artifacts are recovered;
19. The Permit Holder shall not, by virtue of the Permit, acquire any title over the permit area, without prejudice to its acquisition of the land/surface rights through any mode of acquisition provided by law;
20. The Permit Holder shall pay fees, taxes and other obligations in accordance with existing laws, rules and regulations;
21. The Permit Holder shall comply with its obligations under its ECC, Environmental Protection and Enhancement Program (EPEP) and Annual EPEP, including the allocation of the prescribed annual environmental expense pursuant to Section 171 of the Revised Implementing Rules and Regulations;
22. The statements made in the application or those made later in support thereof, shall be considered as condition and essential parts of this Permit, and any misrepresentation therein stated shall be a cause for the cancelation of this Permit; and



23. The Permit Holder further binds itself to comply with the provisions of RA No. 7942 and the Revised Implementing Rules and Regulations promulgated thereunder, and such other terms and conditions not inconsistent with the Constitution, the Act and the Revised Implementing Rules and Regulations, as well as those which the concerned Provincial Governor may deem to be for the national interest and public welfare.

_____, Philippines, _____, 20 _____

BY THE GOVERNOR:
(Per SO No. 1, September 19, 2022)

Atty. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

For the Republic of the Philippines
(Grantor)


CARLOS JERICHO L. PETILLA
Provincial Governor

I hereby accept the terms and conditions of this Industrial Sand and Gravel Permit as above stated.



SOFIO REAS BELOY JR.
Permit Holder

Signed in the presence of:


HONEY LEA C. ABUDA
(Signature over Printed Name)


JUELL
(Signature over Printed Name)




ACKNOWLEDGEMENT

Republic of the Philippines)
Province of LEYTE) S.s
City/Municipality of PALO)

Before me appeared ATTY. JOSE RAYMOND A. ACOL exhibiting to me his/her Identification Card LTD ID (type of ID) valid until _____, known to me and to me known to be the same person who executed the forgoing document, and acknowledged that same is his/her free and voluntary act, and deed as Permit Holder, and for the purposes therein specified. The said instrument, consisting of _____ pages, including his acknowledgment page, is an Industrial Sand and Gravel Permit to extract and dispose of sand and gravel and other unconsolidated materials therein specified for industrial purposes from the area herein mentioned.

WHEREFORE, I have hereunto set my hand and affixed my notarial seal this 08 MAY 2024 day of _____, 20 _____, in PALO, LEYTE.


ATTY. AMOR MARIE C. VELOSO
NOTARY PUBLIC until Dec. 31, 2028
FOR & WITH JURISDICTION OF RTC, TAG. CITY
Notarial Commission No. 2024-04-138, Apr. 17, 2024
Rm. 107, Joemar Bldg., M.H. Del Pilar St., Tag. City
Roll No. 64843 ; 08/18/2022
BSP No. 610046 ; 01/02/2024, Tag. City
PTR No. 8480060 ; 01/03/2022, Tag. City
MCLE Compliance No. VES-0000001, until 4/14/2023

NOTARY PUBLIC
Until Dec 31, 20 _____
PTR No. _____

Doc. No. 170
Page No. 35
Book No. II
Series of. 2024



Amex H



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan

September 03, 2024

HON. CHRISTOPHER A. ELEM
Punong Barangay
Brgy. Combis, Abuyog, Leyte

Sir:

Greetings!

On September 03, 2024, during the Regular Session of Sangguniang Bayan, resolved to formally inform you regarding the herein attached Verified Complaint dated August 19, 2024 **RE: COMPLAINT OF ATTY. ERWIN V. BELLEZA, BARANGAY BUNTAY, ABUYOG, LEYTE AGAINST HON. CHRISTOPHER A. ELEM, PUNONG BARANGAY, BARANGAY COMBIS, ABUYOG, LEYTE.**

This Sanggunian further resolve to direct as you are hereby further directed to submit your verified answer in relation to the herein contemplated complaint fifteen (15) days from receipt hereof.

Please find herewith as attached copies of all documents related thereto.

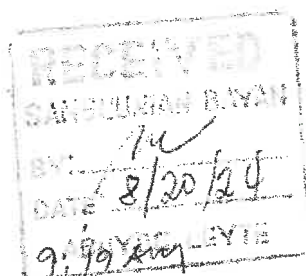
By authority of the Sangguniang Bayan,


ARSENIO Y. VILLOTE
Secretary to the Sanggunian

A/S

Cc:

Atty. Erwin V. Belleza
Complainant
Brgy. Buntay
Abuyog, Leyte



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte

OFFICE OF THE SANGGUNIANG BAYAN

ATTY. ERWIN V. BELLEZA
Complainant,

Administrative Case no. _____

-vs.-

FOR: ABUSE OF AUTHORITY, MIS-
CONDUCT, OPPRESSION ETC...

CHRISTOPHER A. ELEM
Brgy. Chairman
Brgy. Combis, Abuyog, Leyte
Respondent,

X-----X

COMPLAINT

COMES NOW, the complainant, by himself, unto this distinguish Sangguniang Bayan, most respectfully alleges;

1. That complainant is a Filipino citizen, married, of legal age, and a resident of Brgy. Buntay, Abuyog, Leyte, likewise the respondent is a Filipino, citizen, married of legal age, and a resident of Brgy. Combis, Abuyog, Leyte to which they may be served with summons and other processes by this Honorable Sangguniang Bayan;

2. That respondent is the incumbent Brgy. Chairman of Brgy. Combis, Abuyog, Leyte;

3. That complainant is a recipient owner of a private road located at Brgy. Combis, Abuyog, Leyte, which he has an existing contract of easement & road right of way with the private owner Cesar C. Galler of the private land therein covered by Original Certificate of Title no. P-1975 and Tax Declaration no. 08-01029-00048 registered and declared in the name of Policarpo Cecilio, copy of such contract is hereto attached and marked as exhibit 'A';

4. That said private road was constructed using the heavy equipment of JCGO, being one of the customer of the permittee Sofio Reas Beloy, Jr.;

5. That sometime on August 01, 2024 at or about 3:00 o'clock in the afternoon, complainant together with his client Sofio Reas Beloy, Jr., upon reaching his said private road was so shocked to see that there was already a check point and a steel boom barricading the private road impeding and obstructing free passage to and pro, unlawfully established by the respondent herein;

6. That the steel boom unlawfully constructed by the respondent was placed so close to the river that it prevented complainant to pass as it was closed and considering that he was from the river had to accelerate speed as the road was highly elevated and had to go under the steel boom to safely parked contrary to the malicious post of respondent's cohorts Peter Alvero in his face book account that complainant bumped the steel boom and was drank at that time when in truth and in fact, complainant did not bumped the steel post and was not drunk but it was however the Barangay Tanod of Brgy. Combis, Abuyog, Leyte who were drank for which reason they are unruly and rude, conduct unbecoming as Tanods, acting more than a military or police personnel;

7. That picture clip from the video maliciously posted of respondent's cohorts Peter Alvero on his FB account would readily show that complainant never bumped the steel boom, copy of the same are hereto attached and marked a exhibits 'B', and series,

8. That ironically, complainant was denied, refused and prevented entry to his very own private road by the respondent and had by himself to open the closed steel boom to gain entry viz-a-viz, said steel boom unlawfully established by respondent is a nuisance;

9. That complainant later learned that it was established by the respondent on the so called valid ordinance no. 4 s 2024 of the Barangay in order to exact fees for every truck that passed through;

10. That however a close scrutiny of ordinance no. 4 s 2024 (granting for the sake of argument that the same is valid) of Brgy. Combis, Abuyog, Leyte, section 3 thereof would readily show that trucks passing through complainant's private road are not covered by said ordinance, which clearly states;

SECTION 3. IMPOSITION OF REGULATORY FEES. – There shall be collected Barangay regulatory fee from every SAG-concessionaires, owner or driver of vehicle **extracting and hauling** sand and gravel and other like materials **within the territorial jurisdiction of the Barangay Combis, Abuyog, Leyte**, with the following rates to wit:

CATEGORY	AMOUNT OF FEE
1. Barangay Business Permit Fee/ per annum	PHP 1,500.00
2. Inspection Fee/per cubic meter	25.00
3. Monitoring Fee/per every Truck Load	50.00

11. That the trucks carrying sand and gravel passing through complainant's private road are extracted and hauled from Brgy. Anibongon, Abuyog, Leyte and not extracted and hauled within Brgy Combis. Abuyog, Leyte



12. That there is neither in the subject ordinance no. 4 s 2024 nor the local government code of 1991 that empowers respondent to establish a check point;

13. That however, section 133 par e and section 155 both from Republic Act no. 7160, otherwise known as the local government code of 1991, succinctly provides;

Section 133. Common limitations on the Taxing Powers of Local Government Units. – Unless otherwise provided herein, the exercise of the taxing powers of provinces, cities, municipalities and barangays shall not extend to the levy of the following;

e. Taxes, fees and charges and other impositions upon goods carried into or out of, or passing through, the territorial jurisdiction of local government units in the guise of charges for wharfage, tolls for bridges, or otherwise, or other taxes, fees or charges in any form whatsoever upon such goods or merchandise.

Section 155. "The sangguniang concerned may prescribe the terms and conditions and fix the rates for the imposition of toll fees or charges for the **use of any public road, pier, or wharf, waterway, bridge, ferry or telecommunications system funded and constructed by the local government unit concerned.....**

14. That photocopy of DILG Legal Opinion no. 03 s 2012 dated January 13, 2012, regarding the above-cited provision of law is hereby attached and marked as exhibit 'C';

15. That as such, from the foregoing, respondent has no legal authority to build such steel boom and much more establish a check point on the private road of the complainant;

16. That such acts of the respondent in unlawfully creating said steel boom and illegally establishing such check point in the private road of the complainant constitute abuse of authority, dishonesty, oppression and misconduct in office.

17. That as such abuse of authority, dishonesty, oppression and misconduct in office of the respondent that he should be removed or suspended from office as an administrative sanction for his wrongdoing in the performance of his official functions as incumbent barangay chairman of Brgy. Combis, Abuyog, Leyte.

WHEREFORE, in view of the foregoing, it is most respectfully prayed of the Honorable members of this Sangguniang Bayan, that decision may be rendered in favor of the complainant and against the respondent by declaring the suspension of the respondent for six (6) months as Barangay Chairman of Brgy. Combis, Abuyog, Leyte and for such other relief deem just and equitable under the circumstances.

August 19, 2024 at Abuyog, Leyte.



ATTY. ERWIN V. BELLEZA
Complainant

VERIFICATION

I, ATTY. ERWIN V. BELLEZA, Filipino, of legal age, married and resident of Brgy. Buntay, Abuyog, Leyte, after having been duly sworn to in accordance with law, hereby depose and say;

That I am the complainant in the above-entitled complaint, That I have caused the preparation of the foregoing complaint; That I have read and understood the contents thereof and that all the allegations contained therein are true and correct to the best of my own personal knowledge or from some other authentic document or record;

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of August 2024 at Abuyog, Leyte.

ATTY. ERWIN V. BELLEZA
Affiant

SUBSCRIBED AND SWORN TO before me this 20th day of August 2024 at Abuyog, Leyte, affiant exhibiting to me copy of his National ID Card with no. 5098-1538-5126-3064 and I am fully satisfied that the affiant fully understood the contents of the foregoing.

Doc No. 25;
Page No. 6;
Book No. XLVIII;
Series of 2024.

ATTY. YZABEL EDEN M. BERTUMEN-LERIOS
NOTARY PUBLIC
For Lapaz, Mayorga, MacArthur, Abuyog and Jember, Leyte
NC No. 11-02-01, until December 31, 2024
Roll of Attorney's No. 72852
PTR No. 8967357, 01/03/2024, Abuyog, Leyte
IBP OR No. 284935 issued on 01/02/2024
MCLE Compliance No. VII-0001134 until 04/14/2025
473 Osmeña St. Brgy. Bito, Abuyog, Leyte

Annex I



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan

September 18, 2024

HON. CHRISTOPHER A. ELEM
Punong Barangay
Brgy. Combis, Abuyog, Leyte

Sir:

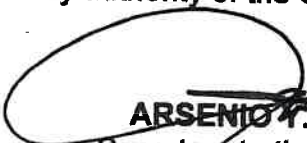
Greetings!

On September 17, 2024, during the Regular Session of Sangguniang Bayan, resolved to formally inform you regarding the herein attached Verified Complaint RE: **ATTY. ERWIN V. BELLEZA, COMPLAINANT VS CHRISTOPHER A. ELEM, BRGY. CHAIRMAN, BRGY. COMBIS, ABUYOG, LEYTE, RESPONDENT FOR ABUSE OF AUTHORITY, MISCONDUCT, OPPRESSION ETC...**

This Sanggunian further resolve to direct as you are hereby further directed to submit your verified answer in relation to the herein contemplated complaint fifteen (15) days from receipt hereof.

Please find herewith as attached copies of all documents related thereto.

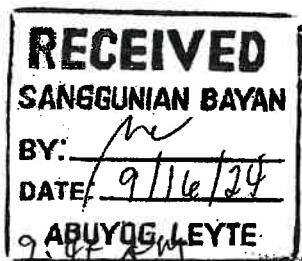
By authority of the Sangguniang Bayan,


ARSENIO T. VILLOTE
Secretary to the Sanggunian

A/S

Cc:

Atty. Erwin V. Belleza
Complainant
Brgy. Buntay
Abuyog, Leyte



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte

OFFICE OF THE SANGGUNIANG BAYAN

ATTY. ERWIN V. BELLEZA
Complainant,

Administrative Case no. _____

-vs.-

FOR: ABUSE OF AUTHORITY, MIS-
CONDUCT, OPPRESSION ETC...

CHRISTOPHER A. ELEM
Brgy. Chairman
Brgy. Combis, Abuyog, Leyte
Respondent,

X-----X

COMPLAINT

COMES NOW, the complainant, by himself, unto this distinguish Sangguniang Bayan, most respectfully alleges;

1. That complainant is an incumbent Sangguniang Bayan member, a Filipino citizen, married, of legal age, and a resident of Brgy. Buntay, Abuyog, Leyte, likewise the respondent is a Filipino, citizen, married of legal age, and a resident of Brgy. Combis, Abuyog, Leyte to which they may be served with summons and other processes by this Honorable Sangguniang Bayan;

2. That respondent is the incumbent Brgy. Chairman of Brgy. Combis, Abuyog, Leyte;

3. That complainant is a recipient owner of a private road located at Brgy. Combis, Abuyog, Leyte, which he had an existing contract of easement & road right of way with the private owner Cesar C. Galler of the private land therein covered by Original Certificate of Title no. P-1975 and Tax Declaration no. 08-01029-00048 registered and declared in the name of Policarpo Cecilio, copy of such contract is hereto attached and marked as exhibit 'A';

4. That said private road was constructed using the heavy equipment of JCGO, being one of the customer of the permittee Sofio Reas Beloy, Jr.;

5. That sometime on August 01, 2024 at or about 4:40 to 4:42 o'clock in the afternoon, complainant together with his client Sofio Reas Beloy, Jr., upon reaching his said private road on his way home respondent together with his drunk barangay Tanods numbering more than ten (10) armed with "arnis" without any authority of law by means of violence, threats or intimidation prevented and deprived the complainant herein from exiting and passing through his own private road when his exiting and passing is not prohibited by law but rather his right which acts of the respondent is penalized under article 286 of the revised penal code for grave coercion and where in fact complainant herein has already filed the a criminal complaint against the respondent herein, and this complaint is the administrative aspect of his criminal wrongful action:

6. That a video which complainant himself took would readily show that complainant was blocked, prevented, denied, refused and deprived from existing his very own private road, and was even mauled by the barangay tanods one of them was even shouting to tie me with the acquiescence of the respondent, a USB containing said video is hereto attached and marked as **exhibit 'B'**,

7. That respondent has no authority to establish said check point and prevent complainant (much so that complainant was driving an SUV) from exiting his private road as the same is a private road and not public and that he is not authorized to do so by the Sangguniang Barangay/ Council as can be gleaned from the affidavits of the six (6) members of the same, copies of which are hereto attached and marked as **exhibits 'C', 'D' and 'E'**, respectively;

8. That complainant later learned that it was established by the respondent on the so called valid ordinance no. 4 s 2024 of the Barangay in order to exact fees for every truck that passed through;

9. That however a close scrutiny of ordinance no. 4 s 2024 (granting for the sake of argument that the same is valid) of Brgy. Combis, Abuyog, Leyte, section 3 thereof would readily show that trucks passing through complainant's private road are not covered by said ordinance, which clearly states;

SECTION 3. IMPOSITION OF REGULATORY FEES. – There shall be collected Barangay regulatory fee from every SAG-concessionaires, owner or driver of vehicle **extracting and hauling** sand and gravel and other like materials **within the territorial jurisdiction of the Barangay Combis, Abuyog, Leyte**, with the following rates to wit:

CATEGORY	AMOUNT OF FEE
1. Barangay Business Permit Fee/ per annum	PHP 1,500.00
2. Inspection Fee/per cubic meter	25.00
3. Monitoring Fee/per every Truck Load	50.00

10. That the trucks carrying sand and gravel passing through complainant's private road are extracted and hauled from Brgy. Anibongon, Abuyog, Leyte and not extracted and hauled within Brgy Combis. Abuyog, Leyte

11. That there is neither in the subject ordinance no. 4 s 2024 nor the local government code of 1991 that empowers respondent to establish a check point;

12. That however, section 133 par e and section 155 both from Republic Act no. 7160, otherwise known as the local government code of 1991, succinctly provides;

Section 133. Common limitations on the Taxing Powers of Local Government Units. – Unless otherwise provided herein, the exercise of the taxing powers of provinces, cities, municipalities and barangays shall not extend to the levy of the following;

e. Taxes, fees and charges and other impositions upon goods carried into or out of, or passing through, the territorial jurisdiction of local government units in the guise of charges for wharfage, tolls for bridges, or otherwise, or other taxes, fees or charges in any form whatsoever upon such goods or merchandise.

Section 155. "The sangguniang concerned may prescribe the terms and conditions and fix the rates for the imposition of toll fees or charges for the **use of any public road, pier, or wharf, waterway, bridge, ferry or telecommunications system funded and constructed by the local government unit concerned**.....

13. That photocopy of DILG Legal Opinion no. 03 s 2012 dated January 13, 2012, regarding the above-cited provision of law is hereby attached and marked as **exhibit 'F'**;

14. That as such, from the foregoing, respondent has no legal authority to build such steel boom and much more establish a check point on the private road of the complainant and prevent the complainant from exiting the same as he was driving an SUV and not truck carrying quarry materials;

15. That such action of the respondent in preventing complainant from exiting his own private road without lawful authority constitute abuse of authority, dishonesty, oppression and misconduct in office that he should be removed or suspended from office as an administrative sanction for his wrongdoing in the performance of his official functions as incumbent barangay chairman of Brgy. Combis, Abuyog, Leyte;

16. That one of the function of a PUNONG BARANGAY as enumerated in section 389 par b, sub-par 1 of the local government code of 1991 among other provides that " Enforce the all laws and ordinances which are applicable within the barangay " yet respondent is the one breaking it.

WHEREFORE, in view of the foregoing, it is most respectfully prayed of the Honorable members of this Sangguniang Bayan, that decision may be rendered in favor of the complainant and against the respondent by declaring respondent as guilty as charge and ordering the suspension of the respondent for six (6) months as Barangay Chairman of Brgy. Combis, Abuyog, Leyte and for such other relief deem just and equitable under the circumstances.

September 13, 2024 at Abuyog, Leyte.





ATTY. ERWIN V. BELLEZA
Complainant

VERIFICATION

I, ATTY. ERWIN V. BELLEZA, Filipino, of legal age, married and resident of Brgy. Buntay, Abuyog, Leyte, after having been duly sworn to in accordance with law, hereby depose and say;

That I am the complainant in the above-entitled complaint, That I have caused the preparation of the foregoing complaint; That I have read and understood the contents thereof and that all the allegations contained therein are true and correct to the best of my own personal knowledge or from some other authentic document or record;

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of September 2024 at Abuyog, Leyte.


ATTY. ERWIN V. BELLEZA
Affiant

SUBSCRIBED AND SWORN TO before me this ____ day of September 2024 at Abuyog, Leyte, affiant exhibiting to me copy of his National ID Card with no. 5098-1538-5126-3064 and I am fully satisfied that the affiant fully understood the contents of the foregoing.


NOTARY PUBLIC
PROSECUTOR



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan

September 18, 2024

HON. CHRISTOPHER A. ELEM
Punong Barangay
Brgy. Combis, Abuyog, Leyte

Sir:


Greetings!

On September 17, 2024, during the Regular Session of Sangguniang Bayan, resolved to formally inform you regarding the herein attached Verified Complaint **RE: ATTY. ERWIN V. BELLEZA, COMPLAINANT VS CHRISTOPHER A. ELEM, BRGY. CHAIRMAN, BRGY. COMBIS, ABUYOG, LEYTE, RESPONDENT FOR ABUSE OF AUTHORITY, MISCONDUCT, OPPRESSION ETC...**

This Sanggunian further resolve to direct as you are hereby further directed to submit your verified answer in relation to the herein contemplated complaint fifteen (15) days from receipt hereof.

Please find herewith as attached copies of all documents related thereto.

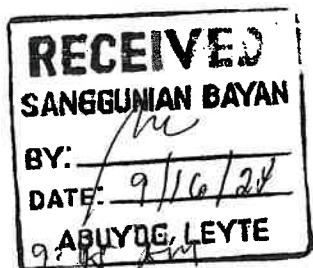
By authority of the Sangguniang Bayan,


ARSENIO T. VILLOTE
Secretary to the Sanggunian

A/S

Cc:

Atty. Erwin V. Belleza
Complainant
Brgy. Buntay
Abuyog, Leyte



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte

OFFICE OF THE SANGGUNIANG BAYAN

ATTY. ERWIN V. BELLEZA
Complainant,

Administrative Case no. _____

-vs.-

FOR: ABUSE OF AUTHORITY, MIS-
CONDUCT, OPPRESSION ETC...

CHRISTOPHER A. ELEM
Brgy. Chairman
Brgy. Combis, Abuyog, Leyte
Respondent,

X-----X

COMPLAINT

COMES NOW, the complainant, by himself, unto this distinguish Sangguniang Bayan, most respectfully alleges;

1. That complainant is an incumbent Sangguniang Bayan member, a Filipino citizen, married, of legal age, and a resident of Brgy. Buntay, Abuyog, Leyte, likewise the respondent is a Filipino, citizen, married of legal age, and a resident of Brgy. Combis, Abuyog, Leyte to which they may be served with summons and other processes by this Honorable Sangguniang Bayan;
2. That respondent is the incumbent Brgy. Chairman of Brgy. Combis, Abuyog, Leyte;
3. That complainant is a recipient owner of a private road located at Brgy. Combis, Abuyog, Leyte, which he had an existing contract of easement & road right of way with the private owner Cesar C. Galler of the private land therein covered by Original Certificate of Title no. P-1975 and Tax Declaration no. 08-01029-00048 registered and declared in the name of Policarpo Cecilio, copy of such contract is hereto attached and marked as **exhibit 'A'**;
4. That said private road was constructed using the heavy equipment of JCGO, being one of the customer of the permittee Sofio Reas Beloy, Jr.;
5. That sometime on August 01, 2024 at or about 3:00 o'clock in the afternoon, complainant together with his client Sofio Reas Beloy, Jr., upon reaching his said private road was so shocked to see that there was already a check point and a steel boom barricading the private road impeding and obstructing free passage to and pro, unlawfully established by the respondent herein;

6. That respondent together with his drunk barangay Tanods numbering more than ten (10) armed with "arnis" without any authority of law by means of violence, threats or intimidation prevented and deprived the complainant herein from entering and passing through his own private road when his entering and passing is not prohibited by law but rather his right which acts of the respondent is penalized under article 286 of the revised penal code for grave coercion and where in fact complainant herein has already filed the a criminal complaint against the respondent herein, and this complaint is the administrative aspect of his criminal wrongful action;

7. That picture clip from the video maliciously posted of respondent's cohorts Peter Alvero on his FB account would readily show that complainant was blocked, prevented, denied, refused and deprived from entering his very own private road, copies of the same are hereto attached and marked as **exhibits 'B', and series,**

8. That respondent has no authority to establish said check point and prevent complainant (much so that complainant was driving an SUV) from entering his private road as the same is a private road and not public and that he is not authorized to do so by the Sangguniang Barangay/ Council as can be gleaned from the affidavits of the six (6) members of the same, copies of which are hereto attached and marked as **exhibits 'C', 'D' and 'E', respectively;**


9. That complainant later learned that it was established by the respondent on the so called valid ordinance no. 4 s 2024 of the Barangay in order to exact fees for every truck that passed through;

10. That however a close scrutiny of ordinance no. 4 s 2024 (granting for the sake of argument that the same is valid) of Brgy. Combis, Abuyog, Leyte, section 3 thereof would readily show that trucks passing through complainant's private road are not covered by said ordinance, which clearly states;

SECTION 3. IMPOSITION OF REGULATORY FEES. – There shall be collected Barangay regulatory fee from every SAG-concessionaires, owner or driver of vehicle **extracting and hauling** sand and gravel and other like materials **within the territorial jurisdiction of the Barangay Combis, Abuyog, Leyte,** with the following rates to wit:

CATEGORY	AMOUNT OF FEE
1. Barangay Business Permit Fee/ per annum	PHP 1,500.00
2. Inspection Fee/per cubic meter	25.00
3. Monitoring Fee/per every Truck Load	50.00

11. That the trucks carrying sand and gravel passing through complainant's private road are extracted and hauled from Brgy. Anibongon, Abuyog, Leyte and not extracted and hauled within Brgy Combis. Abuyog, Leyte



12. That there is neither in the subject ordinance no. 4 s 2024 nor the local government code of 1991 that empowers respondent to establish a check point;

13. That however, section 133 par e and section 155 both from Republic Act no. 7160, otherwise known as the local government code of 1991, succinctly provides;

Section 133. Common limitations on the Taxing Powers of Local Government Units. – Unless otherwise provided herein, the exercise of the taxing powers of provinces, cities, municipalities and barangays shall not extend to the levy of the following;

e. Taxes, fees and charges and other impositions upon goods carried into or out of, or passing through, the territorial jurisdiction of local government units in the guise of charges for wharfage, tolls for bridges, or otherwise, or other taxes, fees or charges in any form whatsoever upon such goods or merchandise.

Section 155. "The sangguniang concerned may prescribe the terms and conditions and fix the rates for the imposition of toll fees or charges for the **use of any public road, pier, or wharf, waterway, bridge, ferry or telecommunications system funded and constructed by the local government unit concerned**.....

14. That photocopy of DILG Legal Opinion no. 03 s 2012 dated January 13, 2012, regarding the above-cited provision of law is hereby attached and marked as **exhibit 'F'**;

15. That as such, from the foregoing, respondent has no legal authority to build such steel boom and much more establish a check point on the private road of the complainant and prevent the complainant from entering the same as he was driving an SUV and not a truck carrying quarry materials;

16. That such action of the respondent in preventing complainant from entering his own private road without lawful authority constitute abuse of authority, dishonesty, oppression and misconduct in office that he should be removed or suspended from office as an administrative sanction for his wrongdoing in the performance of his official functions as incumbent barangay chairman of Brgy. Combis, Abuyog, Leyte;

17. That one of the function of a PUNONG BARANGAY as enumerated in section 389 par b, sub-par 1 of the local government code of 1991 among other provides that "Enforce the all laws and ordinances which are applicable within the barangay " yet respondent is the one breaking it.

WHEREFORE, in view of the foregoing, it is most respectfully prayed of the Honorable members of this Sangguniang Bayan, that decision may be rendered in favor of the complainant and against the respondent by declaring respondent as guilty as charge and ordering the suspension of the respondent for six (6) months as Barangay Chairman of Brgy. Combis, Abuyog, Leyte and for such other relief deem just and equitable under the circumstances.

September 13, 2024 at Abuyog, Leyte.


ATTY. ERWIN V. BELLEZA
Complainant

VERIFICATION

I, ATTY. ERWIN V. BELLEZA, Filipino, of legal age, married and resident of Brgy. Buntay, Abuyog, Leyte, after having been duly sworn to in accordance with law, hereby depose and say;

That I am the complainant in the above-entitled complaint, That I have caused the preparation of the foregoing complaint; That I have read and understood the contents thereof and that all the allegations contained therein are true and correct to the best of my own personal knowledge or from some other authentic document or record;

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of September 2024 at Abuyog, Leyte.


ATTY. ERWIN V. BELLEZA
Affiant

SUBSCRIBED AND SWORN TO before me this ____ day of September 2024 at Abuyog, Leyte, affiant exhibiting to me copy of his National ID Card with no. 5098-1538-5126-3064 and I am fully satisfied that the affiant fully understood the contents of the foregoing.


HENRY M. BASUNA
PROSECUTOR



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan

September 18, 2024

HON. CHRISTOPHER A. ELEM
Punong Barangay
Brgy. Combis, Abuyog, Leyte

Sir:


Greetings!

On September 17, 2024, during the Regular Session of Sangguniang Bayan, resolved to formally inform you regarding the herein attached Verified Complaint RE: **ATTY. ERWIN V. BELLEZA, COMPLAINANT VS CHRISTOPHER A. ELEM, BRGY. CHAIRMAN, BRGY. COMBIS, ABUYOG, LEYTE, RESPONDENT FOR ABUSE OF AUTHORITY, MISCONDUCT, OPPRESSION ETC...**

This Sanggunian further resolve to direct as you are hereby further directed to submit your verified answer in relation to the herein contemplated complaint fifteen (15) days from receipt hereof.

Please find herewith as attached copies of all documents related thereto.

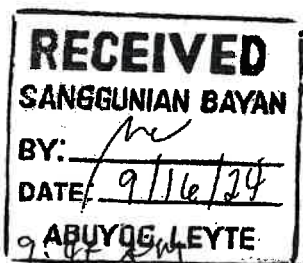
By authority of the Sangguniang Bayan,


ARSENIO T. VILLOTE
Secretary to the Sanggunian

A/S

Cc:

Atty. Erwin V. Belleza
Complainant
Brgy. Buntay
Abuyog, Leyte



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte

OFFICE OF THE SANGGUNIANG BAYAN

ATTY. ERWIN V. BELLEZA
Complainant,

Administrative Case no. _____

-vs.-

FOR: ABUSE OF AUTHORITY, MIS-
CONDUCT, OPPRESSION ETC...

CHRISTOPHER A. ELEM
Brgy. Chairman
Brgy. Combis, Abuyog, Leyte
Respondent,

X-----X

COMPLAINT

COMES NOW, the complainant, by himself, unto this distinguish Sangguniang Bayan, most respectfully alleges;

1. That complainant is an incumbent Sangguniang Bayan member, a Filipino citizen, married, of legal age, and a resident of Brgy. Buntay, Abuyog, Leyte, likewise the respondent is a Filipino, citizen, married of legal age, and a resident of Brgy. Combis, Abuyog, Leyte to which they may be served with summons and other processes by this Honorable Sangguniang Bayan;

2. That respondent is the incumbent Brgy. Chairman of Brgy. Combis, Abuyog, Leyte;

3. That complainant is a recipient owner of a private road located at Brgy. Combis, Abuyog, Leyte, which he had an existing contract of easement & road right of way with the private owner Cesar C. Galler of the private land therein covered by Original Certificate of Title no. P-1975 and Tax Declaration no. 08-01029-00048 registered and declared in the name of Policarpo Cecilio, copy of such contract is hereto attached and marked as **exhibit 'A'**;

4. That said private road was constructed using the heavy equipment of JCGO, being one of the customer of the permittee Sofio Reas Beloy, Jr.;

5. That sometime on August 01, 2024 at or about 4:40 to 4:42 o'clock in the afternoon, complainant together with his client Sofio Reas Beloy, Jr., upon reaching his said private road on his way home respondent together with his drunk barangay Tanods numbering more than ten (10) armed with "arnis" without any authority of law by means of violence, threats or intimidation prevented and deprived the complainant herein from exiting and passing through his own private road when his exiting and passing is not prohibited by law but rather his right which acts of the respondent is penalized under article 286 of the revised penal code for grave coercion and where in fact complainant herein has already filed the a criminal complaint against the respondent herein, and this complaint is the administrative aspect of his criminal wrongful action:

6. That a video which complainant himself took would readily show that complainant was blocked, prevented, denied, refused and deprived from exiting his very own private road, and was even mauled by the barangay tanods one of them was even shouting to tie me with the acquiescence of the respondent, a USB containing said video is hereto attached and marked as **exhibit 'B'**,

7. That respondent has no authority to establish said check point and prevent complainant (much so that complainant was driving an SUV) from exiting his private road as the same is a private road and not public and that he is not authorized to do so by the Sangguniang Barangay/ Council as can be gleaned from the affidavits of the six (6) members of the same, copies of which are hereto attached and marked as **exhibits 'C', 'D' and 'E'**, respectively;

8. That complainant later learned that it was established by the respondent on the so called valid ordinance no. 4 s 2024 of the Barangay in order to exact fees for every truck that passed through;

9. That however a close scrutiny of ordinance no. 4 s 2024 (granting for the sake of argument that the same is valid) of Brgy. Combis, Abuyog, Leyte, section 3 thereof would readily show that trucks passing through complainant's private road are not covered by said ordinance, which clearly states;


SECTION 3. IMPOSITION OF REGULATORY FEES. – There shall be collected Barangay regulatory fee from every SAG-concessionaires, owner or driver of vehicle **extracting and hauling** sand and gravel and other like materials **within the territorial jurisdiction of the Barangay Combis, Abuyog, Leyte**, with the following rates to wit:

CATEGORY	AMOUNT OF FEE
1. Barangay Business Permit Fee/ per annum	PHP 1,500.00
2. Inspection Fee/per cubic meter	25.00
3. Monitoring Fee/per every Truck Load	50.00

10. That the trucks carrying sand and gravel passing through complainant's private road are extracted and hauled from Brgy. Anibongon, Abuyog, Leyte and not extracted and hauled within Brgy Combis. Abuyog, Leyte

11. That there is neither in the subject ordinance no. 4 s 2024 nor the local government code of 1991 that empowers respondent to establish a check point;

12. That however, section 133 par e and section 155 both from Republic Act no. 7160, otherwise known as the local government code of 1991, succinctly provides;



Section 133. Common limitations on the Taxing Powers of Local Government Units. – Unless otherwise provided herein, the exercise of the taxing powers of provinces, cities, municipalities and barangays shall not extend to the levy of the following;

e. Taxes, fees and charges and other impositions upon goods carried into or out of, or passing through, the territorial jurisdiction of local government units in the guise of charges for wharfage, tolls for bridges, or otherwise, or other taxes, fees or charges in any form whatsoever upon such goods or merchandise.

Section 155. "The sangguniang concerned may prescribe the terms and conditions and fix the rates for the imposition of toll fees or charges for the **use of any public road, pier, or wharf, waterway, bridge, ferry or telecommunications system funded and constructed by the local government unit concerned**.....

13. That photocopy of DILG Legal Opinion no. 03 s 2012 dated January 13, 2012, regarding the above-cited provision of law is hereby attached and marked as **exhibit 'F'**;


14. That as such, from the foregoing, respondent has no legal authority to build such steel boom and much more establish a check point on the private road of the complainant and prevent the complainant from exiting the same as he was driving an SUV and not truck carrying quarry materials;

15. That such action of the respondent in preventing complainant from exiting his own private road without lawful authority constitute abuse of authority, dishonesty, oppression and misconduct in office that he should be removed or suspended from office as an administrative sanction for his wrongdoing in the performance of his official functions as incumbent barangay chairman of Brgy. Combis, Abuyog, Leyte;

16. That one of the function of a PUNONG BARANGAY as enumerated in section 389 par b, sub-par 1 of the local government code of 1991 among other provides that "Enforce the all laws and ordinances which are applicable within the barangay " yet respondent is the one breaking it.

WHEREFORE, in view of the foregoing, it is most respectfully prayed of the Honorable members of this Sangguniang Bayan, that decision may be rendered in favor of the complainant and against the respondent by declaring respondent as guilty as charge and ordering the suspension of the respondent for six (6) months as Barangay Chairman of Brgy. Combis, Abuyog, Leyte and for such other relief deem just and equitable under the circumstances.

September 13, 2024 at Abuyog, Leyte.





ATTY. ERWIN V. BELLEZA
Complainant

VERIFICATION

I, ATTY. ERWIN V. BELLEZA, Filipino, of legal age, married and resident of Brgy. Buntay, Abuyog, Leyte, after having been duly sworn to in accordance with law, hereby depose and say;

That I am the complainant in the above-entitled complaint, That I have caused the preparation of the foregoing complaint; That I have read and understood the contents thereof and that all the allegations contained therein are true and correct to the best of my own personal knowledge or from some other authentic document or record;

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of September 2024 at Abuyog, Leyte.


ATTY. ERWIN V. BELLEZA
Affiant

SUBSCRIBED AND SWORN TO before me this ____ day of September 2024 at Abuyog, Leyte, affiant exhibiting to me copy of his National ID Card with no. 5098-1538-5126-3064 and I am fully satisfied that the affiant fully understood the contents of the foregoing.


ATTY. ERWIN V. BELLEZA
PROSECUTOR

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF LEYTE)S.S.
MUNICIPALITY OF ABUYOG)

ASST. PROV'L. PROSECUTOR
ABUYOG, LEYTE

RECEIVED

BY:

DATE: AUG 28 2024 TIME: 4:40 P.M.

NPS No. VIII-02a-INV-24H-145/146

COMPLAINT/AFFIDAVIT

I, ATTY. ERWIN V. BELLEZA, Filipino, of legal age, married and a resident of Brgy. Buntay, Abuyog, Leyte, after having been duly sworn to in accordance with law, hereby depose and say;

1. That complainant/affiant (hereinafter called the affiant for brevity) is a recipient owner of a private road located at Brgy. Combis, Abuyog, Leyte, which he has an existing contract of easement & road right of way with the private owner Cesar C. Galler of his private **agricultural land** therein covered by Original Certificate of Title no. P-1975 and Tax Declaration no. 08-01029-00048 registered and declared in the name of Policarpo Cecilio, copy of such contract is hereto attached and marked as **exhibit 'A'**;

2. That sometime on August 01, 2024 at or about 3:00 o'clock in the afternoon, complainant together with his client Sofio Reas Beloy, Jr., upon reaching his said private road was so shocked to see that there was already a check point and a steel boom or steel barrier barricading my private road thereby impeding and obstructing free passage to and fro, unlawfully established by the Barangay officials of Brgy. Combis, Abuyog, Leyte headed by its chairman Christopher A. Elem together with his Barangay Tanods namely;

- | | | |
|----------------------|---------------------|----------------------|
| 1. Marcelino Cecilio | 5. Vivencio Senones | 8. Fernando Elem |
| 2. Aurelio Elem | 6. Oscar Alvero | 9. Annabelle Elem |
| 3. Ressel Alvero | 7. Geraf Alfaro | 10. Eufreceno Alfaro |
| 4. Emmanuel Caberos. | | |

3. That above-named persons namely 1) Christopher A. Elem, 2) Marcelino Cecilio, 3) Aurelio Elem, 4) Ressel Alvero, 5) Emmanuel Caberos, 6) Vivencio Senones, 7) Oscar Alvero, 8) Geraf Alfaro, 9) Fernando Elem, 10) Annabelle Elem, and 11) Eufreceno Alfaro (hereinafter called the respondents for brevity), collectively conspiring, confederating and helping one another and without any authority of law, by means of violence, threats or intimidation prevented and deprived herein affiant from entering and passing through, in his own private road when such entry and passing through in his own private road is not prohibited by law but rather was his solemn right to do so.

4. That the steel boom unlawfully constructed by the respondent was placed so close to the river (about 4 meters) that it prevented complainant to pass as it was closed and considering that he was coming from the river had to accelerate speed as the road was highly elevated and had to go under the steel boom/steel barrier to safely parked contrary to the malicious post of respondent's cohorts Peter Alvero in his face book account that complainant bumped the steel boom and was drunk at that time when in truth and in fact, complainant did not bump the steel post and was not drunk but it was however the Barangay Tanod of Brgy. Combis, Abuyog, Leyte who were drunk for which reason they are unruly and rude, conduct unbecoming as Tanods, acting more than a military or police personnel;

5. That video maliciously posted of respondent's cohorts Peter Alvero on his FB account would readily show that complainant never bumped the steel boom but only goes underneath or below and that respondents without any authority of law and by use of violence, threats, or intimidation prevented affiant from entering and passing through his own private road when such passing and entering is not prohibited by law but rather is a property right, copy of the same is hereto attached and marked a **exhibits 'B'**,

6. That ironically, complainant was blocked, denied, refused, deprived and prevented entry to his very own private road by the respondents and had by himself had to bravely open the closed steel boom to gain entry viz-a-viz, said steel boom unlawfully established by respondent is a nuisance in accordance with article 51 of the water code of the Philippines (Presidential Decree no. 1067) which provides

Article 51. The banks or rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, **twenty (20) meters in agricultural areas** and forty (40) meters in forest areas along their margins, are subject to the easement of public use in the interest of recreation, navigation, flotage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, flotage, fishing or salvage or to build structures of any kind.

7. That at or about between 4:40 to 4:42 in the afternoon of same day, when affiant returned on his way home trying to pass again in his private road, the said respondents with the use and means of violence, threats or intimidation and without any authority of law, collectively conspiring, confederating and helping one another prevented and deprived again the affiant herein from passing through and exiting from his own private road towards the national highway of same place, by mauling and/or ganging up the affiant and one Aurelio Elem even shouted in vernacular "Gaposon ta ine" which means "lets tie him up", which passing through and exiting from his own private road is not prohibited by law but rather a property right;

8. That a video taken by the affiant himself regarding said incident is hereto attached and marked as **exhibit 'C'**, and the recording of the said incident in the police blotter was made as evidence of an extract, copy of which is hereto attached and marked as **exhibit 'C-1'**;

9. That as a result of such ganging up and mauling by the respondent against the affiant, the latter incurred an abrasion on his right cheek caused by Marcelino Cecilio, copy of his medical certificate is hereto attached and marked as **exhibit 'D'**;

10. That complainant later learned that it said pool barrier/steel boom was established by the respondent on the so called valid ordinance no. 4 s 2024 of the Barangay in order to exact fees for every truck that passed through;



11. That however a close scrutiny of ordinance no. 4 s 2024 (granting for the sake of argument that the same is valid) of Brgy. Combis, Abuyog, Leyte, section 3 thereof would readily show that trucks carrying sand and gravel and passing through complainant's private road are not covered by said ordinance, which clearly states;

SECTION 3. IMPOSITION OF REGULATORY FEES. – There shall be collected Barangay regulatory fee from every SAG-concessionaires, owner or driver of vehicle **extracting and hauling** sand and gravel and other like materials **within the territorial jurisdiction of the Barangay Combis, Abuyog, Leyte**, with the following rates to wit:

CATEGORY	AMOUNT OF FEE
1. Barangay Business Permit Fee/ per annum	PHP 1,500.00
2. Inspection Fee/per cubic meter	25.00
3. Monitoring Fee/per every Truck Load	50.00

12. That the trucks carrying sand and gravel passing through complainant's private road are extracted and hauled from Brgy. Anibongon, Abuyog, Leyte from the concession area of Sofio Reas Beloy, Jr., and not extracted and hauled within Brgy Combis. Abuyog, Leyte, copy of the permit of Sofio Reas Beloy is hereto attached and marked as **exhibit 'E'**


13. That there is neither in the subject ordinance no. 4 s 2024 nor the local government code of 1991 that empowers respondent to establish a check point;

14. That however, section 133 par e and section 155 both from Republic Act no. 7160, otherwise known as the local government code of 1991, succinctly provides;

Section 133. Common limitations on the Taxing Powers of Local Government Units. – Unless otherwise provided herein, the exercise of the taxing powers of provinces, cities, municipalities and barangays shall not extend to the levy of the following;

e. Taxes, fees and charges and other impositions upon goods carried into or out of, or passing through, the territorial jurisdiction of local government units in the guise of charges for wharfage, tolls for bridges, or otherwise, or other taxes, fees or charges in any form whatsoever upon such goods or merchandise.

Section 155. "The sangguniang concerned may prescribed the terms and conditions and fix the rates for the imposition of toll fees or charges for the **use of any public road, pier, or wharf, waterway, bridge, ferry or telecommunications system funded and constructed by the local government unit concerned.....**



15. That photocopy of DILG Legal Opinion no. 03 s 2012 dated January 13, 2012, regarding the above-cited provision of law is hereby attached and marked as **exhibit 'F'**

16. That as such, from the foregoing, respondent has no legal authority to build such steel boom and much more establish a check point on the private road of the complainant;

17. That moreover, a certification from SB Secretary that subject ordinance no. 4, s. 2024 of Brgy. Combis, Abuyog, Leyte, was not yet approved, copy of which is hereto attached and marked as **exhibit 'G'**;

18. That as such, in view of the foregoing, affiant herein now respectfully pleads that a case for slight physical injury as defined and penalized under Article 266 and two (2) counts for grave coercion as defined and penalized under Article 286 both of the Revised Penal Code may be filed in the proper court against all the respondents, (1) That incident that occurred on August 1, 2024 at or about 3:00 in the afternoon and the other (2) one that happened at or between 2:40 and 2:42 o'clock in the afternoon of August 1, 2024 and violation of section 51 of the Water Code of the Philippines.

19. That affiant executed this complaint/affidavit freely and voluntarily and the contents hereof are true and correct based on my own personal knowledge or from some other authentic documents or record and for whatever legal purpose it may serve

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of August b2024 at Abuyog, Leyte.


ATTY. ERWIN V. BELLEZA
Complainant/Affiant

SUBSCRIBED AND SWORN TO before me this 28th day of August 2024 at Abuyog, Leyte, and I hereby certify that I have personally examined the affiant and that I am fully satisfied that he understood his complaint/affidavit and that he freely, voluntarily and understood the same, exhibiting to me copy of his National ID Card with no. 5098-1538-5126-3064 issued on July 13, 2022.


NOTARY PUBLIC
PROSECUTOR

EASEMENT & ROAD RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS:

I, CESAR C. GALLER, Filipino, of legal age, married and a resident of Brgy. Sta Fe, Abuyog, Leyte, hereinafter called the **SERVIENT OWNER**, and ERWIN V. BELLEZA, Filipino, of legal age, married and a resident of Brgy. Buntay, Abuyog, Leyte, hereinafter called the **RECIPIENT**, hereby **WITNESSETH**:

That the **SERVIENT OWNER**, herein is the co-owner of a certain parcel of land located at Brgy. Combis, Abuyog, Leyte, designated as lot no. 417, covered by OCT no. P-1975 and TD no. 08-01029-00048 registered and declared in the name of Policarpo Cecilio and bounded on the N., Abuyog-Silago Road; NE., lot 21 & 20 of Abuyog, Pls-323, and road; SE., Higasa-an river; SW., Higasa-an river,. And lot 35 and NW lot 23.

That the **RECIPIENT** herein plans to construct a private road for his own use, benefits, interest and advantage.

That **SERVIENT OWNER** herein, grants and allow **RECIPIENT** (his heirs and assigns) an easement of road right of way on his said private land for him to construct and use a private road for his benefit and advantage.

That the **SERVIENT OWNER** hereof, hereby, **GRANTS, ALLOWS, PERMITS** and gives his consent to the **RECIPIENT** herein (his heirs and assigns) a private easement of road right of way and to construct a private road (sufficient in area that a 10 wheeler truck can conveniently pass ingress/egress) over a portion of my share in the above-described property for his own benefit and advantage in the following terms and conditions;

1. That the **RECIPIENT** shall pay the **SERVIENT OWNER** the amount of Five Thousand (5,000.00) pesos, per month payable after 30 days from 1st day of actual operation or use, as compensation for the use by the **RECIPIENT** of the said private access/easement of road right of way for as long as the **RECIPIENT** needs beginning actual use of it by the **RECIPIENT**;
2. That the **RECIPIENT** shall shoulder the construction and maintenance of the said private access/easement of road right of way.

That the parties herein covenants top faithfully comply with the terms and conditions of this contract.

13 MAR 2024

IN WITNESS WHEREOF, We hereunto set our hand this ____ day of March 2024 at Abuyog, Leyte.

CESAR C. GALLER

Servient owner

PHL NAT'L ID Card w/ # 2496-7462-5842-0376

ERWIN V. BELLEZA

Recipient

PHL NAT'L ID Card w/ # 5098-1538-5126-3064

Signed in the presence of:

JOBELYN ESTRIBER

Witness

HONEY LEA C. CUBILO

Witness

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)

PROVINCE OF LEYTE) S.S.

MUNICIPALITY OF ABUYOG)

BEFORE ME, this 13 MAR 2024 day of March 2024 at Abuyog, Leyte, personally appeared the above-named parties, known to me to be the same person who executed the foregoing instrument and they acknowledge to me that the same are their own free act and voluntary deed.

WITNESS MY HAND AND SEAL, the day, year, and place above written.

ATTY. JOY ESTOLANO-CERRO, CPA

Notary Public

for La Paz, Baybayan, MacArthur,

Abuyog and Juvay, Leyte

Until December 31, 2024

Notarial Commission No. 11-22-02

Brgy. Guindaguan, Abuyog, Leyte

Attorney's Roll No. 60165

PTR No. 8967358; Abuyog, Leyte, January 2, 2024

IBP Lifetime Member No. 010822

Pin 030.942-888

Doc. No. 416
Page No. 85
Book No. CV



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE
ABUYOG POLICE STATION
Abuyog, Leyte



August 05, 2024

CERTIFICATION

Exhibit 'C-1'

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the following record of incident/event is true copy from the Police Blotter of the Abuyog Police Station, to wit;

<u>Entry Number</u>	<u>Page Number</u>	<u>Date</u>	<u>Time</u>
0012	0005	August 02, 2024	3:00 P.M

For Record

At about 3:00 o'clock in the afternoon of August 01, 2024, I Erwin V. Belleza, married, Filipino of legal age and resident of Brgy. Buntay Abuyog, Leyte together with my brother in law Sufio Reas Beloy Jr., Filipino of legal age, married and resident of Brgy. Victory Abuyog, Leyte while on your way to the later concession site at Brgy. Anibongon Abuyog, Leyte while already at my private road at Brgy. Combis Abuyog, Leyte, I was so stunned that barangay officials of Brgy. Combis Abuyog, Leyte, headed by Chairman Christopher Elem, together with his family tanods namely, Marcelino Cecilio, Vivencio Cenones, Fernando Elem, Aurelio Eltan, Oscar Alvero, Anabel Elta, Munica Elem, Rocil Elem, Gerald Alfaro, Eufrucino Alfaro and Diore John Dues had barricaded and stablished an illegal checkpoint on my private road and without any Authority of law with use of violence, force, threats and intimidation and while in the influence of liquor prevented me from entering, existing and passing through to and pro my private road to and from the concession area of my brother in law which is a family owned not prohibited by law in violation of article 286 of the revised penal code, that they helping each other ganged me and even tried to hit my face and other parts of my body which had inflicted me an injury to my face and one shouted to me.

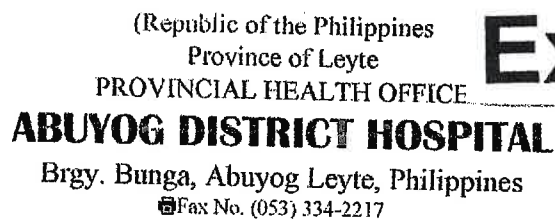
Recorded by: PMSg Marvin M Deliso

Prepared by:

PCpl Ryan Refuerzo
Desk Officer


PMAJ FLORANDO S RELENTE
OIC, Abuyog MPS

OR: 9633212
August 08, 2024



August 7, 2024
(Date)

TO WHOM IT MAY CONCERN:

According to the hospital record, of Brgy. Buntay, Abuyog, Leyte hospital on/from August 1, 2024 to BELLEZA, ERWIN V. was examined/confined in this xxx with the following findings and/or diagnosis:

Sustained: August 1 , 2024 at Around 4:40 P.M.

Examined: August 1, 2024 at 5:33 P.M.

1. Confluent abrasion approximately 6 cm Right paranasal-zygomatic area.

X-X

5

(FIVE)

Barring complications, the above findings may heal within days.

~~JULIUS NOEL C. ABUEVA, M.D.~~

Attending Physician
Medical Officer III



Republic of the Philippines
OFFICE OF THE GOVERNOR
Province of Leyte

Exhibit 'E'

Province of Leyte
Sand & Gravel Task Force
THIS PERMIT IS VALID UNTIL:
NOVEMBER 2, 2024
Signature: _____
Date: MAY 6, 2024

INDUSTRIAL SAND AND GRAVEL PERMIT

ISAG No. : SAG-198-2022
Date Issued : _____, 20____
Permit Holder: SOFIO REAS BELOY JR.

WHEREAS, on February 13, 2024, SOFIO REAS BELOY JR. with the address of Poblacion, Abuyog, Leyte, filed Industrial Sand and Gravel Permit Application No. 21-00019 to extract and dispose of sand and gravel and other unconsolidated materials authorized under Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations for industrial purposes from the permit area situated in

Sitio of	<u>-</u>
Barangay of	<u>ANIBONGON</u>
Municipality of	<u>ABUYOG</u>
Province of	<u>LEYTE</u>
Island of	<u>LEYTE</u>

And more particularly described in metes and bounds, to wit:

(TECHNICAL DESCRIPTION)

Please see attached Area Clearance and Survey Plan

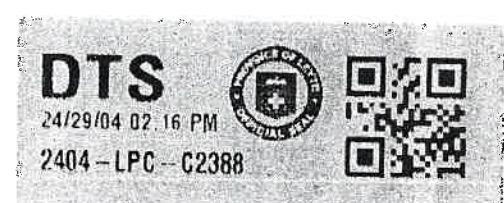
Containing 4.0368 hectares.

WHEREAS, the aforesaid application, ISAG No. 198-2022, appears to be prima facie well founded;

WHEREFORE, this Industrial Sand and Gravel Permit to extract and disposed of sand and gravel and other unconsolidated materials for industrial purposes from the area above-described, is hereby granted to:

Name : SOFIO REAS BELOY JR.
Address : Abuyog, Leyte

Subject to the provisions of the Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations and the following terms and conditions:



1. This Permit is for a period of **FIVE THOUSAND (5,000) CUBIC METERS ONLY Six (6) MONTHS** *Provided*, that the application for renewal shall be filed before the expiry date thereof, and that the Permit Holder has complied with the provisions of the Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations promulgated thereunder, and the terms and conditions of this permit;
2. The Permit shall be for the exclusive use and benefit of the Permit Holder and not, directly or indirectly, for the benefit of any other person whether natural or juridical, and that the area covered by this Permit shall be used for the purpose only of extracting and disposing the materials herein authorized;
3. The Permit cannot be assigned, transferred or conveyed, in whole or in part, without prior approval of the Provincial Governor concerned;
4. The extraction or removal of materials shall not be allowed within the distance of one (1) kilometer from the boundaries of reservoirs established for public water supply, archeological and historical sites, or of any public or private works or structures unless with prior clearance of the agency or owner concerned is obtained. No extraction, removal and/or disposition of materials shall likewise be allowed in offshore areas within five hundred (500) meters distance from the coast and two hundred (200) meters from the mean low tide level along the beach;
5. The Permit Holder shall, before the issuance of this Permit, execute a bond in the form and amount prescribed by the regulations, and with a surety or sureties satisfactory to the Provincial Governor to guarantee the performance of the Permit Holder's obligations and Implementing Rules and Regulations promulgated thereunder. The bond in the applicable amount shall be maintained throughout the corresponding term of this Permit and until the Government shall order its cancellation;
6. The Permit Holder shall, within ten (10) days after the end of each quarter, submit to the Provincial Governor, Personally or by his/her representative or by registered mail, quarterly production reports in the prescribed form stating the quantity of materials extracted, removed and/or disposed under the Permit and the amounts of fees paid therefor, copy of which shall be furnished the Municipal Treasurers where the Permit area is situated and under operation. At the end of the term, the Permit Holder shall submit to the concerned Office of the Provincial Governor a final report with the detailed list of activities and the corresponding expenditures;
7. The Provincial Governor or his/her duly authorized representative/s may, at any time during the effectivity of the Permit, inspect the operations and the books of accounts and other relevant data of the Permit Holder in which shall be entered the quantity of materials removed or disposed of, the amount of fees paid, the selling price, and the names and addresses of the persons to whom the same were sold;
8. The extraction and removal of quarry resources under this Permit shall be confined within the area specified herein, the boundaries of which according to the application have been well established according to survey rules and regulations. This Permit shall exclude areas closed to mining location as provided in Sec. 19 of the Act;
9. **The Permit Holder or his/her representative shall keep the Permit/Permit area available at all time for inspection and examination by the duly authorized representative/s of the Provincial Governor concerned or the Provincial SAG-TF;**

10. The Permit Holder shall pay to the Government an excise tax pursuant to Sec. 151 of the national Internal Revenue Code, as amended; such excise tax shall be due and payable upon the removal of the quarry resources extracted from the area embraced by his/her Permit, pursuant to the provisions of the National Internal Revenue Code, as amended;
11. This Permit may be revoked or canceled at any time by the Provincial Governor concerned when in his/her opinion public interest so requires, or upon failure of the Permit Holder to comply with the provision of the Philippine Mining Act of 1995 and the Revised Implementing Rules and Regulations promulgated thereunder, as well as with the terms and conditions specified herein; *Provided*, that if the Permit is canceled, or otherwise terminated, the Permit Holder shall be liable for all unpaid fees and taxes due up to the time of the termination or cancellation of the Permit;
12. The Permit Holder shall assume full responsibility and be liable for damages to private and/or public property (ies) that may be occasioned by its operations under the Permit;
13. The Permit Holder shall manage its operations in a technically and environmentally responsible manner to achieve a safe, non-polluting and self-sustaining post disturbance landform;
14. The Permit Holder shall not discriminate on the basis of gender and that the Permit Holder shall respect the right of women workers to participate in policy and decision-making processes affecting their rights and benefits;
15. The Permit Holder shall conform to laws, rules and regulations regarding, among others labor, safety and health standards;
16. The Permit Holder shall not interfere with the rights of other Permit Holders/Operations/Contractors;
17. The Permit Holder shall recognize and respect the rights, customs and traditions of local communities, particularly Indigenous Cultural Communities;
18. The Permit Holder Shall Immediately stop digging and extracting materials the moment man-made articles or artifacts are found. It shall notify the Director of the National Museum of such findings, in which case, the digging shall be under the supervision of the National Museum until said artifacts are recovered;
19. The Permit Holder shall not, by virtue of the Permit, acquire any title over the permit area, without prejudice to its acquisition of the land/surface rights through any mode of acquisition provided by law;
20. The Permit Holder shall pay fees, taxes and other obligations in accordance with existing laws, rules and regulations;
21. The Permit Holder shall comply with its obligations under its ECC, Environmental Protection and Enhancement Program (EPEP) and Annual EPEP, including the allocation of the prescribed annual environmental expense pursuant to Section 171 of the Revised Implementing Rules and Regulations;
22. The statements made in the application or those made later in support thereof, shall be considered as condition and essential parts of this Permit, and any misrepresentation therein stated shall be a cause for the cancelation of this Permit; and



23. The Permit Holder further binds itself to comply with the provisions of RA No. 7942 and the Revised Implementing Rules and Regulations promulgated thereunder, and such other terms and conditions not inconsistent with the Constitution, the Act and the Revised Implementing Rules and Regulations, as well as those which the concerned Provincial Governor may deem to be for the national interest and public welfare.

_____, Philippines, _____, 20 _____

BY THE GOVERNOR:
(Per SO No. 1, September 19, 2022)

Atty. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer


For the Republic of the Philippines
(Grantor)


CARLOS JERICO L. PETILLA
Provincial Governor

I hereby accept the terms and conditions of this Industrial Sand and Gravel Permit as above stated.


SOFIO REAS BELOY JR.
Permit Holder

Signed in the presence of:


HONEY LEA C. ABUDA
(Signature over Printed Name)


JOEL
(Signature over Printed Name)

ACKNOWLEDGEMENT

Republic of the Philippines)
Province of LEYTE) S.s
City/Municipality of PALO)

Before me appeared ATTY. JOSE RAYMOND A. ACOL exhibiting to me his/her Identification Card LTO ID (type of ID) valid until _____, known to me and to me known to be the same person who executed the forgoing document, and acknowledged that same is his/her free and voluntary act, and deed as Permit Holder, and for the purposes therein specified. The said instrument, consisting of _____ pages, including his acknowledgment page, is an Industrial Sand and Gravel Permit to extract and dispose of sand and gravel and other unconsolidated materials therein specified for industrial purposes from the area herein mentioned.

WHEREFORE, I have hereunto set my hand and affixed my notarial seal this 08 MAY 2024 day of _____, 20 _____, in PALO, LEYTE.


ATTY. AMOR MARIE C. VELOSO
NOTARY PUBLIC until Dec. 31, 2028
FOR & W/N JURISDICTION OF RTC, TAG. CITY
Notarial Commission No. 2024-04-136, Apr. 17, 2024
Rm. 107, Joemar Bldg., M.H. Del Pilar St., Tag. City
Roll No. 84843 ; 08/10/2022
ISP No. 410045 ; 01/03/2024, Tag. City
PTR No. 848880 ; 01/03/2023, Tag. City
MCLE Compliance No. VII-0003881, until 4/14/2028

NOTARY PUBLIC
Until Dec 31, 20 _____
PTR No. _____

Doc. No. 170
Page No. 25
Book No. II
Series of. 2024

Exhibit 'F'



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
A. Francisco Gold Condominium
EDSA Cor. Mapagmahal St., Diliman
Quezon City



LEGAL SERVICE

RECEIVED
GENERAL RECORDS SECTION
RELEASED
SIGNATURE _____
DATE: _____
CONTROL NO. _____

DILG Legal Opinion No. 03 s. 2012

JAN 13 2012

HON. ROSAURO V. MASILANG
Municipal Mayor
Municipality of Sariaya
Quezon Province

Dear **Mayor Masilang**:

This has reference to your 18 November 2011 letter requesting the Department's opinion on whether trucks carrying aggregate sub-based course (ASBC) is covered by DILG MC No. 2011-122 and DILG MC No. 2011-151.

As indicated in your letter, barangay ordinances imposing said fees were enacted to generate additional resources intended to augment regular funds utilized for barangay road maintenance and rehabilitation.

We answer in the **AFFIRMATIVE**.

Pass through fees are **TAXES, FEES, CHARGES AND OTHER IMPOSITIONS UPON GOODS CARRIED INTO OR OUT OF, OR PASSING THROUGH** the territorial jurisdiction of the LGUs in the guise of a toll, charges for wharfage or others taxes, fees, or charges in any form upon goods or merchandise.

Taxes, fees or charges on trucks carrying raw materials and cement finished products imposed by LGUs through ordinances, as in this case, are in the nature of pass through fees and thus considered illegal impositions/collections which run counter to Section 133 (e) of the Local Government Code of 1991 (the "Code").

It should be noted that illegal fees or illegal collections are those imposed by the LGUs which are not covered by their specific taxing powers and common taxing powers. This also covers the imposition of the taxes, fees and charges enumerated under Section 133 of the Code. In addition to the foregoing, a tax, fee, or charge may be considered an illegal collection if it is imposed by the LGU absent any ordinance directing the imposition of the same.

Nevertheless, LGUs may regulate the USE of its roads or other public facilities as provided under Section 155 of the Code through the imposition of toll fees or charges thereon **PROVIDED THAT IT IS FUNDED AND CONSTRUCTED BY THE LOCAL GOVERNMENT UNIT** concerned.

We hope the foregoing sufficiently addresses your concern.

Very truly yours,

JESUS B. DOQUE IV
Director III

LS/08-1b



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan

CERTIFICATION


TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT, based on records filed in this office Ordinance No. 04, s. 2024 of the Sangguniang Barangay of Combis, Abuyog, Leyte RE: AN ORDINANCE REGULATING THE OPERATION, EXTRACTION, PROCESSING AND TRANSPORTING/HAULING OF SAND AND GRAVEL AND ANY OTHER LIKE MATERIALS WITHIN THE JURISDICTION OF BARANGAY COMBIS, IMPOSING REGULATORY FEES, AND PROVIDING PENALTIES IN VIOLATION THEREOF AND FOR OTHER PURPOSES was calendared last July 2, 2024 regular session of the Sangguniang Bayan of this municipality, referred to the SB Committee on Environment and Natural Resources on the same date and was noted by the committee chairman.

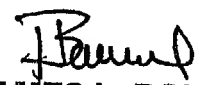
This is to certify further, that subject barangay ordinance was still at the SB Committee level, certified xerox copy is hereto attached.

This certification is being issued upon request of Honorable Erwin V. Belleza, SB Member of Abuyog, Leyte for whatever legal purpose it may serve.

August 5, 2024, Abuyog, Leyte.


ARSENIO Y. VILLOTE
Sangguniang Bayan Secretary

Attested:


HON. JAMES L. BOHOL
Municipal Vice Mayor, Presiding Officer

a/s

Annex L



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
Municipal Local Government Operations Office
Abuyog, Leyte

CERTIFICATION

THIS IS TO CERTIFY that based on records of the office, the following are the duly appointed Barangay Tanods of Barangay Combis, Municipality of Abuyog Leyte, to wit:

1. MARCELINO R. CECILIO
2. MICHAEL C. CABEROS
3. POLICARPO R. CECILIO
4. RESSEL C. ALVERO
5. FERNANDO R. ELEM
6. MARK GLEN A. SALAN
7. EUPRECINO R. ALFARO
8. OSCAR L. ALVERO – filed resignation letter with the office
9. JOMAR R. SAPICO
10. ARNULFO E. ALMINE
11. JERSON D. GONZALES
12. DENNIS R. LAMOSTE
13. RHEY C. ROBIN
14. VIVENCIO P. SENONES
15. LITO S. CODILLA
16. JESSIE A. PAGALAN
17. MA. ROSANDY SINONES
18. EMMANUEL C. CABEROS
19. AURELIO R. ELEM - filed resignation letter with the office
20. ROLANDO S. OBEJAS – filed resignation letter with the office
21. BENJIE A. DIMIAO
22. GERALDO B. GONZALES, SR.
23. LEONIL C. ALVERO

Issued this 12st day of September 2024 at the DILG Abuyog Municipal Operations Office, Abuyog Leyte for whatever legal purpose this may serve.

A handwritten signature in black ink, appearing to read 'IVAN CORNELIUS V. CO'.


IVAN CORNELIUS V. CO
MLGOO

Matino, Mahusay, at Maaasahan
DILG Abuyog Municipal Operations Office,
2F Putyukan sa Abuyog, Civic Center, Brgy Loyonsawang,
Abuyog, Leyte

Amox M

PHILIPPINE CIVIL SERVICE COMMISSION
MEDICAL CERTIFICATE

I hereby waive all rights and privileges pertaining to professional confidence between physician and patient, and the physician accomplishing this form is authorized to answer in details all questions contained herein.


ANNABEL S. ELEM
(Signature of Patient)

(N.S) Attending physician should fill on the blanks below. Every detail should be answered to avoid delay in action on application for leave submitted by the patient.

ANNABEL S. ELEM of **COMBIS ELEMENTARY SCHOOL**
(Name of Patient) Brgy. Combis, Abuyog, Leyte
(Name of Office)

having made application for leave of absence on account of illness. I do hereby certify that I was the applicant's actual attending physician from JULY 14, 2024 to JULY 16, 2024 inclusive and from my professional knowledge of the case, the following statements are submitted, as contemplated by the provision of section 8 of the Civil Service Rule XVI.

Name of disease or disability: GSP4 (4014) ABORTION INCOMPLETE SPONTANEOUS
13 2/7 WEEKS, AOG, LATE NON SEPTIC; COMPLETION CURETTAGE UNDER SAB

Nature of disease or disability: OB-GYNE

ETIOLOGY: Under this heading, in addition to giving fully the etiology of the disease or disability, the physician must either state in the language of the Executive Order. "There are no indications whatsoever that the disease named was due to immoral or vicious habits" or give the indications.

"THERE ARE NO INDICATIONS WHATSOEVER THAT THE DISEASE NAMED WAS DUE TO
IMMORAL OR VICIOUS HABITS OR GIVE THE INDICATIONS."

HISTORY: Labor pains associated with vaginal discharges thus admission.

Laboratory test or examination was _____ made in this case. The applicant was confined in his/her (house/hospital) from JULY 14, 2024 to JULY 16, 2024


I hereby certify that the above statement are complete and true in every detail, and that in consequence of the disease or disability above specified, the applicant was ill and unable to be on duty on account of disease from _____ inclusive and that his/her claim is meritorious.

At this certificate is executed in the
Philippines. . . Affix



Doc. Stamp

JULY 16, 2024


FLORENCE JAMIN-CURBILLA, M.D.
Medical Officer III

Lic. # 107337

Signature of Attending Physician

Postal Address

LEYTE PROVINCIAL HOSPITAL
PAWING, PALO, LEYTE



Annex N



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS NA YAMAN

BAGONG PILIPINAS

CERTIFICATION

Land Classification Status

DENR-CENRO BAYBAY, LEYTE
RELEASED
Date: 11-12-2024
By: [Signature]

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that based on available records in our office, the tract of land is identified as Dry River bed abutting Lot 35 and 41, Pls-323, located in Barangay Combis, Abuyog, Leyte. That per verification and projection the area falls inside **Unclassified Public Forest** per Land Classification Map no. 618, under the Provision of Section 1827 of the Administrative Code for the purposes of Section 1844 of said code as amended by Section I of Act. 3077, Project No. 4, certified on October 18, 1926.

This is to certify further that the dried river bed is classified as property of public dominion belonging to the state. And this certification does not construed as a permit of any kind.

This certification is issued upon request Christoher A. Elem for whatever legal purpose/s it may serve.

Issued this 12th day of November, 2024 at DENR-CENRO-Baybay City, Leyte, Philippines.

Projected and Verified by:


DANTE M. UY
Engineer - II

Approved:


ELMER B. LABACLADO
CENR Officer

Cert. Fee : ₱ 28.00
O.R. No. : 2645613
Date : 11-12-24

Annex 0



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF ABUYOG

OFFICE OF THE MUNICIPAL ASSESSOR

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that as per verification of the Assessment records kept with this office **Lot No. 35 Pls-323 located at Brgy. Combis, Abuyog, Leyte** is not yet declared for taxation purposes.

Issued upon request of interested party this 10th day of **October, 2024 at Abuyog, Leyte, Philippines** for whatever legal purposes it may serve.


MARILYN C. RUDAS, REA, REB
Municipal Assessor

Cert. Fee : Php100.00
O.R. No. : 9883758
Issued on : 10/10/2024
Issued at : Abuyog, Leyte
Doc. Stamp: P30.00
O.R. No. : 9883758

Verified & Prepared by:


TRINIDAD O. REQUIOMA
Administrative Aide III

EASEMENT & ROAD RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS:

I, CESAR C. GALLER, Filipino, of legal age, married and a resident of Brgy. Sta Fe, Abuyog, Leyte, hereinafter called the **SERVIENT OWNER**, and ERWIN V. BELLEZA, Filipino, of legal age, married and a resident of Brgy. Buntay, Abuyog, Leyte, hereinafter called the **RECIPIENT**, hereby **WITNESSETH**:

That the **SERVIENT OWNER**, herein is the co-owner of a certain parcel of land located at Brgy. Combis, Abuyog, Leyte, designated as lot no. 417, covered by OCT no. P-1975 and TD no. 08-01029-00048 registered and declared in the name of Policarpo Cecilio and bounded on the N., Abuyog-Silago Road; NE., lot 21 & 20 of Abuyog, Pls-323, and road; SE., Higasa-an river; SW., Higasa-an river,. And lot 35 and NW lot 23.

That the **RECIPIENT** herein plans to construct a private road for his own use, benefits, interest and advantage.

That **SERVIENT OWNER** herein, grants and allow **RECIPIENT** (his heirs and assigns) an easement of road right of way on his said private land for him to construct and use a private road for his benefit and advantage.

That the **SERVIENT OWNER** hereof, hereby, **GRANTS, ALLOWS, PERMITS** and gives his consent to the **RECIPIENT** herein (his heirs and assigns) a private easement of road right of way and to construct a private road (sufficient in area that a 10 wheeler truck can conveniently pass ingress/egress) over a portion of my share in the above-described property for his own benefit and advantage in the following terms and conditions;

1. That the **RECIPIENT** shall pay the **SERVIENT OWNER** the amount of Five Thousand (5,000.00) pesos, per month payable after 30 days from 1st day of actual operation or use, as compensation for the use by the **RECIPIENT** of the said private access/easement of road right of way for as long as the **RECIPIENT** needs beginning actual use of it by the **RECIPIENT**;
2. That the **RECIPIENT** shall shoulder the construction and maintenance of the said private access/easement of road right of way.

That the parties herein covenants top faithfully comply with the terms and conditions of this contract.

13 MAR 2024

IN WITNESS WHEREOF, We hereunto set our hand this _____ day of March 2024 at Abuyog, Leyte.

CESAR C. GALLER

Servient owner

PHL NAT'L ID Card w/ # 2496-7462-5842-0376

ERWIN V. BELLEZA

Recipient

PHL NAT'L ID Card w/ # 5098-1538-5126-3064

Signed in the presence of:

JOBELYN ESTRIBER

Witness

HONEY LEA C. CUBILO

Witness

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)

PROVINCE OF LEYTE) S.S.

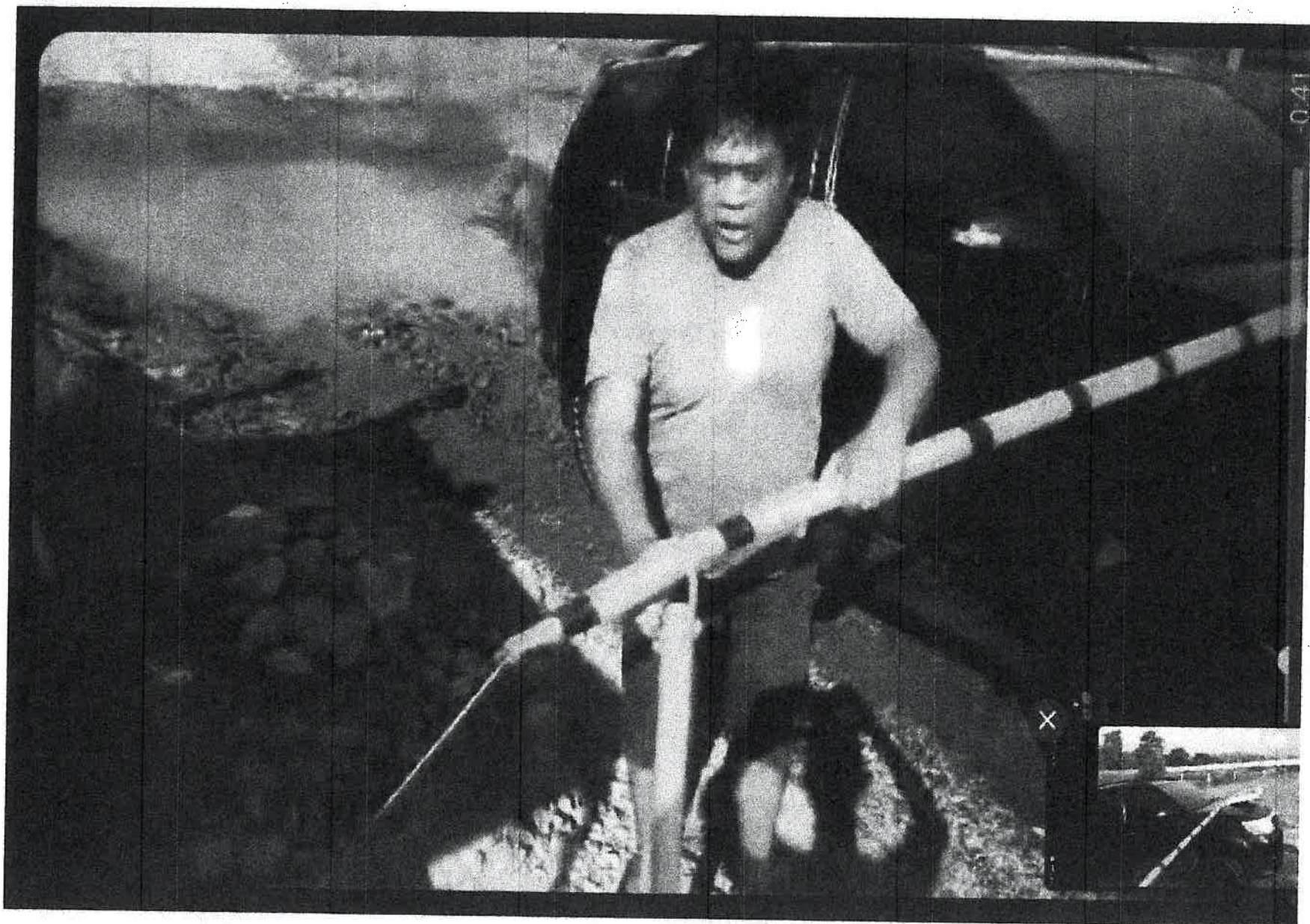
MUNICIPALITY OF ABUYOG)

BEFORE ME, this 13 MAR 2024 day of March 2024 at Abuyog, Leyte, personally appeared the above-named parties, known to me to be the same person who executed the foregoing instrument and they acknowledge to me that the same are their own free act and voluntary deed.

WITNESS MY HAND AND SEAL. the day, year, and place above written.

ATTY. JOY ESTOLANO-CERRO, CPA
Notary Public
for La Paz, Mayorga, MacArthur,
Abuyog and Javlor, Leyte
Until December 31, 2024
Notarial Commission No. 11-22-02
Brgy. Guindaguan, Abuyog, Leyte
Attorney's Roll No. 60165
PTR No. 8967356; Abuyog, Leyte, January 2, 2024
IBP Lifetime Member No. 010822

Doc. No. 416
Page No. 85
Book No. CV



Amag Q



