

Item No.: 25
Date: 07 2025 OCT

REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
SANGGUNIANG PANLALAWIGAN OF LEYTE
Leyte Capitol Building
Palo, Leyte

Sangguniang Panlalawigan
Province of Leyte
RECEIVED
Date: SEP 29 2025
By: [Signature] 10:38am

HON. BASILIO D. CALDA,
Punong Barangay, Brgy. Cabuloran,
Dagami, Leyte
Respondent-Appellant,

“Unnumbered Cases”

For: Grave Misconduct,
Abuse of Authority
and Neglect of Duty

-versus-

LEY MART L. VILLASANTE,
REYMART D. NEVALIZA,
ANACITA M. PALACIO,
ALFONSO S. ENERO,
MARITES O. AURILLO,
Complainants-Appellees.

X-----X

NOTICE OF APPEAL

The undersigned Respondent-Appellant, by himself and unto this Honorable Body, most respectfully submit this NOTICE OF APPEAL and further states that:

Timelines of the Appeal

1. Undersigned Respondent-Appellant received a copy of Resolution No. 2025-49 of the Office of the Sangguniang Bayan of Dagami, Leyte, dated August 28, 2025 – A RESOLUTION RATIFYING AND ENDORSING THE JOINT DECISION ISSUED BY THE COMMITTEE EXERCISING QUASI-JUDICIAL FUNCTION IN THE CASES:
 - a) LEY MART L. VILLASANTE VS. HON. BASILIO D. CALDA, FOR: GRAVE MISCONDUCT, ABUSE OF AUTHORITY AND NEGLECT OF DUTY;
 - b) REYMART D. NEVALIZA, VS. HON. BASILIO D. CALDA, FOR: NEGLECT OF DUTY, GRAVE MISCONDUCT, AND ABUSE OF AUTHORITY;
 - c) ANACITA M. PALACIO, VS. HON. BASILIO D. CALDA, FOR: NEGLECT OF DUTY, GRAVE MIS CONDUCT, AND ABUSE OF

Case to the Office of the Sangguniang Panlalawigan of Leyte and allow the undersigned appellant to access such records and submit his Memorandum of Appeal;

Plaintiff further prays for such other relief as this Honorable Body may deem just and equitable in the premises.

Most Respectfully Submitted.

September 19, 2025. Dagami, Leyte for Palo, Leyte.


HON. BASILIO D. CALDA,
Punong Barangay
Brgy. Cabuloran, Dagami, Leyte
09770892910

Copy furnished:

Complainants-Appellees:

LEY MART L. VILLASANTE
Brgy. Cabuloran, Dagami, Leyte

REYMART D. NEVALIZA
Brgy. Cabuloran, Dagami, Leyte

ANACITA M. PALACIO
Brgy. Cabuloran, Dagami, Leyte

ALFONSO S. ENERO
Brgy. Cabuloran, Dagami, Leyte

MARITES O. AURILLO
Brgy. Cabuloran, Dagami, Leyte

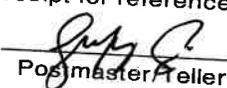
OFFICE OF THE SANGGUNIANG BAYAN OF DAGAMI
DAGAMI, LEYTE C/O HON. HOMOONO U. BARDILLON

DILG Leyte Provincial Director Annabelle V. De Asis
DILG-Leyte Provincial Office,
Kanhuraw Hill, Taclohan City

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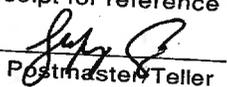
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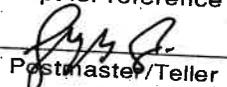
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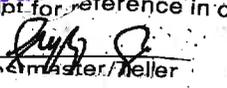
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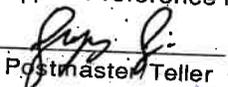
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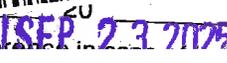
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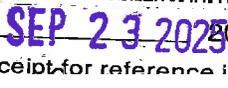
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AUTHORITY;

d) ALFONSO S. ENERO, VS. HON. BASILIO D. CALDA, FOR: GRAVE MISCONDUCT, ABUSE OF AUTHORITY AND NEGLECT OF DUTY;

e) MARITES O. AURILLO, VS. HON. BASILIO D. CALDA, FOR: GRAVE MISCONDUCT, AND ABUSE OF AUTHORITY;

with the Dispositive Portion of said Decision dated August 28, 2025, subject of this appeal, as follows:

*“WHEREFORE, in the light of the foregoing, this Body rules that Respondent **HON. BASILIO D. CALDA** is found guilty of **Grave Misconduct and Simple Neglect of Duty** and is meted the penalty of suspension for a period of **TWENTY-SIX (26) MONTHS** which shall not exceed the unexpired term of the named Respondent.”*

2. The above-mentioned **Resolution with the Notice of Decision was received by the undersigned Respondent-Appellant on September 1, 2025**. Under the Local Government Code, such Decision of the Sangguniang Bayan may, within **thirty (30) days from receipt** be appealed to the Sangguniang Panlalawigan. Undersigned appellant then **has until October 1, 2025** to file this Notice of Appeal – hence, this Appeal is timely filed;
3. As much as I desired to attach my Memorandum on Appeal with this Notice of Appeal, the Sangguniang Bayan illegally and unswervingly denies my request for access of the docket of the case, specifically the Minutes of the Hearings and its corresponding Transcript of Records, as well as other pertinent Records in this case. Thus, the undersigned cannot submit a thorough and heavily regarded Memorandum of Appeal without such supporting documents and records to support my arguments; and
4. I am constrained to wait that the full and complete records of the administrative cases filed against me be forwarded to your office for me to access these important documents;

PRAYER

In view thereof, it is most respectfully prayed of this Honorable Body, that this **Notice of Appeal be GRANTED** and order the Sangguniang Bayan to forward the Complete Records of Administrative



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 3RD SPECIAL SESSION OF THE SANGGUNIAN BAYAN OF DAGAMI, LEYTE, HELD AT THE MUNICIPAL SESSION HALL ON 28 AUGUST, 2025 AT 9:00 O'CLOCK IN THE MORNING.

Present:

Hon. Homobono U. Bardillon	- Mun. Vice-Mayor/Presiding Officer
Hon. Judy M. Dumduma, Jr.	- Sangguniang Bayan Member
Hon. Rolando A. Bud-oy	- do-
Hon. Andres Bryan M. Bayona	- do-
Hon. Jose Jingle N. Sudario	- do-
Hon. Caridad B. Cabidog	- do-
Hon. Susan O. Mendoza	- do-
Hon. Reynaldo O. Treceñe	- do-
Hon. Marife S. Bardillon	- do-
Hon. Arvin M. Delusa	- ABC President/Ex-Officio Member
Hon. Jameson C. Madalina	- SK Fed. Pres./Ex-Officio Member

Absent:

NONE

RESOLUTION NO. 2025-49

A RESOLUTION RATIFYING AND ENDORSING THE JOINT DECISION ISSUED BY THE COMMITTEE EXERCISING QUASI-JUDICIAL FUNCTION IN THE CASES, TO WIT: (A) LEY MART L. VILLASANTE VS. HON. BASILIO D. CALDA, FOR: GRAVE MISCONDUCT, ABUSE OF AUTHORITY AND NEGLECT OF DUTY; (B) REYMART D. NEVALIZA, VS. HON. BASILIO D. CALDA, FOR: NEGLECT OF DUTY, GRAVE MISCONDUCT, AND ABUSE OF AUTHORITY; (C) ANACITA M. PALACIO, VS. HON. BASILIO D. CALDA, FOR: NEGLECT OF DUTY, GRAVE MIS CONDUCT, AND ABUSE OF AUTHORITY; (D) ALFONSO S. ENERO, VS. HON. BASILIO D. CALDA, FOR: GRAVE MISCONDUCT, ABUSE OF AUTHORITY AND NEGLECT OF DUTY; (E) MARITES O. AURILLO, VS. HON. BASILIO D. CALDA, FOR: GRAVE MISCONDUCT, AND ABUSE OF AUTHORITY

WHEREAS, last August 28, 2025, the Committee on Quasi-Judicial Functions deliberated the facts, issues and arguments in the following cases, to wit:

- a. Ley Mart L. Villasante Vs. Hon. Basilio D. Calda, For: Grave Misconduct, Abuse Of Authority And Neglect Of Duty;
- b. Reymart D. Nevaliza, Vs. Hon. Basilio D. Calda, For: Neglect of Duty, Grave Misconduct, And Abuse of Authority;
- c. Anacita M. Palacio, Vs. Hon. Basilio D. Calda, For: Neglect of Duty, Grave Mis Conduct, And Abuse of Authority;
- d. Alfonso S. Enero, Vs. Hon. Basilio D. Calda, For: Grave Misconduct, Abuse Of Authority And Neglect Of Duty;
- e. Marites O. Aurillo, Vs. Hon. Basilio D. Calda, For: Grave Misconduct, And Abuse of Authority

HON. HOMOBONO U. BARDILLON
Mun. Vice-Mayor/Presiding Officer

FLOR E. YAP

HON. FLORANZA N. BUD-OY
SB Member

HON. ANDRES BRYAN M. BAYONA
SB Member

HON. SUSAN O. MENDOZA
SB Member

HON. CARIDAD B. CABIDOG
SB Member

HON. REYNALDO O. ENERON
SB Member

HON. DAN JOSEPH D. BERINO
SB Member

HON. JERICO O. CABIDOG
SB Member

HON. ALVARO P. ORENDO, JR.
SB Member

HON. ARVIN M. DELUSA
ABC Pres./Ex-Officio Member

HON. JAMESON C. MADALINA
SK Fed. Pres./Ex-Officio Member

(Cont. SB Approved Brgy. Resolution No. 2025-49, 3rd Special Session, dated Aug. 28, 2025, etc.)

HON. FLORABERTA N. BUD-OY
SB Member

HON. DAN JOSE P. BERRINO
SB Member

WHEREAS, during the deliberation, the members of the Committee casted their votes whether they will penalize the Respondent Hon. Basilio D. Calda, or dismiss the complaints;

WHEREAS, after thorough deliberation, the Committee favors the penalty of suspension against the said Respondent;

WHEREAS, the Quasi-Judicial Committee then submitted the Joint-Decision signed by all of its members for the consideration of the August Body.

HON. ANDRES BRYAN M. BAYONA
SB Member

HON. JERIBON O. CABIDOG
SB Member

NOW THEREFORE, on motion of **HON. ALVARO P. LORENO, JR.**, Chairman Committee on Quasi-Judicial Function, duly seconded by the majority of the Sangguniang Bayan Members present and constituting a quorum, be it:

RESOLVED, AS IT IS HEREBY **RESOLVED**, ratifying and endorsing the Joint-Decision issued by the committee exercising Quasi-Judicial Function in the cases, to wit:

- a. Ley Mart L. Villasante Vs. Hon. Basilio D. Calda, For: Grave Misconduct, Abuse Of Authority And Neglect Of Duty;
- b. Reymart D. Nevaliza, Vs. Hon. Basilio D. Calda, For: Neglect of Duty, Grave Misconduct, And Abuse of Authority;
- c. Anacita M. Palacio, Vs. Hon. Basilio D. Calda, For: Neglect of Duty, Grave Mis Conduct, And Abuse of Authority;
- d. Alfonso S. Enero, Vs. Hon. Basilio D. Calda, For: Grave Misconduct, Abuse Of Authority And Neglect Of Duty;
- e. Marites O. Aurillo, Vs. Hon. Basilio D. Calda, For: Grave Misconduct, And Abuse of Authority.

HON. ALVARO P. LORENO, JR.
SB Member

HON. SUSANO MENDOZA
SB Member

UNANIMOUSLY APPROVED.

ADOPTED this 28th day of August, 2025 at the Municipality of Dagami, Leyte.

Let a copy of this Resolution be furnished to the Office of the Mayor and the MLGOO.

HON. CARIDAD S. CABIDOG
SB Member

HON. ARLYN M. DELISA
ABC Pres./Ex-Officio Member

CERTIFIED CORRECT:


FLOR G. YAP

Secretary to the Sanggunian

ATTESTED:



HON. HOMOBONO U. BARDILLON
Municipal Vice-Mayor/Presiding Officer

HON. REYNALDO V. GERONA
SB Member

HON. JAMESON C. MADRANZA
SK Fed. Pres./Ex-Officio Member

CERTIFIED THRU XEROX COPY
FROM THE ORIGINAL



(Cont. SB Approved Brgy. Resolution No. 2025-49, 3rd Special Session, dated Aug. 28, 2025, etc.)


HON. FLORADIMA N. BUD-OY
SB Member


HON. ANDRES BRYAN M. BAYONA
SB Member


HON. SUSAN O. MENDOZA
SB Member


HON. CARIDAD B. CABIDOG
SB Member


HON. REYNALDO U. GERONA
SB Member


HON. DAN JOSEPH D. BERINO
SB Member


HON. JERICHO O. CABIDOG
SB Member


HON. ALVARO P. LORENO, JR.
SB Member


HON. ARVIN M. DELUSA
ABC Pres./Ex-Officio Member


HON. JAMESON C. MADALINA
SK Fed. Pres./Ex-Officio Member


HON. HOMOBONO U. BARDILLON
Mun. Vice-Mayor/Presiding Officer


FLOR C. YAP
Secretary to the Sanggunian

CERTIFIED THRU XEROX COPY
FROM THE ORIGINAL





OFFICE OF THE SANGGUNIANG BAYAN

LEY MART L. VILLASANTE,
Complainant,

-versus-

For: Grave Misconduct, Abuse of
Authority and Neglect of Duty

HON. BASILIO D. CALDA,
Punong Barangay
Brgy. Cabuloran, Dagami, Leyte
Respondent.

x- ----- x

REYMART D. NEVALIZA,
Complainant,

-versus-

For: Neglect of Duty, Grave Mis-
conduct, and Abuse of Authority

HON. BASILIO D. CALDA,
Punong Barangay
Brgy. Cabuloran, Dagami, Leyte
Respondent.

x- ----- x

ANACITA M. PALACIO,
Complainant,

-versus-

For: Neglect of Duty, Grave Mis-
conduct, and Abuse of Authority

HON. BASILIO D. CALDA,
Punong Barangay
Brgy. Cabuloran, Dagami, Leyte
Respondent.

x- ----- x

ALFONSO S. ENERO,
Complainant,

-versus-

For: Grave Misconduct, Abuse of
Authority and Neglect of Duty

MARITES O. AURILLO,

Complainant,

-versus-

For: Grave Misconduct, and Abuse
of Authority

HON. BASILIO D. CALDA,

Punong Barangay

Brgy. Cabuloran, Dagami, Leyte

Respondent.

X-----X

NOTICE OF DECISION

TO:

CHERRYLINE P. ACERO

MLGOO of the Dagami LGU

LGU Bldg., Dagami, Leyte

HON. JOSE JINGLE SUDARIO

Municipal Mayor

LGU Bldg., Dagami, Leyte

ATTY. CHARMAINE LYNN B. TAN

Respondent's Counsel

Brgy. District I, Pastrana, Leyte

HON. BASILIO CALDA

Respondent

Brgy. Cabuloran, Dagami, Leyte

HON. LEY MART L. VILLASANTE

Complainant

Brgy. Cabuloran, Dagami, Leyte

REYMART D. NEVALIZA

Complainant

Brgy. Cabuloran, Dagami, Leyte

ANACITA M. PALACIO

Complainant

Brgy. Cabuloran, Dagami, Leyte

ALFONSO S. ENERO

Complainant

Brgy. Cabuloran, Dagami, Leyte

MARITES O. AURILLO

Complainant

Brgy. Cabuloran, Dagami, Leyte

GREETINGS:

You are hereby notified that on August 28, 2025, the Decision in the above-entitled case/s was rendered.

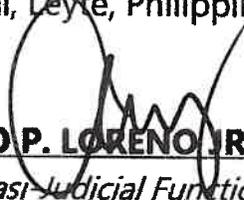
Pursuant to Section 67 of the Local Government Code, Decisions in this administrative cases may, within thirty (30) days from receipt thereof, be appealed to the Sangguniang Panlalawigan.

An appeal shall not prevent a decision from becoming final or executory. The respondent shall be considered as having been placed under preventive suspension during the pendency of an appeal in the event he wins such appeal. In

the event the appeal results in an exoneration, he shall be paid his salary and such other emoluments during the pendency of the appeal.¹

No motion for reconsideration of this Decision shall be entertained.

Dagami, Leyte, Philippines. August 28, 2025.


ALVARO P. LORENO JR

Chairman, Quasi-Judicial Function Committee


FLOR G. YAP

SB Secretary



OFFICE OF THE SANGGUNIANG BAYAN

LEY MART L. VILLASANTE,
Complainant,

-versus-

For: Grave Misconduct, Abuse of
Authority and Neglect of Duty

HON. BASILIO D. CALDA,
Punong Barangay
Brgy. Cabuloran, Dagami, Leyte
Respondent.

X-----X

REYMART D. NEVALIZA,
Complainant,

-versus-

For: Neglect of Duty, Grave Mis-
conduct, and Abuse of Authority

HON. BASILIO D. CALDA,
Punong Barangay
Brgy. Cabuloran, Dagami, Leyte
Respondent.

X-----X

ANACITA M. PALACIO,
Complainant,

-versus-

For: Neglect of Duty, Grave Mis-
conduct, and Abuse of Authority

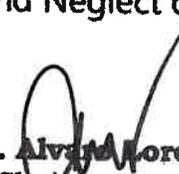
HON. BASILIO D. CALDA,
Punong Barangay
Brgy. Cabuloran, Dagami, Leyte
Respondent.

X-----X

ALFONSO S. ENERO,
Complainant,

-versus-

For: Grave Misconduct, Abuse of
Authority and Neglect of Duty

Hon.  Alvaro Moreno Jr


Flor C. Yap

HON. BASILIO D. CALDA,
Punong Barangay
Brgy. Cabuloran, Dagami, Leyte
Respondent.

X-----X

MARITES O. AURILLO,
Complainant,

-versus-

For: Grave Misconduct, and Abuse
of Authority

HON. BASILIO D. CALDA,
Punong Barangay
Brgy. Cabuloran, Dagami, Leyte
Respondent.

X-----X

JOINT DECISION

Before this August Body, acting as Quasi-Judicial Judges, is a consolidated case for Grave Misconduct, Abuse of Authority, and Neglect of Duty, filed as individual complaint by the complainants, namely: Ley Mart L. Villasante (Villasante); Reymart D. Nevaliza (Nevaliza); Anacita M. Palacio (Palacio); Alfonso S. Enero (Enero); and Marites O. Aurillo (Aurillo), against the respondent Hon. Basilio D. Calda (Calda), Punong Barangay of Brgy. Cabuloran, Dagami, Leyte.

THE PARTIES INVOLVED

The Complainant Ley Mart L. Villasante is an incumbent Sanggunian Kabataan Chairperson of Brgy. Cabuloran, Dagami, Leyte. Complainant Reymart D. Nevaliza is an incumbent Sanggunian Barangay Secretary of Brgy. Cabuloran, Dagami, Leyte. Complainant Alfonso S. Enero is a Chief Tanod of Brgy. Cabuloran, Dagami, Leyte. Complainant Marites O. Aurillo is a Barangay Health Worker of Brgy. Cabuloran, Dagami, Leyte. Complainant Anacita M. Palacio is a former Sanggunian Barangay Secretary of Brgy. Cabuloran, Dagami, Leyte.

The respondent Hon. Basilio D. Calda is an incumbent Punong Barangay of Brgy. Cabuloran, Dagami, Leyte.

CASE ANTECEDENTS

On November 19, 2024, the Complainants Villasante, Aurillo, Palacio, and Enero filed their individual Complaint-Affidavit against the Respondent for Grave Misconduct, and Abuse of Authority, and Neglect of Duty.




Hon. Alvaro Loreno Jr


Flor G. Yao

On November 20, 2024, the Complainant Nevaliza filed his Complaint-Affidavit against the Respondent for Grave Misconduct, and Abuse of Authority, and Neglect of Duty.

On November 22, 2024, the Summons for the five (5) complaints were served to the Respondents.

On December 5, 2024, the Respondent filed a Motion to Dismiss, arguing that the period of time given to him is in violation of the Rules and that *sub judice* rule was violated since a comment was entered into a media about the possible outcome of this case prior to trial.

On January 8, 2025, the Respondent filed his Answer, and considered as timely filed.

Mediation between the parties were conducted but the same failed. Hence, the case proceeds to Pre-Trial Conference where the parties were required to file their respective Pre-Trial Brief and to attend at the Pre-Trial Conference.

On June 24, 2025, this Body proceeds to Pre-Trial Conference but the Respondent was conspicuously absent. Thereafter, the parties were required to submit their Position Paper within a period of 15 days.

On July 7, 2025 the Complainants submitted their Position Paper. After the expiration of the period given, this Office did not receive any Position Paper from the Respondent.

STATEMENT OF THE PARTIES

As to Complainant Anacita M. Palacio:

Complainant Palacio stated in her Complaint-Affidavit that she was appointed as Barangay Secretary by Respondent Calda in November 2023. However, on March 20, 2024, she received a Termination Order dated February 28, 2024, sent by Respondent to her thru registered mail, indicating that her appointment as barangay secretary is being terminated effective February 29, 2024. Even though the termination order mentioned about her is negligence, she was not given adequate explanation.

In his Answer, Respondent vehemently denies the allegations stated by the Complainant stating that these malicious imputations are all politically motivated and are made to harass him. According to him, Mr. Allan Añover referred the Complainant to become the barangay secretary. However, during the months of January and February of the year 2024, she failed to draft all of the minutes for the sessions conducted on those months. Moreover, she would always ask the respondent to just draft the Resolutions and Minutes for the projects which need immediate actions if he needs them already. She even said that she would just sign the Resolution or Minutes once they are finished. Due to this, the Respondent told





her that she has to perform the duties and responsibilities of her office, otherwise, she will be terminated. Her negligence continued. Respondent verbally ordered her to explain her continued defiance. She just said that respondent should not be the one she should be answering to, considering that it was SB Member Allan Añover who helped her be appointed as the barangay secretary. Nonetheless, during the regular session conducted last February 28, 2024, her termination was also tackled and four SB Members concurred her termination.

In her Reply, Complainant Palacio indicated that it is just made up because respondent wanted to replace her with someone who will just follow all his instructions even if the same are unjust and improper. The Termination Order was received by her only on March 20, 2024. As such, the appointment as a barangay secretary is effective only upon receipt of the Termination Order. In addition, the appointment of Complainant Nevaliza as the new barangay secretary was effective only on March 21, 2025 as indicated in his Appointment Certificate. This supports that she was still the barangay secretary of Brgy. Cabuloran until March 20, 2024. In this case, she is still included in the payroll and should receive the honorarium for March 2024. As to the Minutes of the alleged special session on February 28, 2024 wherein respondent claimed that her termination was tackled, the minutes was fabricated by the respondent. The SK Chairman, Ley Mart Villasante, who was one of the four members who allegedly concurred with such termination was absent during the said special session on February 28, 2024. Furthermore, SK Chairman executed an Affidavit of Witness wherein he stated that he was not able to attend the special session and he was only instructed by the respondent to sign an unnumbered resolution which he followed without question considering his much respect for the respondent. She had been repeatedly asking the respondent of her honorarium, but he kept on saying that it was not yet available and the documents are still being processed. Even if she was included in the payroll for January 2024 and February 2024, she was not able to receive the honoraria for these months because respondent unreasonably and illegally withholding the same.

As to Complainant Marites Aurillo:

Complainant Aurillo stated in her Complaint-Affidavit that she is a Barangay Health Worker since 2007. She has not received her honorarium for the months of August 2024 up to the present. Also, since January 2024, she experienced delays in the release of her honorarium. Ever since the respondent became the Punong Barangay of Brgy. Cabuloran, barangay tanods and barangay health workers would usually go to the house of respondent to claim their honorarium just like in the case of the herein complainant. Most of the time, respondent would tell the complainant that the honorarium is not yet available. Thereafter, the respondent would offer to grant a loan to complainant with an interest of 5% per month. Since complainant is in dire need of money, she would obtain loan from respondent. When the honorarium is already available, respondent would immediately deduct the loan of complainant including the 5% interest. There were times that the cash

amount for the honorarium is already in the possession of the respondent, but he would intentionally deny its availability and would instead offer loan to the complainant just to gain 5% interest. At one point, she was informed by fellow barangay health workers and tanods that the respondent was already in possession of the honorarium. However, when she personally went to the respondent's residence to claim hers, she was told it was not yet available. Likewise, complainant learned that the delays in the release of her honorarium for the months of August 2024 up to the present is due to the insufficiency of the fund for the disbursement of the honorarium which is the effect of the irregular disbursement made by the respondent.

In his Answer, Respondent vehemently denies the allegations stated by the Complainant stating that these malicious imputations are all politically motivated and are made to harass him. According to him, all barangay officials have not received their honoraria for months August 2024 until present. This is due to the fact that the barangay treasurer and all other barangay officials concerned have not prepared all necessary financial documents to disburse the said amounts. The payrolls for the previous months which complainant herself signed would belie her claims. Marivic Arguta is the barangay official who is primarily tasked to manage the financial aspects and transactions of the barangay. She cannot point fingers especially to the respondent, after she was made to explain regarding the chekcs issued under her name. Coincidentally, the treasurer's Affidavit was executed following her receipt of multiple Show Cause Orders requiring her to explain the presence of unexplained barangay checks issued under her name.

As to Complainant Alfonso Enero:

Complainant Enero stated in his Complaint-Affidavit that he has been serving as the barangay chief tanod of Brgy. Cabuloran, Dagami, Leyte since November 2023. He has not received his honorarium for the months of January 2024 up to the present because it is unlawfully withheld by the respondent. Every time the honorarium of other barangay officials of their barangay is released, complainant would ask for his honorarium from the barangay treasurer, but the treasurer would just inform him that the amounts for the honorarium had been given to the respondent. Whenever the complainant asks the respondent about the honorarium, he would just say that it is not been disbursed yet. However, he would learn from other barangay officials and tanods that they have already received their honorarium. Upon further verification with the barangay treasurer, he learned that his honorarium is included in the disbursement made by respondent wherein the checks have already been issued and encashed. After the encashment of the check, the full amount is taken by the respondent from the barangay treasurer and the respondent would be the one who will release the honorarium to the barangay officials. Most of the time, the barangay officials are required to go to the house of the respondent to get their honorarium. Unfortunately, his honorarium is not released by the respondent despite actually rendering his services as chief tanod.

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In his Answer, Respondent vehemently denies the allegations stated by the Complainant stating that these malicious imputations are all politically motivated and are made to harass him. According to him, the payrolls for the months of January, February, March, and April of 2024 refutes the complainant's claims. The other barangay tanods received their respective honoraria hence, the honorarium for each month was obviously available and it was complainant's choice not to receive and get his honorarium from the barangay. The respondent does not have any reason to withhold said honoraria from herein complainant. The barangay treasurer is already being investigated for numerous administrative charges and a criminal case is already being prepared by herein respondent because there have been numerous anomalies regarding the disbursement of barangay funds which she has failed to explain. Other appointive officials have reported to the respondent that their honoraria were being withheld by the barangay treasurer as early as January 2024.

In his Reply, Complainant indicated that the allegation against the interest of getting the honorarium is not true. Every time that he would hear from the other tanods that their honorarium is already available, he would go to the respondent to get it. However, respondent would always say that it has not yet been processed or it is not yet available. He would go to the respondent supposedly to get the honorarium because it was him who releases the amount, instead of the barangay treasurer. His name being listed in the payroll for the months of January 2024 to April 2024 does not mean that he has received the honoraria for the said months. The respondent unreasonably withheld these honoraria. Moreover, he was not included in the payroll for the months of May 2024 until the present despite discharging his functions as chief tanod. His appointment as the Chief Tanod of Brgy. Cabuloran, Dagami, Leyte has not yet been terminated. He is rendering services as chief tanod up to present.

As to Complainant Reymart Nevaliza:

Complainant Nevaliza stated in his Complaint-Affidavit that he has been appointed as Barangay Secretary effective on March 21, 2024. Since his appointment as the barangay secretary, the respondent has been either absent or would walk out during the barangay's regular session every first and third Saturday of the month or during special sessions. There was even a scheduled regular session when the respondent just wrote his name on the attendance sheet and left immediately without giving any instruction if there will be a session or not. Sometimes, respondent would instruct herein complainant not to open the barangay hall so that the barangay council could not conduct the barangay session. In August 2024, the barangay keys in the possession of the complainant was taken by respondent. Also, complainant no longer has access to the laptop and printer which he uses every time there are requests for barangay certifications and clearances. Oftentimes, the laptops owned by the barangay were brought to the house of the respondent. All the transactions in the barangay were hampered because of the willful unreasonable actions of respondent. The complainant cannot

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Añoover and the other barangay officials who wanted to oust respondent. They believed that respondent was the sole reason why their honoraria were not given to them. Hence, they started plotting against respondent—they conducted illegal special and regular session without the respondent. They kept on spreading lies in the barangay stating that respondent was already suspended by this August Body. They started making false accusations in both social media and mainstream media. At present, all barangay officials have not received their honoraria from August 2024 until present. This is due to the fact that the barangay treasurer and all other barangay officials concerned have not prepared all necessary financial documents to disburse the said amounts. The respondent is not solely responsible in the processing of honoraria.

In his Reply, Complainant Nevaliza indicated that there was no special session that happened on September 11, 2024. The regular session was scheduled on September 21, 2024, the third Saturday of the month of September, not on September 20, 2024. Moreover, the regular session was conducted in the SK Room because the barangay hall was locked. It was the respondent who ordered that they are not allowed to enter the barangay hall. If respondent really went to the barangay hall on September 21, 2024 to attend the regular session, he can do so because it was not a closed-door meeting. He did not receive copies of the show cause orders. He learned that Alwin Aurillo, the BHRAO Officer of the barangay, executed an affidavit stating that he served such Show-Cause Order dated September 23, 2024 to the SB Members, barangay secretary, and barangay treasurer. However, Alwin executed an Affidavit of Recantation and Desistance dated October 18, 2024 recanting his statements in his affidavit dated October 10, 2024. The complainant is not aware of the content of the mentioned Joint Affidavit attached in the respondent's Answer dated July 25, 2024. He's not aware of its content because it is the respondent who caused the preparation of the same and they are made to sign only in the last page thereof. When they later learned of the contents of the Joint Affidavit, he and the rest of the signatories of the same Affidavit executed an Affidavit of Recantation to deny the contents of this Joint Affidavit dated July 25, 2024. The complainant claims of his honoraria from July 2024 up to the present. The PBC dated August 2, 2024 proves that the honorarium for July 2024 has been disbursed. However, when he went to the respondent to claim it, he unreasonably withheld the same.

As to Complainant Ley Mart Villasante:

Complainant Villasante stated in his Complaint-Affidavit that he filed this complaint against the respondent due to the following reasons: (a) unreasonable delay in the release of the SK Fund; (b) unreasonable withholding of the mid-year bonus of the complainant; (c) unjustified non-release of the honorarium of the complainant for the months of August 2024 to November 2024; (d) deliberate failure to attend regular and special sessions. In case of the SK of Brgy. Cabuloran, there has always been a delay in the release of the SK Fund because the respondent refuses to immediately sign and release the check for the SK fund. He decides when

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to release the SK fund based on his personal discretion. The 10% SK Funds for the months of December 2023, January and February 2024 were released to the complainant only on April 5, 2024 and were deposited to the SK bank account on April 8, 2024. Upon verification, based on PBC, he learned that Check No. 0091272909 for the December 2023 SK fund, and Check No. 0091272910 for the January and February 2024 SK fund were issued and verified on March 21, 2024. It was the respondent who kept the checks and gave these to the complainant only on April 5, 2024, or 2 weeks after the check became available. For March and April 2024 SK funds, the check was issued and verified on April 24, 2024 and was deposited to the SK bank account on April 29, 2024. Then for the May and June 2024 SK funds, the check was issued and verified on May 10, 2024 and was deposited to the SK bank account on May 14, 2024. The July 2024 SK fund was only deposited on August 15, 2024 and the August and September 2024 SK funds were deposited on September 3, 2024. The SK funds for October and November 2024 were not yet released. As the SK Chairman, complainant is entitled to receive the mid-year bonus given to the public officials. However, complainant was not able to receive the same. Complainant was informed by the barangay treasurer that the mid-year bonuses had been turned over to the barangay chairman after the encashment of the check. When complainant went to the respondent to get his mid-year bonus, it was not given to him despite the fact that the mid-year bonus has already been disbursed and the check has been encashed. Furthermore, complainant has not received yet his honoraria for the months of August 2024 to October 2024. However, upon checking the DBP bank statement, the disbursements for August 2024 already exceeded the barangay's monthly NTA of P234,677.00. Also, the NTA for September 2024 has almost fully disbursed. There are no funds anymore for the honorarium of the barangay officials because of the disbursements made by respondent without the approval of the barangay council. On another note, respondent has not been attending regular or special session since March 2024. Sometimes, respondent goes to the barangay hall during sessions but would walk out if there are matters discussed during the proceedings which he does not like. There was even a time when respondent just wrote his name in the attendance sheet then left even if the session has not yet started.

In his Answer, Respondent vehemently denies the allegations stated by the Complainant stating that these malicious imputations are all politically motivated and are made to harass him. According to him, the custodian of the checks issued by the barangay is the barangay treasurer, Marivic Arguta. Said Arguta is now a witness in this case and is pointing the blame on the respondent after she was issued a Show Cause Order by the respondent to explain anomalous barangay checks which were issued under her name. Hence, her allegation should not be given weight and credibility. The complainant knows that there was a delay in the turnover of barangay documents from the past administration which hampered some barangay processes. The barangay treasurer is primarily responsible for the financial management of the barangay—which necessarily includes the compilation of all barangay documents required before the SK funds could be disbursed, the PBC, and all other documents. Once the PBC is made, the

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respondent would sign it after he has verified the completeness of all attachments. The checks are all issued and kept by the barangay treasurer. In fact, the complainant merely attached the Affidavit of Arguta, without any proof that indeed the checks were given to respondent.

In his Reply, Complainant Villasante indicated that there was no special session that happened on September 11, 2024. Respondent even stated in the alleged Show Cause Order that a concerned citizen only informed him about such special session. He was not able to show any proof that they conducted a special session. The regular session was scheduled on September 21, 2024, the third Saturday of the month of September, not on September 20, 2024. Moreover, the regular session was conducted in the SK Room because the barangay hall was locked. He has not received a copy of the Show Cause Order that the respondent attached in his Answer. Upon reading the Show Cause Order, he noticed that it was about the alleged conduct of special session on September 11, 2024. Even if respondent really went to the barangay hall on September 21, 2024 to attend the regular session, he can do so because it was not a closed-door meeting. As regards to unjustified withholding of the mid-year bonus, he is not claiming that he was not included in the payroll as he was informed by the barangay treasurer that the check amounting P50,000.00 was issued and encashed representing the mid-year bonus of the barangay chairman, 3 barangay kagawads, the SK chairman, the barangay secretary and the barangay treasurer. However, when he was claiming the mid-year bonus from respondent, he did not release the same and would give excuses that it is not yet available. Again, it was the respondent who released the mid-year bonuses instead of the barangay treasurer. Ultimately, the honoraria for the months of August to September 2024 were not released due to the depletion of barangay funds, caused by disbursements made by the respondent without the council's approval.

ISSUES

WHETHER THE RESPONDENT IS GUILTY OF GRAVE MISCONDUCT, ABUSE OF AUTHORITY, AND NEGLECT OF DUTY

FINDINGS OF THIS SANGGUNIANG BAYAN

This Body has consolidated the five (5) cases, having determined that they involve a common question of law and fact. Furthermore, the respondents in all five cases are the same and assert a shared complaint against the same party.

The quantum of proof in administrative proceedings necessary for a finding of guilt is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. The burden to establish the charges rests upon the complainant. The case should be dismissed for lack of merit if the complainant fails to show in a satisfactory manner the facts upon which his

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accusations are based. The respondent is not even obliged to prove his exception or defense.¹

After careful evaluation of the Complaint-affidavit, Answer, Reply, and evidences submitted, this Body finds Respondent guilty of grave misconduct, and neglect of duty. There are substantial evidences to prove respondent's guilt of the charges.

Section 60 of the Local Government Code (LGC) provides:

"Section 60. Grounds for Disciplinary Actions. - An elective local official may be disciplined, suspended, or removed from office on any of the following grounds: xxx

"(c) Dishonesty, oppression, misconduct in office, gross negligence, or dereliction of duty;

"xxx"

"(e) Abuse of authority; xxx"

In this case, the complaint against the respondent refers to Paragraph (c) and (e) of Section 60.

Here, the complainants filed their individual complaint-affidavit stating the following matters which can be summarized as follows:

- a. The respondent terminated the appointment of his appointees without undergoing the proper procedure;
- b. The non-payment if not delay in the payment of Complainant's honorariums;
- c. The respondent departs from regular sessions prior to their official adjournment and has incurred unexplained absences;
- d. The office of the barangay is being locked at the instruction of the respondent which hampers the ordinary course of business in the barangay; and
- e. The unreasonable delay in the release of the SK Fund;

The termination of Palacio

Complainant Palacio substantially prove that her termination as barangay secretary violates the provisions of the LGC. Appointive barangay official like the barangay secretary may only be appointed or replaced upon approval by a majority of all the members of the sangguniang barangay.² Even if the respondent argued that the replacement of the barangay secretary was approved by the majority of the Sanggunian, the same was not supported by any evidence. The respondent's

¹ NBI, Vs. Conrado M. Najera, G.R. No. 237522, June 30, 2020, citations omitted

² Sec. 389(b)(5) of the LGC

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failure to attend the Pre-Trial Conference constitutes a waiver on his part to formally offer his evidence, to simplify the issues, and obtain stipulations of facts.

Even if this Body admits the Resolution terminating Palacio from her appointment as evidence, the same give no probative value. The said Resolution bears no Number giving an impression that this might not have been deliberated, if not falsified.

The Supreme Court in the landmark case of *Alquizola et. al. vs. Ocol et. al.*³, discussed the following doctrines pertaining the prerequisite in appointing and removing barangay appointees, to wit:

"The Code explicitly vests on the punong barangay, upon approval by a majority of all the members of the sangguniang barangay, the power to appoint or replace the barangay treasurer, the barangay secretary, and other appointive barangay officials. xxx

"Verily, the power of appointment is to be exercised conjointly by the punong barangay and a majority of all the members of the sangguniang barangay. Without such conjoint action, neither an appointment nor a replacement can be effectual. Xxx" (Emphasis supplied)

Both the law and prevailing jurisprudence agree that the replacement of a barangay secretary requires the concurrence of the majority of the Sangguniang Barangay members. The respondent does not have the sole authority to terminate Palacio's appointment and unilaterally install Nevaliza in her place. Therefore, Palacio's removal as barangay secretary is deemed invalid and unlawful.

However, Palacio's failure to promptly act on the matter has worked to her disadvantage. Mr. Nevaliza's subsequent assumption of duties as barangay secretary may be construed as a waiver on Palacio's part to challenge the invalidity of his appointment. We must take into consideration that the office of the barangay requires an active secretary. The absence of a person in this position will cripple the overall function of the office. Nonetheless, Palacio is still entitled to receive her unpaid salary up to March 20, 2024.

The non-payment if not delay in the payment of Complainant's honorariums

Complainants Palacio, Nevaliza, Enero, and Aurillo have established the legitimacy of their respective appointments. Their supporting evidence has remained unchallenged. Mr. Enero presented a copy of his Appointment (*Exh. "F"*), Certification of Assumption of Office (*Exh. "F-1"*), Panumumpa sa Katungkulan (*Exh. "F-2"*), and Certification of Completion of Training as Barangay Tanod (*Exh. "F-3"*). On the part of Ms. Palacio, she presented the Termination Order (*Exh. "G"*) which bolster the fact that she was duly appointed as the respondent unjustifiably terminate her from the position.

³ G.R. No. 132413, August 27, 1999

With respect to Mr. Nevaliza, Respondent alleged in his Answer the following which is considered as admission on his part, to wit: (a) it is Mr. Nevaliza's duties and responsibilities to keep the minutes of the sessions; (b) he issued a Show Cause Orders against Mr. Nevaliza; and (c) he instructed Mr. Nevaliza to be always cautious and careful in opening the barangay hall. His function as the barangay secretary remains unopposed. The respondent is therefore estopped from questioning the validity of the appointment of Mr. Nevaliza. The case of *Philippine National Bank v. Intermediate Appellate Court*⁴ finds this applicable in the situation of Mr. Nevaliza wherein the Supreme Court emphasized:

"The doctrine of estoppel is based upon the grounds of public policy, fair dealing, good faith and justice, and its purpose is to forbid one to speak against its own act, representations, or commitments to the injury of one to whom they were directed and who reasonably relied thereon. The doctrine of estoppel springs from equitable principles and the equities in the case. It is designed to aid the law in the administration of justice where without its aid injustice might result. It has been applied by this Court wherever and whenever the special circumstances of a case demands."

The discussion above is squarely applicable to the situation of Ms. Aurillo.

Accordingly, the complainants are entitled to receive salaries or honoraria for the services they rendered to the barangay.

It is of judicial notice that the compensation received by Barangay Health Workers and the Barangay Chief Tanod is disproportionately low in relation to the valuable services they provide. Their cause must be safeguarded at all times. Given the modest remuneration they are receiving, the protective provisions of the Labor Code of the Philippines (Labor Code for brevity) are deemed applicable to their situation. The following provisions of the Labor Code shall be observed in the payment of their wages or salaries, to wit:

"ART. 103. Time of Payment. – Wages shall be paid at least once every two (2) weeks or twice a month at intervals not exceeding sixteen (16) days. If on account of force majeure or circumstances beyond the employer's control, payment of wages on or within the time herein provided cannot be made, the employer shall pay the wages immediately after such force majeure or circumstances have ceased. No employer shall make payment with less frequency than once a month. Xxx"

"ART. 104. Place of Payment. – Payment of wages shall be made at or near the place of undertaking, except as otherwise provided by such regulations as the Secretary of Labor and Employment may prescribe under conditions to ensure greater protection of wages." (Emphasis supplied)

Complainants Palacio and Enero complained that they don't receive their salaries on time which later became a complaint for non-payment of salaries. Although the respondent contends that it is the treasurer who manages the

⁴ 267 Phil. 720, 728 (1990)

barangay's finances, his moral ascendancy over the treasurer establishes his superior influence over the appointed official. The Punong Barangay approves vouchers relating to the disbursement of barangay funds,⁵ and his signature always appears in the barangay-issued checks, thus, he is fully aware of the status of fund availability for the release of salaries to the appointed barangay workers. He cannot evade accountability for a mere excuse as he is actively involved in the barangay's financial affairs. He shares equal responsibility for these barangay workers alongside the treasurer. In every aspect of the narrative, it is evident that he ensured he received compensation for his role as Punong Barangay upon the encashment of the check by the treasurer. And if the treasurer failed to report unto him right after the check has been encashed, he will surely take all the necessary actions available to make the treasurer answer for this failure.

Ms. Palacio proven that the respondent drafted a check bearing a Serial No. 0080242700 with the amount of P234,400.00 for the purpose of honorarium (*Exh. "I"*), while Mr. Nevaliza established that the respondent issued a check with Serial No. 0091272967 amounting to P89,200.00, allocated as honorarium for the month of July 2024 (*Exh. "I-4"*). Yet, the complainants did not receive their honorariums despite these checks having issued by the barangay.

Clearly, the respondent unreasonably withheld the complainant's respective salaries and honorariums.

The respondent departs from regular sessions prior to their official adjournment and has incurred unexplained absences

The office of the barangay is being locked at the instruction of the respondent which hampers the ordinary course of business in the barangay

Mr. Nevaliza asserts that the respondent has consistently been either absent or has prematurely exited the barangay's regular sessions held every first and third Saturday of the month, as well as during special sessions. On one occasion, the respondent merely signed the attendance sheet and departed immediately without issuing any directive regarding the conduct of the session. Furthermore, there have been instances where the respondent instructed the complainant not to open the barangay hall, thereby preventing the barangay council from holding its scheduled session.

The respondent, in turn, alleges that Mr. Nevaliza failed to comply with his directives. He initially requested access to certain documents which were no longer present in the barangay hall, but these requests were repeatedly refused by Mr. Nevaliza. The complainant previously served as custodian of the barangay hall key, and the respondent claims that he merely instructed him to exercise caution and discretion when opening the hall.

⁵ Section 389(b)(8) of the LGC

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Mr. Nevaliza rebutted that the session was held in the SK Room due to the barangay hall being locked, following the respondent's directive prohibiting entry. He also noted that had the respondent truly intended to participate in the regular session on September 21, 2024, he was free to do so, as the session was not conducted behind closed doors.

These statements are corroborated by Mr. Villasante in his Complaint-Affidavit as well as in his Reply. And the respondent posits a very same defense on his part.

This Body finds the statements of the complainants credible and supports each other on a very important point. The Punong Barangay is the officer who call and preside over the sessions of the sangguniang barangay and the barangay assembly, and he is tasked to promote the general welfare of the barangay.⁶ He cannot re-delegate what has been delegated unto him as the Punong Barangay. He has the sole authority over the affairs of the barangay and he must observe these responsibilities under his administration. We find no basis to pinpoint all the blame to the barangay secretary for these duties and functions which he himself must observe. The law speaks that he must be present in all regular sessions of the barangay, and he shall secure that the services to the constituents is always available. The office of the barangay should not have been close in order to bring the basic services to the constituent, and to hear the concerns of visitors.

Anent to the defense that the complainants and other barangay officials held illegal regular and special sessions, the same is misplaced. Section 52(a) of the LGC provides:

"(a) On the first day of the session immediately following the election of its members, the sanggunian shall, by resolution, fix the day, time, and place of its regular sessions. The minimum numbers of regular sessions shall be once a week for the sangguniang panlalawigan, sangguniang panlungsod, and sangguniang bayan, and twice a month for the sangguniang barangay."

The respondent cannot find relief on a basis of mere excuses or baseless allegations. The LGC is clear that the sanggunian fixed the day, time, and place of its regular sessions in their initial session. He is well aware that the regular session is held every first and third Saturday of every month in the office of the barangay of Brgy. Cabuloran, yet he never attends to it. He is supposedly call and preside the said session, but he deliberately fails to appear on these regular sessions.

On the allegations that the respondent casually writes his name in the attendance sheet then left immediately before the session began, the same is not supported by any evidence and there are no admissions from the respondent pertaining this issue.

The unreasonable delay in the release of the SK Fund

⁶ Section 389(a)(4) & (14) of the LGC

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Complainant Villasin asseverated that the respondent refuses to immediately sign and release the check for the SK fund. He decides when to release the SK Fund based on his personal discretion. The SK Fund corresponding to the months of December 2023, January and February 2024 were released to him only on April 8, 2024 (Exh. "I-1"). The same was deposited in the bank on April 8, 2024 (Exh. "J"). For March and April 2024 SK Funds, the check was issued and verified on April 24, 2024 (Exh. "I-2"), and deposited on the SK Bank Account on April 29, 2024 (Exh. "J-1"). Then for May and June 2024, a check was issued and verified on May 10, 2024 (Exh. "I-3"), and was deposited to the SK Bank account on May 14, 2024 (Exh. "J-1").

Upon verification of Complainant Villasin of the bank statements issued by the DBP, it is evident that the National Tax Allotment (NTA) of their barangay is credited every first day or second day of the month, except for June 2024 wherein it was credited on the third day of the month (Exh. "K"). There is no reason to delay the release of the fund for SK.

Pertinent provisions of the Guidelines on the Appropriation, Release, Planning and Budgeting Process for the SK Funds,⁷ provides:

"3.2.1 The SK funds shall be automatically released by the barangay to the SK, and shall not be subject to any lien or holdback that may be imposed by the barangay for whatever purpose.

"3.2.3 The SK funds shall be deposited by the barangay in the current account of the SK not later than five (5) working days after the crediting of the monthly internal revenue allotment (IRA) share of the barangay consistent with the rules and regulations issued by the Commission on Audit (COA). For all other income accruing to the general fund of the barangay, the corresponding SK funds shall be deposited not later than five (5) working days after the end of the month. The barangay may opt to transfer/release the SK funds earlier than herein prescribed on an annual, semestral or quarterly basis, subject to the written agreement between the barangay and the SK. Failure by the barangay to release any amount of the SK fund shall subject the erring officials to penalties under existing laws."

The enactment of the Sangguniang Kabataan Reform Act of 2015 reflects the State's recognition of the youth's pivotal role in nation-building. The law seeks to promote and safeguard their physical, moral, spiritual, intellectual, and social well-being; instill patriotism, nationalism, and other admirable values; and encourage active participation in public and civic affairs. In line with this commitment, the State has established adequate, effective, and responsive support systems and mechanisms to ensure the meaningful involvement of young people in local governance and national development.⁸

⁷ JMC No. 1, Series of 2019, January 23, 2019 issued by the Department of Budget and Management, Department of The Interior and Local Government, and National Youth Commission

⁸ Sec. 2 of RA No. 10742

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The respondent hindered the State's efforts directed toward youth development. The complainant presented sufficient evidence indicating that the respondent caused undue delays in releasing their allocated funds. What stands out as particularly troubling is the delay in the disbursement of the SK fund for December 2023, January 2024, and February 2024—funds that were only released in April 2024. As a result, the implementation of SK programs was put on hold due to the respondent's actions. It is the respondent who signed the PBC granting the disbursement of the SK fund, therefore, it is very clear that he willfully suspends the release of SK Fund which is a violation of JMC No. 1, Series of 2019.

PENALTY TO BE IMPOSED

In the case of *Civil Service Commission v. Ledesma*,⁹ the Supreme Court defined misconduct as follows:

"Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer. The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law or to disregard established rules, which must be established by substantial evidence. Otherwise, the misconduct is only simple. A person charged with grave misconduct may be held liable for simple misconduct if the misconduct does not involve any of the additional elements to qualify the misconduct as grave."

In the case of *CSC, et. al vs. Edgar B. Catacutan*,¹⁰ the Supreme Court discussed the degree of negligence in the performance of service as follows:

"The gravity of negligence or the character of neglect in the performance of duty is certainly a matter of evidence and will direct the proper sanction to be imposed. On one hand, gross neglect of duty is understood as the failure to give proper attention to a required task or to discharge a duty, characterized by want of even the slightest care, or by conscious Indifference to the consequences insofar as other persons may be affected, or by flagrant and palpable breach of duty. It is the omission of that care which even inattentive and thoughtless men never fail to give to their own property. In cases involving public officials, there is gross negligence when a breach of duty is flagrant and palpable. Under the law, this offense warrants the supreme penalty of dismissal from service. Simple neglect of duty, on the other hand, is characterized by failure of an employee or official to give proper attention to a task expected of him or her, signifying a disregard of a duty resulting from carelessness or indifference. This warrants the penalty of mere suspension from office without pay."

Grave abuse of authority is "a misdemeanor committed by a public officer, who under color of his office, wrongfully inflicts upon any person any bodily harm,

⁹ 508 Phil. 569 (2005)

¹⁰ G.R. No. 224651, July 03, 2019. Citations omitted.

Section 66 of the LGC provides:

"Section 66. Form and Notice of Decision. – xxx (b) The penalty of suspension shall not exceed the unexpired term of the respondent or a period of six (6) months for every administrative offense, nor shall said penalty be a bar to the candidacy of the respondent so suspended as long as he meets the qualifications required for the office. Xxx" (Emphasis supplied)

For the complaint of Grave Misconduct, this Body imposes the penalty of suspension in the following manner, to wit:

- a. For the Complaint of Mr. Villasante – six (6) months to the Respondent;
- b. For the Complaint of Mr. Nevaliza – five (5) months to the Respondent;
- c. For the Complaint of Ms. Palacio – five (5) months to the Respondent;
- d. For the Complaint of Mr. Enero – five (5) months to the Respondent; and
- e. For the Complaint of Ms. Aurillo – five (5) months to the Respondent;

With regard to the penalty for Simple Neglect of Duty as the Punong Barangay, this Body imposes a suspension, which is deemed incorporated in the above-discussed penalties. This is in view of the fact that five (5) administrative complaints have been filed against the sole Respondent, and the law provides that a single penalty shall be imposed for each complaint.

In summary, this Body imposes a penalty of suspension against the respondent for a period of twenty-six (26) months. Considering the possibility of Barangay Election this coming December 2025, this suspension shall be automatically lifted at the culmination of the Barangay Election 2025. In the event that the Barangay Election shall again be moved to the following year, this suspension shall remain imposed upon the person of the Respondent until fully served the penalty or after the conduct of the Barangay Election, whichever comes first.

DISPOSITION

WHEREFORE, in the light of the foregoing, this Body rules that Respondent **HON. BASILIO D. CALDA** is found guilty of Grave Misconduct and Simple Neglect of Duty and is meted the penalty of suspension for a period of **TWENTY-SIX (26) MONTHS** which shall not exceed the unexpired term of the named Respondent.

Let a copy of this Decision be furnished to the Office of the Mayor, to the office of the Municipal Mayor, the Municipal Local Government Operations Office (MLGOO) of the Dagami LGU, Atty. Charmaine Lynn B. Tan, the Respondent Hon.

Lo

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[Signature]

imprisonment, or other injury; it is an act of cruelty, severity, or excessive use of authority.¹¹

In this case, the complainants have clearly demonstrated that the respondent is culpable for terminating his appointees without following the appropriate procedures, failing to pay the complainant's honorariums, incurring absences without justification, locking the barangay office, and causing unreasonable delays in releasing the SK Fund.

This body finds the respondent guilty of Grave Misconduct for unlawfully revoking the secretary's appointment, withholding the complainant's honoraria, locking the barangay office, and unduly delaying the release of the SK Fund. These acts are grave in nature as they involve corruption, willful violation of the law, and blatant disregard for established rules. The respondent repeatedly committed these offenses over time without attempting to rectify his actions. Instead, he shifted the blame to his treasurer, despite being that person's superior—an admission that underscores his own accountability. Accordingly, the appropriate penalty is suspension.

Furthermore, the respondent is guilty of neglect of duty for incurring absences in the conduct of regular session without justification. The respondent himself admits that he incurred absences although making excuses that the complainants are holding unlawful sessions. The same is misplaced. The respondent's defenses contradict what the law provides. He has all the right to be present in the regular session and he knows the particular calendar of this activity every month. His defense serves to admit that he committed a neglect of duty as the presiding officer in the conduct of regular session. In this case, Complainants Villasante and Nevaliza proven their complaint against the respondent with sufficient evidence of his neglect of duty. The findings of this Body is only Simple Neglect of Duty as there is room for the Complainants to conduct session, and they can even enact Ordinance or Resolution, even in the absence of the respondent. Article 102 of the Rules and Regulations Implementing the Local Government Code of 1991 provides:

"Art. 102. Presiding Officer. – xxx (c) In the event of the inability of the regular presiding officer to preside at the sanggunian session, the members present and constituting a quorum shall elect from among themselves a temporary presiding officer. He shall certify within ten (10) days from the passage of ordinances enacted and resolutions adopted by the sanggunian in the session over which he temporarily presided"

However, the respondent cannot be held liable for a complaint for Grave Abuse of Authority as there is no evidence showing that he acted with cruelty, severity, or excessive use of authority in the discharge of his duty as Punong Barangay.

¹¹ Romero v. Villarosa, Jr., 663 Phil. 196, 207 (2011) [Per Curiam, En Banc]. Citation omitted.

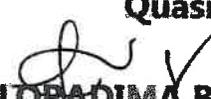
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Basilio Calda, Complainants Ley Mart L. Villasante, Reymart D. Nevaliza, Anacita M. Palacio, Alfonso S. Enero, and Marites O. Aurillo.

SO ORDERED.

We attest that the conclusions in the above Decision had been reached in consultation before affixing our assent to the foregoing discussion.

Quasi-Judicial Function Committee


HON. FLORADIMA BUD-OY

Member


HON. ANDRES BRYAN BAYONA

Member


HON. SUSAN MENDOZA

Member


HON. CARIDAD CABIDOG

Member


HON. REYNALDO GERONA

Member


HON. DAN JOSEPH BERINO

Member


HON. JERICHO CABIDOG

Member


HON. ARVIN DELUSA

Member

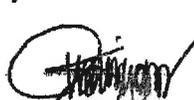

HON. JAMESON MADALINA

Member


HON. ALVARO MORENO JR

Chairman

(Took no part in the vote)


FLOR G. YAP

SB Secretary