



Republic of the Philippines  
Province of Leyte  
MUNICIPALITY OF MACARTHUR

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*Office of the Sangguniang Bayan*

Item No.: **40**  
Date: **18 OCT 2022**  
OCT 10 2022  
SP Records

Attested:

HON. JESUS A. BARANDA  
Municipal Vice Mayor

Concurred:  
  
HON. RAUL E. MUNDALA  
SB Member

HON. GWENDOLYN M. BERISO  
SB Member

HON. VICTORIANO T. LAZAR  
SB Member

HON. JONATHAN T. BARQUIN  
SB Member

HON. TRINA C. BURAWIS  
SB Member

HON. LEONARDO R. LERIA JR.  
SB Member

HON. IRENEO G. REMANES JR.  
SB Member

HON. XANDRIX P. PANTIN  
SB Member

HON. PEPITO C. GUIMALAN  
ABC President (Absent)

HON. MEL ANDREW P. MALDOS  
SKF President

Approved:  
  
HON. RUDIN T. BABANTE  
Municipal Mayor

EXCERPT FROM THE MINUTES OF THE 13<sup>TH</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MACARTHUR, LEYTE HELD ON 03 OCTOBER 2022 AT THE MUNICIPAL SESSION HALL.

PRESENT:

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

ABSENT:

Honorable Pepito C. Guimalan ABC President

RESOLUTION NO. 2022-109A

A RESOLUTION ADDRESSED TO THE PROVINCIAL VICE GOVERNOR HONORABLE LEONARDO M. JAVIER JR. AND HONORABLE MEMBERS OF THE SANGGUNIANG PANLALAWIGAN THROUGH ATTY. ALDEN AVEZTRUZ, PROVINCIAL LEGAL OFFICER, PROVINCE OF LEYTE, REQUESTING FOR LEGAL OPINION ON THE JURISDICTION TO HEAR AND DECIDE ADMINISTRATIVE CASE

WHEREAS, the Sangguniang Bayan received an Indorsement from the Office of the Ombudsman (Visayas) forwarding the complaint of Jenelito C. Palaña, resident of Barangay Maya, MacArthur, Leyte, against Honorable Pepito C. Guimalan, Punong Barangay of Barangay Maya, MacArthur, Leyte;


WHEREAS, Honorable Pepito C. Guimalan though a succession is the current ABC President and part of the council of the Sangguniang Bayan of MacArthur, Leyte;

WHEREFORE, on motion of Honorable Raul E. Mundala seconded by Honorable Xandrix P. Pantin, Honorable Mel Andrew P. Maldos, Honorable Leonardo R. Leria Jr., and Honorable Jonathan T. Barquin, be it

RESOLVED, as it is hereby resolved, to request for legal opinion on the jurisdiction to hear and decide administrative case.


RESOLVED FURTHER, to attach hereto a copy of Indorsement from the Office of the Ombudsman (Visayas) as integral part hereof.

Attested:

  
HON. JESUS A. BARANDA  
Municipal Vice Mayor


Concurred:

  
HON. RAUL RUMUNDALA  
SB Member


  
HON. GWENDOLYN M. BERISO  
SB Member


  
HON. VICTORIANO T. LAZAR  
SB Member

  
HON. JONATHAN T. BARQUIN  
SB Member

  
HON. TRINA C. BURAWIS  
SB Member

  
HON. LEONARDO R. LERIA JR.  
SB Member

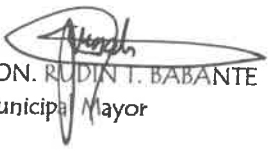
  
HON. TRENTO C. REMANES JR.  
SB Member

  
HON. XANDRIX P. PANTIN  
SB Member

HON. PEPITO C. GUIMALAN  
ABC President(Absent)

  
HON. MEL ANDREW P. MALDOS  
SKF President


Approved:

  
HON. RUDIN I. BABANTE  
Municipal Mayor

RESOLVED FINALLY, to furnish copy of this resolution to the Office of the Sangguniang Panlalawigan, Province of Leyte for a favorable attention and appropriate action.

Approved unanimously.

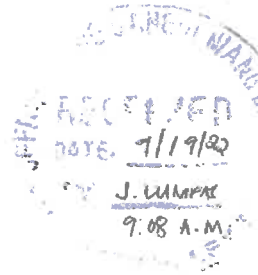
I HEREBY CERTIFY to the correctness of the foregoing resolution.

  
MARIE STEPHANIE D. PULGA  
Secretary to the Sanggunian



REPUBLIC OF THE PHILIPPINES  
**OFFICE OF THE OMBUDSMAN (VISAYAS)**  
Department of Agriculture RO-7 Compound, M. Velez St., Guadalupe, 6000 Cebu City

INDORSEMENT  
IC-OVT-22-0004  
Cebu City



AUG 04 2022

Respectfully forwarded to the **HONORABLE MUNICIPAL VICE MAYOR/PRESIDING OFFICER**, Office of the Sangguniang Bayan, Municipality of MacArthur, Leyte, for appropriate action, the attached complaint of **JENELITO C. PALANA**, Barangay Maya, MacArthur, Leyte, against **PEPITO GUIMALAN**, Barangay Captain, Barangay Maya, MacArthur, Leyte, with the request that the Honorable Municipal Vice Mayor/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**  
Deputy Ombudsman for Visayas

*DM*

*JM*

Cc:  
MR. JENELITO C. PALANA  
Barangay Maya, MacArthur  
6509 Leyte

Republic of the Philippines }  
Province of Leyte }S.S.  
Municipality of Palo }

OFFICE OF THE OMBUDSMAN  
LAKYASI  
CITY  
RECEIVED  
Date: JAN 24 2022  
Time:  
By:

OFFICE OF THE OMBUDSMAN  
RECEIVED  
10.7 JAN 2022  
#01

COMPLAINT AFFIDAVIT

I, JENELITO C. PALAÑA, of legal age, Filipino, married, and a resident of Brgy. Maya, Macarthur, Leyte, after having been duly sworn to in accordance with law, hereby depose and state that:

1. That I am executing this Complaint Affidavit against Pepito Guimalan, the Punong Barangay of Brgy. Maya, Macarthur, Leyte for circumstances which are laid out in the following paragraphs;
2. That I am a resident of Brgy. Maya, MacArthur, Leyte;
3. That attached as Annex A is a copy of my Identification Card as proof of my residence;
4. That the parcel of land where I am residing is a portion of land owned by my grandmother, Cerila B. Cortez;
5. That I am tilling the agricultural land portion of the above property;
6. That sometime on the early days of December 2021, I went to the barangay hall of Barangay Maya to ask for assistance regarding the overflow of water across Lot/Survey No. 119. Attached as Annex B are videos of the situation in Lot/Survey No. 119 taken last December 12, 2021;
7. That it is clearly shown in the said videos that water and soil from the mining activities of MIPC has overflown to the portion of Lot Lot/Survey No. 119 where I had my "sabod" or where I planted rice already;
8. That the overflow was caused by the illegal and unlawful activity of the MIPC wherein they caused damage to the

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irrigational canal of the National Irrigation Authority which in turn caused the overflow of the water to Lot/Survey No. 119;

9. That due to said incident, I have lost my source of livelihood;
10. That this actuation of the mining company is a clear violation of our mining laws and within the purview of the board where the Punong Barangay is a member of;
11. That I asked the Punong Barangay for assistance in setting a confrontation with the mining company but the same fell on deaf ears. This was despite the fact that I was clearly able to establish that there was damage being caused not only to the agricultural land I was tilling but also to the environment;
12. That due to the foregoing, I had the matter recorded before the Macarthur Municipal Police Station. Attached as Annex C is a copy of the Blotter Excerpt dated December 13, 2021;
13. That Chapter 3 Section 389 (b) on the Chief Executive: Powers, Duties, and Functions of the Local Government Code provides that:
  - (a) Enforce all laws and ordinances which are applicable within the Barangay;
  - ....
  - (f) Organize and lead an emergency group whenever the same may be necessary for the maintenance of peace and order or on occasions of emergency or calamity within the Barangay;
  - ....
  - (i) Enforce laws and regulations relating to pollution control and protection of the environment;
  - ....
  - (n) Promote the general welfare of the Barangay;
  - (o) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.
14. That it is clear that Punong Barangay consistently failed to provide assistance to me and perform his functions as Punong Barangay;



15. That I repeatedly asked for assistance from the Punong Barangay but the same fell on deaf ears also despite him being part of an organization which monitors the activity of the mining company;
16. That a quick visit will show the illegal activities of the mining company which the Punong Barangay keeps on turning a blind eye;
17. That it is for the foregoing circumstances that I am executing this complaint affidavit against Punong Barangay Pepito Guimalan of Brgy. Maya, Macarthur, Leyte for his acts which are:
- a. contrary to law or regulations
  - b. unreasonable, unfair, oppressive, or discriminatory,
  - c. inconsistent with the general course of an agency's functions though in accordance with law
  - d. otherwise irregular, immoral or devoid of justification
18. As Punong Barangay, it is his responsibility to ensure that there will be no violation of laws or regulations within his territorial jurisdiction. He is even a member of an organization or group which monitors the activities of the mining company;
19. He is also being unreasonable, unfair, oppressive, or discriminatory as he is being blatantly biased in favor of the mining company. In fact, he is negotiating in behalf of the mining and is representing the said mining company in negotiating for the sale of land which are to be included in their mining activities;
20. His actuations are not in accordance with his functions as Punong Barangay;

#### PRAYER

WHEREFORE, IN VIEW OF THE FOREGOING, it is most respectfully prayed of and in supplication pleaded that charges **BE FILED** against **PEPITO GUIMALAN** for his failure to provide

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assistance to the complainant and for such other violations of law and regulations as may be gleaned from the foregoing

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

This 7<sup>th</sup> day of January 2021 in Palo, Leyte.

  
JENELITO C. PALAÑA  
Complainant

Republic of the Philippines }  
Province of Leyte }S.S.  
Municipality of Palo }

### Certificate of Non-Forum Shopping

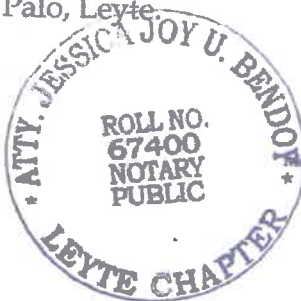
I, JENELITO C. PALAÑA, of legal age, Filipino, married, and a resident of Brgy. Maya, Macarthur, Leyte, after having been duly sworn to in accordance with law, hereby depose and state that I have not commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-agency and, to the best of my knowledge, no such action is pending therein and if I should thereafter learn that the same or similar action is pending, I shall report that fact within five (5) calendar days wherein the instant complaint is pending.


IN WITNESS WHEREOF, I have hereunto affixed my signature this 7<sup>th</sup> day of January 2022 in Palo, Leyte.

  
JENELITO C. PALAÑA  
Complainant  
VIN: 3730-0038A-K0272JCP1000  
Issued by: COMELEC

SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of January 2022 in Palo, Leyte.

Doc. No.: 142  
Page No.: 30  
Book No.: XLV  
Series of 2022



  
ATTY. JESSICA JOY U. BENDOY  
NOTARY PUBLIC for Tacloban City and Leyte  
NC 2021-07-84, Until Dec 31, 2022  
Montejo St., Cor. Pio Pedrosa Ave., Brgy. Sta. Cruz Palo, Leyte  
Roll No. 67400/ May 24, 2017, IBP lifetime No. 016972  
PTR No. 5842380/ January 03, 2022, Palo, Leyte  
MCLE No. VII-0004764/July 16, 2021/Pasig City


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Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
MACARTHUR LEYTE  
VIN: 3730-0038A-K0272JCP10000

**PALARA  
JENELITO  
CORTEZ**

Date of Birth: November 02 1972  
Civil Status: Married  
Citizenship: Filipino  
Address: MAYA MAYA  
Precinct No: 0038A

  
Signature of Voter

**SIXTO S. BRILLANTES, JR.**  
Chairman

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Republic of the Philippines  
 NATIONAL POLICE COMMISSION  
 PHILIPPINE NATIONAL POLICE  
**LEYTE POLICE PROVINCIAL OFFICE**  
**MACARTHUR MUNICIPAL POLICE STATION**  
 Poblacion District I, MacArthur, Leyte  
 Hotline- 0977-801-7091/0998-598-6504  
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Annex "   6   "

**BLOTTER EXCERPT**

THIS IS TO CERTIFY that hereunder is a true and correct excerpt from the Official Police Blotter Log Book of MacArthur Police Station, MacArthur, Leyte, as follows:

PAGE No.	:	464
ENTRY No.	:	2518
DATE	:	December 12, 2021
TIME	:	11:30 AM

**For Record**

One Jenelito Palaña y Cortez, 49 years old, married, farmer and a resident of Brgy. Maya, Mac Arthur, Leyte. Appeared personally before this office and requested to put into record an alleging among other that his parcel of land/rice field located at their barangay were over flowed by water that resulted to a totally damage of his rice field, said waters was allegedly coming from mining sight MIPC company which is also located at their barangay.

Conformed: (SGD) Jenelito C Palaña

*Recorded by: (SGD) PSSg Allan M Prado*

ISSUED this 13th day of December 2021 in MacArthur, Leyte, Philippines for whatever legal purpose this may serve.

**COPIED AS TO RECORDS:**

*[Signature]*  
**NUP Ferdinand P Susaya**  
 Administrative Assistant III

*Paid Under O.R. No. 5719272  
 Issued on: December 13, 2021  
 Issued at: Mac Arthur, Leyte*

**CERTIFIED CORRECT:**

*[Signature]*  
**LINO N LOPEZ**  
 Police Lieutenant  
 Officer-in-Charge

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