



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

Item No.: 15
Date: 15 NOV 2022

SANGGUNIANG PANLALAWIGAN
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INDORSEMENT
IC-OVT-21-0034
(Catalina C. Panugan vs. Gilbert S. Ponce, et al.)
Cebu City

OCT 10 2022

Respectfully forwarded to **HONORABLE LEONARDO M. JAVIER JR.**, Provincial Vice Governor/Presiding Officer, Office of the Sangguniang Panlalawigan, Province of Leyte, Tacloban City, the 27 September 2022 Answer, with attachments, of respondents Alyza F. Nierras, et al. relative to the above-numbered complaint. The complaint was earlier referred to the Office of the Sangguniang Panlalawigan, Province of Leyte for appropriate action.

DANTE F. VARGAS
Deputy Ombudsman for Visayas

By:


SARAH JO A. VERGARA
Acting Director
Case Records, Evaluation, Monitoring
and Enforcement Bureau

Cc:
MS. ALYZA F. NIERRAS, ET AL.
Municipality of Calubian
6534 Leyte

105227

Republic of the Philippines
OFFICE OF THE OMBUDSMAN (VISAYAS)
Department of Agriculture RO- 7 Compound
M. Veles St., Guadalupe, Cebu City

RECEIVED
Date: **OCT 04 2022**
Time:
By: *[Signature]*

CATALINA C. PANUGAN ,
Complainant,

versus

Case No. IC- OVT- ~~31~~- 0034
FOR : " GRAVE ABUSE OF
AUTHORITY"

HON. GILBERT S. PONCE
(Municipal Vice Mayor,
Calubian , Leyte)
Members of the Sangguniang
Bayan of Calubian, Leyte
Namely :

- HON. ELPIDIO M. GO,**
- HON. DIOMEDES D.C ARLOS**
- HON. EUGENIO A. CHING, JR.**
- HON. LUZ M. ASEVEROS**
- HON. VIVENCIA V. CASAS**
- HON. AIDA Q. LABTIC**
- HON. HENRY T. BAGALLON**
- HON. ALFREDO M. CASAS, and**
- HON. ALYZA F. NIERRAS**

Respondents

X-----X

ANSWER

COMES NOW, the respondents, ALYZA F. NIERRAS, ALFREDO M. CASAS and AIDA Q. LABTIC, former members of the of the Sangguniang Bayan of Calubian, Leyte in their capacity as SK Fed. President , ABC President and SB Member , respectively, during the term : July 1, 2019 until June 30, 2022 , unto this Honorable Court, most respectfully aver :

1. That On November 12, 2020, the Office of the Sangguniang Bayan of the Municipality of Calubian, where the herein respondents were members thereof, received a complaint dated Nov. 6, 2020 filed by Kagawads Rogelio M. Cabalhin, Leopoldo M. Salut, Mamerto D. Capin, Jr., Renato C. Avenir, Jr., Narciso R. Malig-on, Arnel S. Baronda, SK Chair Jade Luster E. Jalipa, and Treasurer Crisle R. Isorena (hereinafter collectively called "**COMPLAINANT**" for brevity) against Punong Barangay Catalina C. Panugan of Bgy. Cabalhin/Herrera, Calubian, Leyte (hereinafter called "**RESPONDENT**" for brevity) for Abuse of Authority; Grave Misconduct; Gross Ignorance of the Law; Gross Negligence Dereliction of Duty, and Violation of R.A. 6713. The complaint is docketed as Administrative Case No. 2020-03 entitled Kagawad Rogelio M. Cabalhin, et.al. vs. Punong

[Handwritten signatures]

SAW 10/15/22

Barangay Catalina C. Panugan for Abuse of Authority; Grave Misconduct; Gross Ignorance of the Law; Gross Negligence Dereliction of Duty, and Violation of R.A. 6713;

2. That on December 1, 2020, the Committees on Barangay Affairs, Peace & Order, and Good Governance, Ethics and Accountability conducted a Committee Investigation/Hearing at the SB Session Hall. Both Complainant and Respondent were present during said hearing. Attached herein is the Minutes of the Investigation / Hearing conducted by the assigned committees , and considered as Annex " A";

3. That on Dec. 7, 2020, the Committees on Barangay Affairs, Peace and Order & Good Governance, Ethics & Accountability make their committee report; and recommend to put Punong Barangay Catalina C. Panugan of Brgy. Cabalhin, Calubian, Leyte, the herein complainant of this instant case, Guilty of the Offenses of Abuse of Authority as Punong Barangay, Dishonesty and Malversation of funds in violation of the Anti- Graft and Corrupt Practises Act, and said Punong Barangay be penalized for suspension of six (6) months effective immediately. Copy of the said SB Committee Report No. 2020- 78 A dated Dec. 7, 2020 is hereto attached and marked as Annex " B";

4. That on Dec. 7, 2020 the Honorable Sangguniang Bayan of Calubian, Leyte passed Res. No. 2020- 225 approving the SB Committee Report No. 2020- 78 A dated Dec. 7, 2020. Copy of the said resolution is likewise attached and marked as Annex "C";

5. That on Dec. 7, 2020 , the Sangguniang Bayan of Calubian, Leyte then passed SB Res. No. 2020- 226 approving the Decision on the Administrative Complaint filed before the Office of the Sangguniang Bayan of Calubian, Leyte by Bgy. Kagawad Rogelio M. Cabalhin, et. al. dated Nov. 6, 2020 against their Punong Baranagy Catalina C. Panugan. Copy of the said Res. No. 2020- 226 is hereto attached and marked as Annex " D" and a copy of the Decision of the Sangguniang Bayan of Calubian, Leyte be considered & labelled as " Annex "E";

6. That on Dec. 15, 2020, the Mun. Secretary of Calubian, Leyte, Mrs. Norminda R. Raagas forwarded a copy of SB Res. No. 220- 225 and its attached Committee Report dated Dec. 7, 2020 and SB Res. No. 2020- 226 and its DECISION dated Dec. 7, 2020 on the Administrative Complaint dated Nov. 6, 2020 filed before the Office of the Sangguniang Bayan of Calubian, Leyte to the Honorable Mayor Marciano A. Batiancela, Jr. and the DILG Officer of Calubian, leyte in the person of Ms. Jessica Josol. Copy of the transmittal letters of the Mun. Secretary are hereto attached and marked as Annex "F" and Annex " G", respectively;

7. That herein Respondents also assert that the Decision (Penalty of six (6) months suspension) made by the Sangguniang Bayan of Calubian, Leyte was not served by the Implementing Office towards Punong Barangay Catalina C. Panugan of Brgy. Cabalhin/ Herrera , Calubian, Leyte , even up to this point in time;

8. That herein Respondents, may consider that the imposition of 6 months suspension was deferred on the account that, Punong Barangay Catalina C. Panugan made her "Appeal" before the Office of the Sangguniang Panlalawigan of Leyte in which the Decision of her Appeal was not granted; and further she filed a Certiorari With Payer



for Issuance of Temporary Restraining Order (TRO) and or Writ of Preliminary Injunction before the Office of Regional Trial Court, Branch 11 in Calubian, Leyte;

9. The Sangguniang Bayan of Calubian, Leyte, to which therein respondents were part thereof, manifested only their inherent power and mandate as a collegiate body, which they think, is appropriate to punish an erring Barangay Official pursuant to Section 66 of R.A. No. 7160, otherwise known as the Local Government Code of 1991 ;

10. The Sangguniang Bayan of Calubian, Leyte, to which the herein respondents were part thereof, **FIRMLY BELIEVED AND FOLLOWED** Section 66 of R.A. No. 7160 which states that *xxx SECTION 66. Form and Notice of Decision. - (a) The investigation of the case shall be terminated within ninety (90) days from the start thereof. Within thirty (30) days after the end of the investigation, the Office of the President or the Sanggunian concerned shall render a decision in writing stating clearly and distinctly the facts and the reasons for such decision. Copies of said decision shall immediately be furnished the respondent and all interested parties. Xxx ;*

11. The herein respondents attest and believe that there was no "Abuse of Authority" on their part, inasmuch as Punong Barangay Catalina C. Panugan of Brgy. Cabalhin, Calubian Leyte was not suspended for the six (6) months penalty; hence there was no damages inflicted on her part;

12. That herein respondents admit that " Abuse of Authority " as clearly defined, is a misdemeanor committed by a public officer, who under color of his office, wrongly inflicts upon any person any bodily harm, imprisonment or other injury, it is an act of cruelty, severity, or excessive use of authority; but none of these forms were thrown against to the Complainant Catalina C. Panugan; of course if the findings say otherwise and that abuses against any law or statute were made, correspondingly the appropriate penalty will be given; AND


13. The recommendations of the Sangguniang Bayan of Calubian, Leyte thru its Decision dated Dec. 7, 2020 which carried with its PENALTY against Punong Barangay Catalina C. Panugan was not served, and accordingly, was not implemented likewise by the Implementing Agency or Office, in this case the Municipal Mayor of Calubian, Leyte.

P R A Y E R

WHEREFORE, it is respectfully prayed of this Honorable Sangguniang Panlalawigan of Leyte, to dismiss the above-entitled complaint of Mrs. Catalina C. Panugan, Punong Barangay of Brgy. Cabalhin/ Herrera, Calubian, Leyte.

Other reliefs that are just and equitable in the premises are also prayed for.

Calubian, Leyte, Sept. 27, 2022.


ALYZA F. NIERRAS
Respondent
ID/ TIN : 730- 257-431


AIDA Q. LABTIC
Respondent
ID/TIN : 919-713-013



ALFREDO M. CASAS
Respondent
ID/ TIN : 116- 609- 476

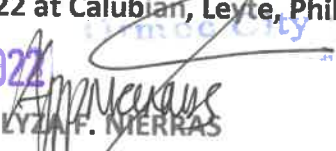
VERIFICATION

We, ALYZA F. NIERRAS, ALFREDO M. CASAS & AIDA Q. LABTIC , of legal ages, Filipinos and residents of Calubian, Leyte, Philippines, after having been duly sworn to in accordance with law, depose and say :

We are the respondents in the above entitled case; We caused the preparation of the foregoing answer; We read and understood the allegations therein and that the same are true and correct of our own personal knowledge and based on authentic records/ documents.

IN WITNESS WHEREOF, we have hereunto affixed our signatures this 27th day of Sept. 2022 at Calubian, Leyte, Philippines.

SEP 30 2022


ALYZA F. NIERRAS
Respondent
ID/ TIN : 730- 257-431


AIDA Q. LABTIC
Respondent
ID/TIN : 919-713-013


ALFREDO M. CASAS
Respondent
ID/ TIN : 116- 609- 476

SEP 30 2022


SUBSCRIBED AND SWORN TO , before me, in the municipality of Calubian, Leyte, Philippines , this 27th day of Sept. 2022.

Doc. No. 96
Page No. 20
Book No. 08
Series of 2022

Copy furnished :

The Honorable Deputy Ombudsman
For the Visayas, Cebu City

Punong Barangay Catalina C. Panugan
Bgry. Cabalhin/ Herrera, Calubian, Leyte


ATTY. ARNOLD JUDD P. SALAZAR
Notary Public for the City of Ormoc
Municipalities of Kananga, Matag-ob,
Merida and Isabel, Leyte
Notarial Commission No. ORM-15-12-014
Extended Until December 31, 2022
(per BM No. 3795 Dated: September 26, 2021)
Roll of Attorney's No. 67477
PTR No. 5049549 Dated: 01/03/2022, Ormoc City
IBP O.R. No. 170477 Dated: 12/15/2021, Leyte Chapter
TIN: 451-867-649
Aviles Street, Ormoc City
- MCLE Compliance No. VII-0016339
Valid Until April 14, 2025
Notarial only - NO legal advice sought or given



Republic of the Philippines
Province of Leyte
Municipality of Calubian
-0o0-

OFFICE OF THE SANGGUNIANG BAYAN

Amex "A"

MINUTES OF THE COMMITTEE HEARING / INVESTIGATION OF THE COMMITTEES ON BARANGAY AFFAIRS, PEACE & ORDER & GOOD GOVERNANCE, ETHICS & ACCOUNTABILITY HELD ON DEC. 01, 2020 AT THE SB SESSION HALL, LEGISLATIVE BULDING OF CALUBIAN, LEYTE.

- PRESENT :
- SB MEMBER HENRY T. BAGALLON - Presiding
 - SB MEMBER ELPIDIO M. GO, M.D. - Member
 - SB MEMBER DIOMEDES D. CARLOS - -do-
 - SB MEMBER EUGENIO A. CHING, JR. - -do-
 - SB MEMBER LUZ M. ASEVEROS - -do-
 - SB MEMBER AIDA Q. LABTIC - -do-
 - Liga ng Mga Barangay Pres. Alfredo M. Casas - -do-
 - OTHERS [see attendance sheet attached]

ELPIDIO M. GO, M.D.
Member

EUGENIO A. CHING, JR.
Chairman

LUZ M. ASEVEROS
Member

ALFREDO M. CASAS
Chairman

AIDA Q. LABTIC
Vice-Chairman

HENRY T. BAGALLON
Chairman

The committee hearing/ investigation started at exactly 1:45 in the afternoon with SB Member Henry T. Bagallon as the Presiding Officer.

The following discussions & presentation were noted during committee hearing/ investigations, to wit:

SB Member Henry T. Bagallon : Before we start, Madam Secretary, do we have a quorum?

Mrs. Norminda R. Raagas : For the committees, Mr. Chairman, we have a quorum.

SB Member Henry T Bagallon : As far as our secretary, there is a quorum. So, our committee hearing this afternoon, is now called to order. The complainants are all Bgy. Kagawads & the treasury is also here. Only, Hon. Catalina Panugan is the respondent. So, I will give the floor to the assigned committees to ask questions to the two parties. So, Hon. Ching, you will be the first to ask. Who will be the first, Hon. Labtic? The committees would like to know you, raise your hand please. Okay, Hon. Mamerto Capin, Renato Avenir, Jr., Narciso Malig-on, Leopoldo Salut, Arnel Baronda, Rogelio Cabaihin, Jade Luster Jalipa and Cresle Isorena, Bgy. Treas.. These are the complainants. Only Catalina Panugan is the respondent.

SB Member Diomedes D. Carlos : I will ask you, why this happens? What is the reason why came up with a case. Why are you not cooperating with each other, when you are only residing in one barangay? What transpired, why this case came out?

Kagawad Renato Avenir, Jr. : Mr. Chair, this is supposed to be a small problem. This is about our new bgy. treas. She was newly appointed. When she processed her papers in Naval, there is one lacking document. The COR. That is the problem. The resolution passed was not signed by the Bgy. Capt. She refused to sign, because she wanted back the old bgy. Treas. But the old bgy. Treas. already resigned. That is the problem. We want the new treas. to proceed. So, that is why, we have no salary. It was cut, two quarters already.

SB Member Diomedes D. Carlos : So, you don't receive your salary (honorarium).

Kagawad Renato Avenir, Jr. : Yes.

SB Member Henry T. Bagallon : So, Hon. Carlos, are you contented with the answer? Okay, Hon. Aseveros.

SB Member Luz M. Aseveros : Good afternoon everyone. My question is directed to Hon. Bgy. Capt. Catalina Panugan. Why is it that your old Treasurer was replaced? What is the reason?

Capt. Catalina Panugan : She resigned already, Ma'am. So, I appointed a new one. This is now the problem. Now, we are asked for an Affidavit of Loss. So, I enjoined her to prepare. When I texted her, no reply as to where she is. We quarreled about this.

SB Member Luz M. Aseveros : Follow up question. What is the reason, why your replaced the old treas.?

Capt. Catalina Panugan : She was always bothered. Every session, we kept on arguing. There was quarrel.

SB Member Luz M. Aseveros : Why is there quarrel?

CERTIFIED TRUE COPY:

NORMINDA R. RAAGAS
MUN. SECRETARY

Capt. Catalina Panugan : She resigned already.

Kagawad Renato Avenir, Jr. : Your let her resigned.

Capt. Catalina Panugan : No, She resigned really.

SB Member Eugenio A. Ching, Jr. : The concurrence you made, were agreed upon by you?

Capt. Catalina Panugan : Not all signed, others signed.

SB Member Eugenio A. Ching, Jr. : Why did you not come to agree in Naval.

Ms. Cresle Isorena : When we went to Naval Councilor. I heard that she got the forms. The DILG Officer told us, that since the Bgy. Capt. knew about the papers, she has to make it. That was what she did for the previous treasurer. Why is it that the Bgy. Capt. can not do it, when in fact, she has knowhow to do it. Those papers were made because of my efforts. I asked other Bgy. Treasurers what are the requirements. Then I asked our Bgy. Capt., what are the forms that I will bring to Naval (bank). You knew it, because you accompany the old treas. processing her papers. When we arrived there, we were given the requirements for the new Treas. & specimen. So, we were not able to comply at first for the specimen, because we were lacking of requirements. So, we promised them to be back after. Then, we came back there. We processed the lacking papers. That only lacking document we had, is the COR, which is to be taken from Ormoc (BIR). After Naval, we went to Ormoc (BIR) as early as dawn time to get that COR. But, BIR Ormoc told us that you can get the COR from your old Bgy. Treas. That is the same paper submitted when they processed to get their honorarium in the past. I told the Bgy. Capt. to secure the paper from the old treas., especially that the old treas. made no turn over. The Bgy. Capt. insisted that the document is not at the hand of the Bgy. Treas. Estelita. She said, that they were not able to secure that COR, but instead just appeal to LBP (Naval). That is her reason.

Capt. Catalina Panugan : It is not true, we are not required really to secure the TIN. No. We can not appealed to Land Bank. I told her to go upstairs at PAO. There was no turn over during the time of Bong Avenir. Then, I told her, "Sel, make the preparation of an Affidavit of Loss, from a lawyer, because we are short of time". I waited at the ground floor of the building & ask for some forms of BIR. I told her to go upstairs. I even asked the help of he Mayor. I asked Mayor to help us get a document from BIR. Now, I went to the Office of the Mayor & asked if there was somebody there waiting for the Mayor. I told her, "Sel, just go there, so that you will be given the forms. Mayor told me that she was not there.

SB Member Eugenio A. Ching, Jr. : When you appointed her, you have trusted her.

Capt. Catalina Panugan : Yes. In the beginning. Then, she processed the papers. I promised her to help. Now we are quarreling. The Treas. & the Bgy. Capt. must go hand in hand. Now, I have no interest with her anymore. I have no confidence with her.

Ms. Cresle Isorena : Before I go to Ormoc, she enjoined me to get the COR from Oscar (Mende). According to Oscar (Mende), the BIR Calubian could not give a certification. A certification can only be taken from Ormoc (BIR). So, what I did, I asked the requirements in going to Ormoc (BIR). When I went there, it needs a resolution. I happened to met Oscar (Mende) in Ormoc. Then I got the resolution required. That only thing for that resolution be done, is that, it should be signed by her (Capt.). But she refused to sign it. She refused to sign it for her to continue as the Treas.

SB Member Aida Q. Labtic : Why is it that you refused to sign. The only fault she has is that COR. You should guide her. That is the exact leader. Your attitude towards her is too personal. In the first place, it is natural, you should the ones to guide her. You should be the ones to teach her. Sometimes, we take pride over other things. We should foresee for our barangay. There must somebody to be up and down.

SB Member Henry T. Bagallon : When we talk about our duties and responsibilities in the barangay, we are liable to it. It is stipulated in the Local Government Code. Okay. It means, according to Hon. Aida Labtic, nobody would question you, because you are the appointing officer. Although, your council would object it. Even your council rejected. But according to law, as interpreted by the committees, at least within 3rd degree of affinity or consanguinity. So, no one would question you on that. Although, majority have concurred your appointed Treas. The problem now is you. After a while, you don't want to sign for her to continue with the transaction. The transaction is pending. This is the problem, You failed to give their honorarium & payment of electricity. There are also some issues here, like some bad words, stated here, may be because of anger or hatred. This is the term here, "bisan pa otrohon, diri an ako ma perma hito a resolution, kay nagkuha na ako hin bag-o na treas., kay amo la guihapon deri kami magkasinabot. These are the wordings. Here are the uttered words also stated, your husband Danilo Panugan, who is the Chief Tanod uttered the words, "Kun ako mapungot waray ko pipilion", then added also, "pakaon ko hin pulbura." This is all because of anger. In your side Bgy. Capt., I will give your part to express why this happened. Why reached to this long time delay of having no transactions, particularly the giving of honorarium and other transaction in the barangay? What is the reason of delay, no treasurer?

CERTIFIED TRUE COPY:

NORMINDA R. RAAGAS
MUN. SECRETARY

ELPIDIO M. GO, M.D.
Member

EUGENIO A. CHING, JR.
Chairman

LUZAN. ASEVEROS
Member

ALFRIDO M. CASAS
Chairman

AIDA Q. LABTIC
Vice-Chairman

HENRY T. BAGALLON
Chairman

Capt. Catalina Panugan : Yes, we don't have. We are not agreeing with each other. We arrived at the DILG Office for settlement. They told me that they will file a case to me and the treas.

SB Member Henry T. Bagallon : That is why, they have filed a complaint against you. We, in the Mun. Council, we'll try your best to settle both of you. If ever, you don't agree upon, we, the council will convene to make one decision here. So, any body, how about Hon. Go?

SB Member Elpidio M. Go, M.D. : That problem, it doesn't mean that there is no solution. If somebody got fault, nobody liked. Secondly, it should be obligated because there is a reason. Others have considered, because there are reasons. If the problem can not be solved, it will become big. The problem can be resolved only with you. Then on your part, you insisted. The Bgy. Captain insisted not to sign. The solution is only with you. Don't say that, "I will not" If you don't want it, give your reason. Try to cooperate within yourselves. There is no harmony, if there is someone blocking or resisting. Understanding is the answer. For example, if somebody don't like, will he be liable? If one group insisted to stop it, are they liable to it? All of you have reasons. But have it dissected. Is it okay. How can we solve this? Even if it's only one fault, it has many reasons. It keeps on coming back. It can not be. That is not the purpose. The objective here is to continue, the operation of the barangay. What is lacking you should comply it so that it can be solved today, tomorrow & so on. What ever has to be ironed it, the do it. Nobody wants to be blamed. But everybody wants to solve the problem, whether you like it or not. If there is a solution to it, everybody will accept. The problem is, there is resistance in yourselves. You do not agree upon a thing. Discuss it. The Bgy. Capt. insisted that she don't like. Now, on your part, try to make things for the solution. That can not be resolved, if there is no dialogue.

Kagawad Renato Avenir, Jr. : We have done everything to solve the problem in the barangay. We elevated the matter to the DILG. The DILG Officer herself told the Bgy. Capt. to sign the resolution. Then, why did she insisted not to sign.

SB Member Henry T. Bagallon : Okay, continue.

Capt. Catalina Panugan : She is quarrelsome.

SB Member Elpidio M. Go, M.D. : There is reason to it.

Kagawad Renato Avenir, Jr. : She don't like her anymore. She wanted another treas. This is quite disgusting.

Capt. Catalina Panugan : I don't like her anymore.

SB Member Henry T. Bagallon : So, you don't like her.

Capt. Catalina Panugan : I don't like her. I called her at 11:00 a.m. Then at 3:00 pm. She did not reply. She don't replied me where she was. I said go to BIR. I beg BIR to certify the paper because, we already have the TIN. That's it. When we go back, only to process.

Mrs. Cresle Isoreran : She did not like, that we will go to DILG.

SB Member Eugenio A. Ching, Jr. : I will ask the treas., why did you not make a reply.

Ms. Cresle Isorena : She said to me to go to BIR. I got the forms there., but she arrived earlier than me. Before I go to Ormoc I went there for a quick time. When I went to BIR, the In charge told me that I already given the forms to your Bgy. Capt. She said also to me, that your Bgy. Capt. had asked for a TIN. So, I wonder why. I told the In Charge, "Ma'am it is not for the TIN but COR. But I already got the forms from Ormoc. So, once the resolution is signed, we can go back to Ormoc BIR, once we get the papers. But, she never signed the resolution.

SB Member Eugenio A. Ching, Jr. : You only failed once.

SK Jade Luster Jalipa : On that day, when she refused to sign the resolution, we went to their house together with the secretary. I asked the Bgy. Capt. to sign that resolution for BIR. So that, in the morning of the following day, we will just come to our Bgy. Hall earlier so that we can all sign together there, and that our Treas. can go directly to BIR. I expected that. Then, for me, I can have also open my account with Land Bank. But, our Treas. texted me that the Bgy. Captain did not agree. The Bgy. Captain refused to sign. Then, all the papers should be returned from our Bgy. Treas. including checks. She said, "she is no longer agree to make her the Treas. . So, for what reason. It was already okay, because in the evening, we have agreed about it. We're going to the Bgy. Hall for our signatures of that resolution. But, the following day she changed her mind because she said that our old treas. should be back to withdraw cash.

SB Member Henry T. Bagallon : When was that?

SK Jade Luster Jalipa : Last week of Sept. After that incident, because she refused to sign, we went to the DILG Office. That's the start of our quarrel.

SB Member Henry T. Bagallon : So, 5 months, no transactions until now.

Capt. Catalina Panugan : She instructed the Sec. to send the conduct pass for signature.

CERTIFIED TRUE COPY:

NORMINDA P. RAAGAS
MUN. SECRETARY

ELPIDIO M. GO, M.D.
Member

EUGENIO A. CHING, JR.
Chairman

LUZ M. ASEVEROS
Member

ALFREDO M. CASAS
Chairman

AIDA Q. LABITIC
Vice-Chairman

HENRY T. BAGALLON
Chairman

SK Chairman Jade Luster Jalipa : The day after, we're called at the DILG Office.

SB Member Henry T. Bagallon : You have an agreement that you will go on travel?

Capt. Catalina Panugan : None.

SK Jade Luster Jalipa : After that, we were called by the DILG Officer. Why is it Capt, that you refused to sign. She said, she don't like. That is why, the DILG Officer asked her why she refused to sign it. She said that is was only a conduct pass. Why conduct pass, when we explained already to her, about this & that. We had agreed on that time.

SB Member Henry T. Bagallon : So, it's clear Capt., that you refused to sign her concurrence paper.

Capt. Catalina Panugan : I signed already the checks, believing we're okay to withdraw cash. The checks issued were at the possession of the new treas. I've already signed, believing we can withdraw there. But we lacked papers there. We were only delayed.

SB Mmember Hnery T. Bagallon : So, no transactions. Hon. Casas.

ABC Pres. Alfredo M. Casas :What I can say is this. I am loved by so many people in Calubian. Everyone of you has complaint, because you are all here. We are here to investigate, everyone should talk.

SB Member Diomedes D. Carlos : Can we let everyone speaks to clear out things.

SB Member Henry T. Bagallon : Okay, granted. Let every one talk. So, after the Bgy. Captain, who is next?, one by one. Okay.

Kagawad Mamerto Capin : My complaint is, this is all about our electricity. Why it had reached 10 bills already. But it's not yet paid. According to her, she already paid. During our assembly, we invited Estelita (old treas.) so that she can answer why it had reached 10 months unpaid. There, it was deferred because the Mayor was there. After the Mayor had left, that's the time they questioned. I requested receipts. There was a commotion. She said, she paid already last March , the payment was for Jan. to March . She said, that she already paid two months.

SB Member Henry T. Bagallon : It is stated here in the complaint. He said it was paid.

Kagawad Mamerto Capin : Not paid. The receipt from LEYECO is for Dec. 2019 & Nov. 2019. When she said the payment for Feb. & March, that is the date of her payment. Payment made in Feb. & March 2020. But the previous bills that covered were for Nov. & Dec. bills. She lied there that she already paid. Every month, there is a corresponding checks. During our session, I asked, " Te. every month, there is a check for electricity & she said to me "Yes." Where is it? She said , "in my possession". So, why is it that a big amount for the unpaid bills, if there is payment.

SB Member Henry T. Bagallon : Who paid the electricity ?

Kagawad Mamerto Capin : The old treas..

SB Member Henry T. Bagallon : What month did she resigned?

Kagawad Mamerto Capin : June or July 2020.

SB Member Henry T. Bagallon : So, for Jan. to June, she has the transactions.

SK Jade Luster Jalipa : But there was no payment.

SB Member Diomedes D. Carlos : Is it true Capt., that there is already checks issued for the payment?

Capt. Catalina Panugan : Yes. The check is issued in her name.

Kagawad Mamerto Capin : Yes, I asked her, " Is it not that you issued check every month? She said, " yes." Then, where is that? Where is that money? She said, " it is with me."

SB Member Henry T. Bagallon : So, in the name of the old Treas.?

Capt. Catalina Panugan : Yes.

SB Member Henry T. Bagallon : Do you have documents to it?

Capt. Catalina Panugan : The checks were at the old Bgy. Treas.

Kagawad Mamerto Capin : We invited the Treas, but came only right after our session.

SB Member Eugenio A. Ching,Jr. : In your bank, is there release for such amount?

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Member

ALFREDO M. CASAS
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AIDA C. LABTIC
Vice-Chairman

HENRY T. BAGALLON
Chairman

Capt. Catalina Panugan : None

Kagawad Mamerto Capin : She said, "she already paid."

SB Member Henry T. Bagallon : Do you have a summary of unpaid bills, from Jan. to Nov?

Kagawad Mamerto Capin : We have, sir.

SB Member Henry T. Bagallon : Can we have a look at it?

Ms. Cresle Isorena : The receipt is dated Feb. 4, but only covered for Dec. 2019. This is the receipt she showed to me. But that was for last year. But for now, she showed no receipt paid.

Kagawad Renato Avenir Jr. : She resigned by June.

Capt. Catalina Panugan : She was still able to withdraw by June. Every month is the bill.

Kagawad Renato Avenir, Jr. : We request for the reproduction of the receipts, but she denied to give our request.

SB Member Henry T. Bagallon : In your answer Capt., you mentioned that you paid the electricity, because the Contractor shared payment to it.

Capt. Catalina Panugan : Yes, Yuga Construction.

Kagawad Renato Avenir, Jr. : Where is the money given there?

SB Member Henry T. Bagallon : Also, it is stated here, Jundy Villagonzalo, the foreman.

Kagawad Renato Avenir, Jr. (old) : They were paying money for electricity, by no receipt was issued by the treas.

Capt. Catalina Panugan : She has the receipt to it for Yuga Construction.

SB Member Henry T. Bagallon : Capt., in the signatories of the checks, are the Bgy. Treas. & the Bgy. Capt. How come, she was able to transact for the electricity, without your knowledge. Did you?

Capt. Catalina Panugan : We issued checks for the honorarium, travel & bills. After the issuance, that's the time to pay.

SB Member Henry T. Bagallon : In your bills, it is included in your honorarium. So, it is not monthly paid.

Capt. Catalina Panugan : Monthly is the check issuance. But it is cash out during the honorarium.

Ms. Cresle Isorena : Quarterly is the honorarium.

Capt. Catalina Panugan : It was included cash out in June.

SB Member Henry T. Bagallon : You don't have the Statement of Account from LEYECO? So that it will be determined, whether the bgy. has paid the electricity bills to LEYECO.

Capt. Catalina Panugan : I don't know. The receipt is with the Treas. Checks were already issued for it.

SB Member Henry T. Bagallon : You unpaid bills is P 25,281.00 as of Nov. 2020. 10 months unpaid.

SK Jade Luster Jalipa : For July, Aug. & Sept.- no turn over yet.

SB Member Henry T. Bagallon : Your treas. had resigned by June. So, July, Aug. & Sept., no transactions until today, 5 months. Your unpaid bills is 10 months. So, June to Nov., no payment. But, are you sure that the Bgy. Capt. had issued check for it.

Capt. Catalina Panugan : It is shown at the Bgy. Bookkeeper, the transaction of the barangay.

Kagawad Renato Avenir, Jr. : We can not ask questions to the Bgy. Bookkeeper.

SB Member Henry T. Bagallon : So, that is part of your duty.

SB Member Eugenio A. Ching, Jr. : We will call the Bgy. Bookkeeper to secure a copy of the receipts.

SB Member Henry T. Bagallon : What about the copy of the checks issued? There is duplicate to it. That is very dangerous. We are elected officials, so we are accountable for it any time. We are not lawyers. We only asked from you. We rely on your presentation. But if you lied, we can secure the data. Like what you said, pending are your transactions. Why not, you help her. The Bgy. Kagawads like her. Then, you got the checks in your hands.

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She is now ready as your Bgy. Treas. Only, there is one lapses. Like now, on your part, the transaction was pending because, there was no understanding between the Bgy. Capt. & the Bgy. Treas. Why is that, it takes too long?

Capt. Catalina Panugan : I don't trusted her.

SB Member Henry T. Bagallon : Only a small requirement lacking, it will be approved. There are lapses, Capt. First, you demand the papers for your new treas., when she is not yet your treas., because you refused to sign.

SB Member Eugenio A. Ching, Jr. : The only lacking is your signature for the resolution.

SB Member Henry T. Bagallon : The resolution was not signed. In the first place, you have appointed her. That is the problem. You are the head of the barangay. So, you are questioned by them. So, this caused delay. The lengthy time of delay, caused the transactions pending. You treated personally the transaction of the barangay. You attended seminars. The 5 months time of delay, is quite long to perform your responsibility to the barangay. The complaint against you is quite long, abuse of authority, gross neglect, dereliction of duty, violation of R.A. 6713 or Code of Conduct of Govt. Officials & Employees, so, this will not reach up to this point in time, the conflict with your Bgy. Treas. But, here is it. It happened already. So, 5 months, that you failed your duties and responsibilities. That is a normal complaint. Based on your answer, there were O.R. Numbers. Can we secure this copy of O.Rs?

Capt. Catalina Panugan : It is in the hands of the old Treas.

SB Member Henry T. Bagallon : Even though, she resigned already. She is still accountable. Now, if these documents are still with her, it's your responsibility to secure these receipts. If she will not turn-over to you, you can file a case against her. Based in your answer, you paid the bills. Then, you failed to show the receipts. Second, why reached up to this lengthy period of delay. You don't cooperate with your Bgy. Council and settle only within the barangay. That is quite lengthy time.

Capt. Catalina Panugan : Every session, I always ask for their concurrence, that I will appoint a new Bgy. Treas. But, they don't hear my suggestion. I asked them, because I don't like her anymore. I want Mrs. Generalo.

Kagawad Renato Avenir, Jr. : I don't like her also, because of her attitude, very short of comprehension. She wanted to get back Mrs. Generalo.

SB Member Henry T. Bagallon : If you council will not favor your choice, then try not to consider them.

Capt. Catalina Panugan : Mrs. Generalo is okay for me.

SB Member Henry T. Bagallon : You should agree with your council, as appointing officer, as long as it will be in accordance with law. Even if you want to appoint a Bgy. Treas., whether you like it or not, it's your liability, if you will not concur. When we say in accordance with law, it means, at least, within the 3rd degree of affinity or consanguinity. That is the law. What we hear now, is that big problem. What you like, is not their choice. Her choice is not your choice. That's it. Okay.

SK Jade Luster Jalipa : We gave her a chance, when she appointed the old Treas. We agreed with her because she was the Bgy. Capt. Since the day she was appointed as our Bgy. Treas., we always had quarrels in the barangay. That is why, we opted our own choice. The new Treas. is our choice for the good of our bgy. She has personal reasons when she terminated the new treas.. It's only a small lapses when compared to the old Bgy. Treas. who had plenty of big faults.

Capt. Catalina Panugan : She already resigned.

SK Jade Luster Jalipa : Eve if she resigned, she has big liability to settle in our barangay. For the latest Bgy. Treas., she has not yet any liability at all.

Capt. Catalina Panugan : With regards to LEYECO, it's the liability of the Bgy. Treas.

SB Member Henry T. Bagallon : So, the Bgy. Council demanded from her.

SK Jade Luster Jalipa : To turn over.

SB Member Diomedes D. Carlos : For your old Bgy. Treas., as of now, she has so many back lags.

SK Jade Luster Jalipa : When we asked the Bgy. capt., she always replied, "She don't know."

SB Member Henry T. Bagallon : I will ask, the resignation letter of the Bgy. Treas., was it approved by you? Was it signed?

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Capt. Catalina Panugan : Yes. No problem with the project, the problem is the LEYECO.

SB Member Diomedes D. Carlos : We are all Bgy. captains here. May be, the oldest Bgy. Treas. in Calubian, is my Bgy. Treas. The Bgy. Bookkeeper even told me, to let him go, because he is very old already. Remember, our alter ego is our Bgy. Treas. & the Bgy. Sec.. We have the appointing power. How many treasurers then that you have replaced? Then, you appoint a new one, then you quarreled again. It's very difficult. The most problematic work they have, is their anomalies.

Capt. Catalina Panugan : Every session, I requested them.

Kagawad Mamerto Capin : The old treas. has now good relations with her now. That is why.

SB Member Henry T. Bagallon : Okay, Hon. Ching.

SB Member Eugenio A. Ching, Jr. : It really good to hear a Bgy. captain who will bow down.

Capt. Catalina Panugan : We won't agree with each other.

SB Member Henry T. Bagallon : Based on the complaint of your council, are you aware of this Capt.? Abuse of Authority, grave misconduct, dereliction of duty, ignorance of the law, violation of R.A. 6713, are you aware of this?

SB Member Aida Q. Labtic : You will be terminated with this kind of complaint.

SB Member Henry T. Bagallon : According to SB Member Aida Labtic, the complaint is heavy. If they will file at the Ombudsman or in Court, it will be hard to answer. This dereliction of duty, this is because, it is a lengthy time of delay already. Then, this is now the time for all you, facing with each other. In your part, try to reconcile with your council. In our findings, your problem is on the appointment of a treas. But, we are counting the time to resolve. To give honorarium for them is a big liability. The one who will solve this problem, is yourself. We can't even help you. You're the LCE in your barangay who is blessed, you are the Executive, the Legislative & the Judiciary. So, how come it had reach to this point?

Capt. Catalina Panugan : I asked them every session so that we can have our honorarium.

SB Member Diomedes D. Carlos : Mr. Chairman, let us ask them. What are their position?

SB Member Henry T. Bagallon : No, direct the question. My point is, for them to voice out. If not, the Council can not do otherwise.

Kagawad Renato Avenir, Jr. : This problem is quite hard because we have no money. But we are challenged because they said, "Hin o la an mahubsan (Who will be the one to have short of resources). We were called for an emergency session at 4:00 pm. of Oct. 5. We are after the Affidavit of Loss. We attended our emergency session. We, the bgy. council came at 4:30 p.m. We were there. The Bgy. Captain did not come. She walked out before 4 :30 p.m. because, she said she had a meeting in town.

Capt. Catalina Panugan : When I came, they were not around.

SK Jade Luster Jalipa : We held an emergency session. The meeting is not at 4:00 pm. Our agenda is the appointment of the new Bgy. Treasurer.

Kagawad Renato Avenir, Jr. : She defended that she has other meeting outside of the barangay.

SB Member Henry T. Bagallon : There must be notice first.

Kagawad Renato Avenir, Jr. : Here is the statement of the Bgy. Sec. xxx The agenda of session is the Bgy. Treas.. Also, the money of the SK Chairman.

Capt. Catalina Panugan : That Bgy. Treas. is discourteous. It's a problem of politics.

SB Member Elpidio M. Go, M.D. : All of you are presuming to solve the problem. But, if all of you will not cooperate, the problem can not be solved. Everybody must sacrificed for the betterment of the barangay. If you will cooperate/ understand with each other, that problem can be solved. If for example, you will be cooperate. If there is wrong, this is not for personal gains. This is your work. Remember, there are people affected, that there is a recipient. My advice is, to everyone, we are not perfect. No one likes fault, because there is one resisting.

SB Member Diomedes D. Carlos : If they can not be settled, what shall we do?

SB Member Elpidio M. Go, M.D. : We are the mun. council. Even if we are politicians, they knew that we are

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councilors. We can give advice. Like studying, there are two kind of students.

SB Member Aida Q. Labtic : Sometimes, we encounter problems. There must be no pressure. Whoever will be at the top must go down.

SB Member Luz M. Aseveros : I have to say this to the Bgy. Captain. How many months that you don't have your honorarium? 5 months. If ever, you, the new Bgy. Treas., your must also cooperate. This can not be solved. Remember, Bgy. Captain, this is for the good of everybody, Bgy. Officials, Bgy. Tanods, tec., are also affected. Your should be the first to lower your pride. Just continue with her appointment, only one document is lacking, so that you can obtain your honorarium. It is not easy to face a case. All your Bgy. Kagawads complained against you. You have to bow down.

SK Jade Luster Jalipa : We defended our new Treas.. Last January, our old Treas. wanted to resigned, but she was accommodated back by June. We understand that, we still accept her for the good of the barangay. If the new Treas., has one failure, she should consider her, because it is only a minor fault, when compared to the old Bgy. Treas., she had big faults. The old treas. resigned, but she should be re-appointed. But the bank reconsider her back.

SB Member Eugenio A. Ching, Jr. : My suggestion is, please bow down Bgy. Capt.

Capt. Catalina Panugan : I want Mrs. Generalo. For Cresle, we can not agree with each other.

SB Member Luz M. Aseveros : Only work, not personal gain.

SB Member Eugenio A. Ching, Jr. : To agree with everybody, try to work with them.

Kagawad Renato Avenir, Jr. : She considers the barangay as if it is her hacienda. If she don't like, she will terminate immediately & replace. Our Chief Tanod before, he was terminated because he is a Senior Citizen. He was replaced by her husband. There was no concurrence from us Bgy. Officials on his appointment. She also told us "Pagka Kapitan anay kamo."

SB Member Henry T. Bagallon : Is he the Chief Tanod?

Mrs. Catalina Panugan : Yes, my husband.

Kagawad Narcisco Malig-on : The Chief Tanod is her adviser always.

SK Jade Luster Jalipa : Personal interest is considered over and above. Always with personal interest.

SB Member Henry T. Bagallon : As long as it is not within the 3rd degree of affinity or consanguinity.

SB Member Elpidio M. Go, M.D. : For me, that problem will be solved, you have hesitation to solve. Solve the problem, one at a time.

SB Member Diomedes D. Carlos : How much is your quarterly honorarium?

Kagawad Renato Avenir, Jr. : P 19,000.00 plus.

SB Member Diomedes D. Carlos : Today is pandemic & then Christmas season, that honorarium should be released supposedly. Now, try not to consider your pride above other things.

SB Member Luz M. Aseveros : We are just advising.

Kagawad Renato Avenir, Jr. : The choice of her (Ms. General) had been in quarrel with her in the past.

SB Member Luz M. Aseveros ; Mr. Chair, based on my experience, if we are the Bgy. Captain, we are transparent. Whatever is our transaction of any amount, we are transparent. As of now, I've noticed that there is corruption. Our suggestion is in favor with you. If you will bow down, so that your Bgy. Tanods, DCW, BHW, etc. can also receive their honorarium. If you would not listen to us, it is up to you. You must lower down your pride.

Capt. Catalina Panugan : I have already requested them.

SB Member Diomedes D. Carlos : If there is no amicable settlement, it's up to you.

SB Member Henry T. Bagallon : You will not be resolved until December.

Kagawad Renato Avenir, Jr. : Even if she will bow down herself, we will continue to fight for the case. Nobody could stop us. They challenge us.

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SB Member Luz M. Aseveros : We can not do otherwise.

SB Member Diomedes D. Carlos : In Court, even if you have plenty of money, the Judge will decide to you.

SB Member Elpidio M. Go, M.D. : If their honorarium is given, they will not counter you.

Kagawad Renato Avenir, Jr. : We want her suspended so that our salary can be released & so with other employees.

Capt. Catalina Panugan : I want Mrs. Generalo as our Treas. I've always requested them every session.

Kagawad Renato Avenir, Jr. : We don't like Mrs. Generalo also.

SB Member Diomedes D. Carlos : Is that Mrs. Generalo who had a case?

Capt. Catalina Panugan : That is the old treas. in the past during the time of Capt. Bong Avenir.

Kagawad Renato Avenir, Jr. : She also made a dirty job with her.

Capt. Catalina Panugan : No. Don't say that.

Kagawad Renato Avenir, Jr. : We will proceed with the case.

SB Member Eugenio A. Ching, Jr. : It's a bad reflection on your part being affected and to the people. For me, the most important is reconciliation, because it is Christmas.

SB Member Diomedes D. Carlos : Now, if both of you, can not settle, we will make our decision. We will be questioned also, if we will not decide.

SB Member Aida Q. Labtic : We are asking you to reconcile, and start anew. We have here evidences presented. If you won't lower your pride, then you will be held liable.

SB Member Henry T. Bagallon : I asked you awhile ago, if you have officials receipt on the bills of LEYECO. You said none. How come, that you are in possession of it that you got it.

Capt. Catalina Panugan : I took it from the old Bgy. Treas., I want Mrs. Generalo. She is now processing her papers.

SB Member Henry T. Bagallon : You just appointed Cresle Isorena. How come that you terminated her right away, when she did not function yet as a Bgy. Treas.

SK Jade Luster Jalipa : When we were at the DILG, she was given an option to appoint, but with the concurrence of the council. That is why on that afternoon, she gave the termination order without concurrence from us. She gave it to our Bgy. Sec.

Capt. Catalina Panugan : The secretary received the termination order.

SB Member Aida Q. Labtic : The new Bg. Treas. has not yet functioned. She was right away terminated.

SK Jade Luster Jalipa : That termination order must also be concurred by the Bgy. Council according to the DILG.

Capt. Catalina Panugan : We are quarreling already.

SK Chairman Jade Luster Jalipa : The problem now, the appointment papers of the new Treas. was taken out at Land Bank & torn out into pieces.

Capt. Catalina Panugan : It was not true. I did not tear it into pieces. The papers are there.

SK Jade Luster Jalipa : You were the ones saying that, we are not.

SB Member Luz M. Aseveros : It's hard for a Bgy. Capt., when all your Bgy. Kagawads will not agree with you.

SB Member Diomedes D. Carlos : Why & how had happened, when they elevated the problem to us here? Why? Based on our investigation here, Capt., it is you who did not like reconciliation & settlement. Can you accept their demand?

SK Jade Luster Jalipa : That is lacking in our council.

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- Capt. Catalina Panugan : According to the DILG, the old Treas. can be back.
- SB Member Henry T. Bagallon : Why is it that they refused to accept, since she said she will be up to Dec. only. That's it.
- SB Member Eugenio A. Ching, Jr. : If I have the money, I will lend money to you.
- SK Jade Luster Jalipa : Our concern is our Bgy. Tanods who borrowed money from outside. No assurance yet for our honorarium release.
- SB Member Henry T. Bagallon : Complainants, if the Bgy. Capt. will agree, just to solve, the big problem, so that the giving of your honorarium can be answered? Is there time, that we can give her a chance?
- Kagawad Renato Avenir, Jr. : No chance anymore.
- SK Jade Luster Jalipa : That chance was already given in the past. We had also arguments/ conflict last December. We forgave her because she was new. Next time, I will not. So, we gave her the chance. But now, she let that chance forsaken. Now, she is not worthy of the second chance. We cooperated before.
- SB Member Diomedes D. Carlos : We can't do nothing, because she insisted on with her stand.
- SB Member Eugenio A. Ching, Jr. : Give them a chance, so that you can receive your honorarium.
- SB Member Henry T. Bagallon : What is the comment of the Chairman, Committee on Barangay Affairs on this?
- SB Member Luz M. Aseveros : The people have the right to question the money of the government.
- SB Member Elpidio M. Go, M.D. : The money is specific. The money for Pedro is for Pedro. As a mother or a father, they have many children. What did they do to make their children happy? Wait for them in return, if they give their parents a reward. It's a matter of give and take principle. Not that, give & give nor take & take. That can not be.
- Kagawad Renato Avenir, Jr. : We have a fund for the project, Stage in 2019 in the amount of P 130,000.00, but it was not implemented. Now, there is another fund for the same stage project, this year 2020 in the same amount. The fund is double funded. But the fund disbursement was not concurred.
- Capt. Catalina Panugan : There was no money in the bank.
- SB Member Henry T. Bagallon : But It's included in the budget plan for 20% LDF. That was allocated.
- Capt. Catalina Panugan : There was no money in the bank when we withdrew there.
- SB Member Henry T. Bagallon : This is the reason, why it was not yet implemented. By 2020, the same fund for the same project. It was yet implemented also.
- Capt. Catalina Panugan : It was implemented already.
- Kagawad Renato Avenir, Jr. : For 2019, it was already withdrawn. Now for 2020, we will borrow the 2021 fund.
- SK Jade Luster Jalipa : We approved Supplemental Budgets, we signed. We asked if there are funds. We believed that there was money because there is a balance shown.
- SB Member Henry T. Bagallon : There must be a Realignment procedure. We will see it. The AIP, the projects will be included there. It is not implemented, then there must be realignment. Capt., let us hear your final words regarding the complaint.
- Capt. Catalina Panugan : I was asking to reconsider another Treas. I can't work with her anymore.
- SB Member Henry T. Bagallon : That would be another delay.
- Capt. Catalina Panugan : I don't like her. I want Mrs. Generalo.
- SB Member Elpidio M. Go, M.D. : What is the problem with you?
- Mrs. Cresle Isorena : She shouted at me always. If there are questions to be answered, I asked the Bgy. Council. But she got mad at me, with I asked the help from the Bgy. Council.
- Capt. Catalina Panugan : I want Mrs. Generalo.

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Kagawad Renato Avenir, Jr. : We don't like Mrs. Generalo also . But we want Cresle to continue.

SK Jade Luster Jalipa : We want Cresle Isorena as our Bgy. Treas. If she is not in harmony with Generalo, she will terminate her again.

SB Member Henry T. Bagallon : Thank you Capt. for your message.

Kagawad Renato Avenir, Jr. : We want her suspended, so that we can have our honorarium

SB Member Henry T. Bagallon : There must be reasons. She don't like the Bgy. Treas. she appointed. That is her obligation to appoint in the barangay. So, let us wait for the decision of the Council. We will submit our findings first. If ever, she will found guilty, she can be suspended. I even asked, how come your honorarium was not released at this point in time. Of all the risks in the barangay, you are held liable. All of you have the hearts & minds. So, good luck. But, I don't hear the sounds of Kagawad Cabalhin.

Mr. Rogelio Cabalhin : I have a separate complaint with the Ombudsman against our Bgy. Captain. But, why is it that there was no action yet from the Ombudsman?

Capt. Catalina Panugan : I already replied to the Ombudsman.



SB Member Henry T. Bagallon : The complaint seems heavy. If they are going to the Ombudsman or to the Court, you will find it hard to answer, like: dereliction of duty for 5 months inaction in office. Quite long, with no transaction. No treasurer appointed. The decision of the Bgy. Council is to retain the new Treas. The decision of the Bgy. Capt. is to terminate the Bgy. Treas. .So, we've done everything Bgy. Captain. So, good luck. Thank you for coming to the SB hearing. Good afternoon every one.

There being no further business matters being taken, the committee hearing/ investigation was adjourned. Adjourned at exactly 4:00 p.m.

CERTIFIED CORRECT:


NORMINDA R. RAAGAS
Municipal Secretary

ATTESTED :


HENRY T. BAGALLON
Chairman

LUZ M. ASEVEROS
Member


AIDA Q. LABTIC
Vice-Chairman

EUGENIO A. CHING, JR.
Chairman


ALFREDO M. CASAS
Chairman

ELPIDIO M. GO, M.D.
Member

CERTIFIED TRUE COPY:


NORMINDA R. RAAGAS
MUN. SECRETARY



Province of Leyte
Municipality of Calubian
-OOO-
Office of the Sangguniang Bayan

Annex "B"

SB Committee Report No. 2020- 78 A
Dec. 7, 2020

SUBMITTED BY : COMMITTEES ON BARANGAY AFFAIRS, PEACE & ORDER & GOOD GOVERNANCE, ETHICS & ACCOUNTABILITY
SUBJECT : Adm. Complaint of Kagawad Rogelio M. Cabalhin against Punong Barangay Catalina C. Panugan of Bgy. Cabalhin/ Herrera, Calubian, Leyte.
SPONSORED BY : HON. BAGALLON, LABTIC, ASEVEROS, CHING, GO & A. CASAS
SUBMITTED TO : HON. GILBERT S. PONCE, MUN. VICE MAYOR & PRES. OFFICER

The undersigned Chairman & Members of the COMMITTEES ON BARANGAY AFFAIRS, PEACE & ORDER & GOOD GOVERNANCE, ETHICS & ACCOUNTABILITY, respectfully submit to the Honorable August Body, the following Committee findings:

1. Kagawad Rogelio M. Cabalhin, et.al., Complainants had filed an Adm. Complaint (marked as Adm. Case No. 2020- 03) dated Nov. 6, 2020 before the Office of the Sangguniang Bayan against Punong Barangay Catalina C. Panugan of Bgy. Cabalhin/ Herera, Calubian, Leyte for " Abuse of Authority; Grave Misconduct; Gross Ignorance of the Law; Gross Negligence, Dereliction of Duty and Violation of R.A. 6713 " and that complaint was received by the office on Nov. 12, 2020 (Administrative Complaint is hereto attached);
2. The respondent, Punong Barangay Catalina C. Panugan submitted his Counter- Affidavit on dated Nov. 24, 2020 to the Office on Nov. 27, 2020 denying all the allegations contained in the complaint (Answer to the Administrative Complaint is hereto attached ;
3. The COMMITTEES ON BARANGAY AFFAIRS, PEACE & ORDER & GOOD GOVERNANCE, ETHICS & ACCOUNTABILITY conducted a Committee Investigation/ Hearing on Dec. 1, 2020 at the SB Session Hall, wherein the Respondent and the Complainants attended;
4. The Punong Barangay Catalina C. Panugan insisted her stand that don't like & has no trust and confidence on the newly appointed Bgy. Treasurer, Cresle R. Isorena, despite having appointed her in July 2020 & duly concurred by the Sangguniang Barangay; thus failed to sign other related documents pertaining to the processing of authority as to the official signatory of the financial transaction of the barangay as per requirement by the Office of BIR in Ormoc City and LBP at Naval, Biliran;
5. In the statement of Mr. Jundy Villagonzalo, Foreman of Yuga Construction (as attached to the Complaint Affidavit) dated Feb. 11, 2020, the same had given a total sum of money to Mrs. Estelita Pecajas, previous Bgy. Treasurer of Bgy. Cabalhin, Calubian, Leyte with no corresponding Official receipts given by the said Bgy. Treasurer, and stated as follows:
 1. Cash of P 1,118.00 on Oct. 2019;
 2. Cash of P 6,200.00 on Nov. 2019;
 3. Cash of P 4,566.00 on Dec. 2019 ; and
 4. Cash of P 1,927.00 on Jan. 2020;
6. Records in the Office of the Sangguniang Bayan, in the 2019 Annual Budget of Bgy. Cabalhin/ Hererra, Calubian, Leyte, an annual allocation of P 30,00.00 is allocated for Lights & Power Expenses of the barangay. If ever Yuga Construction shared its payment in the electricity of the barangay for Oct. 2019 until Dec. 2019, an allocation is added thereof amounting to P 11,884.00 & no reason that for the last quarter of 2019, the electricity bills to LEYECO V could not be settled.,
7. Likewise, records in the Office of the Sangguniang Bayan, in the 2020 Annual Budget of Bgy. Cabalhin/ Hererra, Calubian, Leyte, an annual allocation of P 30,00.00 is allocated for Lights & Power Expenses of the barangay. If ever Yuga Construction shared also its payment in the electricity of the barangay for Jan. 2020, an allocation is added thereof amounting to P 1,927.00 & no reason that for the month of Jan. 2020 until Nov. 2020, the electricity expenses to LEYECO V could not be settled.
8. Kagawad Mamerto Capin handed down during the committee hearing, a Statement of Account of Bgy. Cabalhin/ Herrera, Calubian, Leyte at LEYECO V, Ormoc City as of Dec. 2, 2020. The statement of account showed that the latest bill of the barangay as of Dec. 2, 2020 is P 2,108.17 plus the 10 months unpaid bills amounting P 25,281.00. Meaning, from Jan. 2020 until Nov. 2020, there was no payment of electricity usage of the barangay to LEYECO V.
9. In the Answer to the Complaint of Punong Barangay Catalina C. Panugan, she enclosed therein 3 official receipts of payment by Yuga Construction, as stated below:
 1. Oct. 29, 2019 – P 1,118.00 as per O.R. No. 4048643;
 2. Nov. 24, 2019 – P 6,200.00 as per O.R. 4048644; and
 3. Dec. 10, 2019 – P 4,566.00 as per O.R. No. 4048645;

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NORMINDA R. RAAGAS
MUN. SECRETARY

In this same Answer, it was stated that the last payment was made on Feb. 4, 2020 for the consumption of Dec. 2019. Meaning, starting Jan. 2020 up to Nov. 2020, there was no payment made by the Bgy. Treasurer nor the Punong Barangay. The Official receipts issued in series by former Bgy. Treasurer Esteita Pecajas seemed questionable and misleading, because every month transaction of the barangay is only covered with one official receipt, how about the other financial transactions of the barangay?;

10. The Punong Barangay, Catalina C. Panugan and the Bgy. Treasurer manipulated the funds entrusted by the people of the barangay in the payment of its electricity uses to LEYECO V & the same is tantamount to malversation of funds;

11. Bgy. Kagawad Renato C. Avenir, Jr. relayed into the hearing/ investigation that the appointed Chief Barangay Tanod is Mr. Danilo Panugan, who is the husband of the Punong Barangay and for being such, afforded to utter words to him and rest of the members of the Bgy. Council with this "Kun ako Mapungot, pakaunon ko hin Pulbura." This statement is supported by a Police Blotter at the Calubian PNP dated Oct. 15, 2020;


12. Kagawad Rogelio M. Cabalhin revealed also during the committee hearing that he also filed a separate complaint before the Office of the Ombudsman last Jan. 2019 against Punong Barangay Catalina C. Panugan. This separate complaint was attached in his Adm. Complaint filed to the Office of the SB;


13. In the answer of Punong Barangay Catalina C. Panugan to the Complaint filed against her which was received to the Office on Nov. 27, 2020, she stated therein that she allowed the resigned Bgy. Treasurer to issue checks and withdraw cash at LBP Naval, Biliran without knowledge of the Bgy. Council on the premise that such cash withdrawal will be used to pay the honorarium of the Barangay Officials & employees, electricity bills and payment for a completed project. But, the Sangguniang Barangay Members of Bgy. Cabalhin/ Herrera (complainants) disclosed that they never received honorarium for the 3rd & last quarter of the current year 2020, and no payment of electricity was made as for the months of Jan. until Nov. 2020; and


14. The on going conflict of the Punong Barangay and the Sangguniang Barangay of Bgy. Cabalhin/ Herrera, Calubian, Leyte will hamper & trigger the delivery of public services, particularly to the people of the barangay.

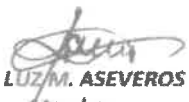
WHEREFORE, we shall look forward for the approval of this committee report and recommend to put Punong Barangay, Catalina C. Panugan, respondent, GUILTY of the following offenses, and shall be penalized for suspension of (six) months effective immediately, to wit:

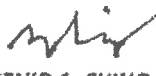
1. Abuse of authority as Punong Barangay ;
2. Dishonesty ;
3. Malversation of funds in violation of the Anti Graft & Corrupt Practices Act;


HENRY T. BAGALLON
Chairman


AIDA Q. LABTIC
Vice-Chairman


ALFREDO M. CASAS
Chairman


LUZ M. ASEVEROS
Member


EUGENIO A. CHING, JR.
Chairman


ELPIDIO M. GO, M.D.
Member

CERTIFIED TRUE COPY;

NORMINDA R. RAAGAS
MUN. SECRETARY



Republic of the Philippines
Province of Leyte
Municipality of Calubian

Annex 'C'

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE HELD ON DEC. 07, 2020 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

Res. No. 2020- 225

RESOLUTION APPROVING COMMITTEE REPORT NO. 2020- 78 A DATED DEC. 7, 2020 OF THE COMMITTEES ON BARANGAY AFFAIRS, PEACE & ORDER & GOOD GOVERNANCE, ETHICS & ACCOUNTABILITY ON THE ADMINISTRATIVE COMPLAINT FILED BY BGY. KAGAWAD ROGELIO M. CABALHIN, ET.AL., (COMPLAINANTS) OF BGY. CABALHIN/ HERRERA, CALUBIAN, LEYTE AGAINST THEIR PUNONG BARANGAY CATALINA C. PANUGAN (RESPONDENT) FOR " ABUSE OF AUTHORITY; GRAVE MISCONDUCT; GROSS IGNORANCE OF THE LAW; GROSS NEGLIGENCE, DERELICTION OF DUTY AND VIOLATION OF R.A. 6713 , ALSO KNOWN AS THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOY EES."


On motion of SB Member Aida Q. Labtic ; duly seconded by SK Fed. Pres. Alyza F. Nierras ;


RESOLVED, as it is hereby resolved, to approve Committee Report No. 2020- 78 A dated Dec. 7, 2020 of the Committees on Barangay Affairs, Peace & Order & Good Governance, Ethics & Accountability on the Administrative Complaint (marked as Adm. Case No. 2020- 03 of the Sangguniang Bayan) filed before the Office of the Sangguniang Bayan of Calubian, Leyte by Bgy. Kagawad Rogelio M. Cabalhin, et. al. (Complainants) of Bgy. Cabalhin/ Herrera, Calubian, Leyte against their Punong Barangay Catalina C. Panugan (Respondent) for " Abuse of Authority; Grave Misconduct; Gross Ignorance of the Law; Gross Negligence, Dereliction of Duty and Violation of R.A. 6713, also known as " Code of Conduct and Ethical Standards for Public Officials & Employees". Copy of the said SB Committee Report is hereto attached.

Unanimously approved.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

ATTESTED:


GILBERT S. PONCE
Mun. Vice Mayor
Presiding Officer


NORMINDA R. RAAGAS
Mun. Secretary


ELPIDIO M. GO, M.D.
SB Member



JOSEPH C. AVENIR
SB Member
(inhibited)


LUZ M. ASEVEROS
SB Member



DIOMEDES D. CARLOS
SB Member


ALYZA F. NIERRAS
SK Fed. President

EUGENIO A. CHING, JR.
SB Member




AIDA Q. LABTIC
SB Member


ALFREDO M. CASAS
Liga ng Mga Barangay Pres.

VIVENCIA V. CASAS
SB Member

CERTIFIED TRUE COPY;


NORMINDA R. RAAGAS
MUN. SECRETARY



Republic of the Philippines
Province of Leyte
Municipality of Calubian
-OoO-

Annex "D"

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE HELD ON DEC. 07, 2020 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

Res. No. 2020- 226

RESOLUTION APPROVING THE DECISION ON THE ADMINISTRATIVE COMPLAINT (MARKED AS ADM. CASE NO. 2020- 03 OF THE SANGGUNIANG BAYAN) FILED BY BGY. KAGAWAD ROGELIO M. CABALHIN, ET.AL. (COMPLAINANTS) OF BGY. CABALHIN/ HERRERA, CALUBIAN, LEYTE AGAINST THEIR PUNONG BARANGAY CATALINA C. PANUGAN (RESPONDENT) FOR " ABUSE OF AUTHORITY; GRAVE MISCONDUCT; GROSS IGNORANCE OF THE LAW; GROSS NEGLIGENCE, DERELICTION OF DUTY AND VIOLATION OF R.A. 6713 , ALSO KNOWN AS THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES."

On motion of SB Member Aida Q. Labtic ; duly seconded by SB Member Eugenio A. Ching, Jr. ;

RESOLVED, as it is hereby resolved, to approve the DECISION on the Administrative Complaint (marked as Adm. Case No. 2020- 03 of the Sangguniang Bayan) filed before the Office of the Sangguniang Bayan of Calubian, Leyte by Bgy. Kagawad Rogelio M. Cabalhin, et. al. (Complainants) of Bgy. Cabalhin/ Herrera, Calubian, Leyte dated Nov. 6, 2020 against their Punong Barangay Catalina C. Panugan (Respondent) for " Abuse of Authority ; Grave Misconduct; Gross Ignorance of the Law; Gross Negligence, Dereliction of Duty and Violation of R.A. 6713, also known as " Code of Conduct and Ethical Standards for Public Officials & Employees", whereby Respondent, Punong Barangay Catalina C. Panugan is found GUILTY of the following offenses, and shall be penalized for suspension of Six (6) months to hold office, to wit:


1. Abuse of Authority;
2. Dishonesty; and
3. Malversation of funds in violation of Article 217 of the Revised Penal Code.

Copy of the full text of the said DECISION is hereto attached.

Unanimously approved.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

ATTESTED:


GILBERT S. PONCE
Mun. Vice Mayor
Presiding Officer


NORMINDA R. RAAGAS
Mun. Secretary


ELPIDIO M. GO, M.D.
SB Member

JOSEPH C. AVENIR
SB Member
(inhibited)



DIOMEDES D.C. CARLOS
SB Member


EUGENIO A. CHING, JR.
SB Member


LUZ M. ASEVEROS
SB Member


ALYSSA T. MIERRAS
SK Fed. President


VIVENCIA V. CASAS
SB Member


AIDA Q. LABTIC
SB Member


ALFREDO M. CASAS
Liga ng Mga Barangay Pres.



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Calubian

Amex "E"

-oOo-
OFFICE OF THE SANGGUNILANG BAYAN

BGY. KAGAWAD ROGELIO M.
CABALHIN, et. al,

Complainants,

versus

ADM. Case No. 2020- 03
(FOR ABUSE OF AUTHORITY,
MISCONDUCT, GROSS
IGNORANCE OF THE LAW,
GROSS NEGLIGENCE,
DERELICTION OF DUTY; &
VIOLATION OF R. A. NO.
6713)

PUNONG BARANGAY CATALINA C.
PANUGAN,

Respondent

x-----
x

DECISION

On November 12, 2020, the Office of the Sangguniang Bayan of the Municipality of Calubian received a complaint filed by Kagawads Rogelio M. Cabalhin, Leopoldo M. Salut, Mamerto D. Capin, Jr., Renato C. Avenir, Jr., Narciso R. Malig-on, Arnel S. Baronda, SK Chair Jade Luster E. Jalipa, and Treasurer Crisle R. Isorena (hereinafter collectively called "COMPLAINANT" for brevity) against Punong Barangay Catalina C. Panugan of Bgy. Cabalhin/Herera, Calubian, Leyte (hereinafter called "RESPONDENT" for brevity) for Abuse of Authority; Grave Misconduct; Gross Ignorance of the Law; Gross Negligence Dereliction of Duty, and Violation of R.A. 6713. The complaint is docketed as Administrative Case No. 2020-03 entitled *Kagawad Rogelio M. Cabalhin, et.al. vs. Punong Barangay Catalina C. Panugan for Abuse of Authority; Grave Misconduct; Gross Ignorance of the Law; Gross Negligence Dereliction of Duty, and Violation of R.A. 6713.*

On December 1, 2020, the Committees on Barangay Affairs, Peace & Order, and Good Governance, Ethics and Accountability conducted a Committee Investigation/Hearing at the SB Session Hall. Both Complainant and Respondent were present during said hearing.

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NORMINDA R. RAAGAS
MUN. SECRETARY

Handwritten signatures and initials on the left margin, including names like 'Babalhin', 'Apparatus', and others.

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THE FACTS

The Complaint

In their Complaint-Affidavit, Complainant alleged that herein Respondent failed to settle the barangay electric bills and even received Notice of Disconnection from LEYECO V for repeated non-payment of electric bills covering the periods of February 1, 2020, March 7, 2020, and September 29, 2020 despite allocation of barangay monthly funds for the same. While there was a surge of electric consumption for the months of October 2019 to January 2020 caused by electric tapping of Yuga Construction (Contractor) for its on-going project in the barangay, according to Complainant, this increase cannot be made a reason for non-payment because the Contractor paid for its proportionate share to Brgy. Treasurer Estelita Pecajas. However, despite knowledge of such payment, Respondent failed to provide receipt and demand its turn-over from the Pecajas in order to settle the dues. Accordingly, this inaction on her part put the barangay and its constituents in danger.

Complainant also alleged that Respondent unjustly refused to sign the Resolution necessary to process for BIR Certification with BIR Ormoc City. This refusal on the part of Respondent resulted to non-compliance with Landbank and BIR Ormoc City requirements which caused non-payment of honorariums of the Complainants as well as the non-payment of dues and obligations of the barangay.

Complainant likewise alleged that Respondent walked out at a Special Session on October 5, 2020 at Barangay Hall and that her action was uncalled for, inappropriate and disrespectful. They also alleged that Respondent illegally terminated the appointed Barangay Treasurer Cresle R. Isorena.

According to Complainant, the Respondent is liable for abuse of authority, grave misconduct, gross ignorance of the law, gross negligence, dereliction of duty, and violation of R.A. 6713.

The Answer

On the other hand, in her Answer dated November 24, 2020, the Respondent denied all allegations against her. She argued that the barangay has never been disconnected with the electricity. The bills for the months after March 2020 were not paid because Estelita Pecajas resigned on May 25, 2020 and that Kagawad Rogelio Cabalhin kept the electric bills and were not turned over to her.

Respondent also averred that she did not sign the Resolution authorizing the Punong Barangay and Barangay Treasurer to transact with BIR Ormoc City

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**NORMINDA R. RAGAS
MUN. SECRETARY**

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because she lost trust and confidence over the newly appointed Bgy. Treasurer Cresle R. Isorena (Isorena) because of her disrespect and dishonesty. Respondent maintained that she purposely did not sign the resolution as a gesture of terminating Isorena as Barangay Treasurer.

Lastly, she asserted that she cannot be held liable for abuse grave misconduct and dishonesty because she is only exercising her discretion and own judgment to effectively govern the barangay.

ISSUE

- I. WHETHER OR NOT RESPONDENT IS GUILTY OF ABUSE OF AUTHORITY, GRAVE MISCONDUCT, GROSS IGNORANCE OF THE LAW, GROSS NEGLIGENCE, DERELICTION OF DUTY, AND VIOLATION OF R.A. 6713.

RULING

Respondent committed grave misconduct and abuse of authority

The Respondent in her Answer admitted that she did not sign the Resolution authorizing the Punong Barangay and Barangay Treasurer to transact with BIR Ormoc City because she "lost trust and confidence" over the newly appointed Bgy. Treasurer Cresle R. Isorena (Isorena). According to her, Isorena displayed disrespect and dishonesty towards her. To our mind, this loss of trust and confidence is not a valid ground to unilaterally revoke Isorena's appointment that she herself appointed last July 2020 and duly concurred by the Sangguniang Barangay. It must be stressed that appointment or replacement of barangay treasurer needs the approval of majority of all members of the sangguniang barangay. Particularly, Section 389 paragraph b (5) of the Local Government Code provides:

"Upon approval by a majority of all the members of the sangguniang barangay, appoint or replace the barangay treasurer, the barangay secretary, and other appointive barangay officials."

Thus, Respondent cannot arbitrarily revoke Isorena's appointment as the new barangay treasurer and to re-appoint the already resigned Treasurer Estelita Pecajas without the approval of the majority of the members of the barangay council. Here, it is clear that Respondent took advantage of her position as punong

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NORMINDA P. PAAGAS
MUN. SECRETARY

barangay to revoke Isorena's appointment with clear intent to violate the law and utter disregard of the established rules. The action of Respondent action is sufficient to warrant **grave misconduct**. *Misconduct is defined as a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer. Misconduct is considered grave if accompanied by corruption, a clear intent to violate the law, or a flagrant disregard of established rules, which must all be supported by substantial evidence. (Lagoc v. Malaga, 738 Phil. 623, 640 (2014.))*

Moreover, it was also revealed that Respondent allowed the resigned Treasurer Estelita Pecajas to issue checks and withdraw cash at LBP Naval, Biliran without knowledge of the barangay council on the guise that such cash withdrawal will be used to pay the honorarium of the Barangay Officials & employees, electricity bills, and payment for a completed project. But, Complainants disclosed that they never received honorarium for the 3rd & last quarter of the current year 2020, and no payment of electricity was made as for the months of January until November 2020.

Respondent even **admitted** in her Answer that **purposely refused** to sign, as the official signatory for financial transactions, the second Resolution as required by BIR Ormoc City simply because she does not like Isorena. This act was conduct unbecoming of a Punong Barangay and was committed in excess of her power or authority conferred to her by law. To us, this whimsical and inexcusable behaviour of the Respondent is tantamount to **abuse of authority**, and did not only deprive the Complainants their monthly honorariums but ultimately placed the barangay and its constituents in grave danger.

Unpaid electric bills and malversation of funds

In the statement of Mr. Jundy Villagonzalo, Foreman of Yuga Construction (as attached to the Complaint Affidavit) dated Feb. 11, 2020, the same had given a total sum of money to Mrs. Estelita Pecajas, previous Bgy. Treasurer of Bgy. Cabalhin, Calubian, Leyte with no corresponding Official receipts given by the said Bgy. Treasurer, and stated as follows:

1. Cash of P 1,118.00 on Oct. 2019;
2. Cash of P 6,200.00 on Nov. 2019;
3. Cash of P 4,566.00 on Dec. 2019; and
4. Cash of P 1,927.00 on Jan. 2020.

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NORMINDA R. RAAGAS
MUN. SECRETARY

Records in the Office of the Sangguniang Bayan, in the 2019 Annual Budget of Bgy. Cabalhin/ Hererra, Calubian, Leyte, an annual allocation of P 30,00.00 is allocated for Lights & Power Expenses of the barangay. If ever Yuga Construction shared its payment in the electricity of the barangay for October 2019 until December 2019, an allocation is added thereof amounting to P 11,884.00 & no reason that for the last quarter of 2019, the electricity bills to LEYECO V could not be settled.

Likewise, records in the Office of the Sangguniang Bayan, in the 2020 Annual Budget of Bgy. Cabalhin/ Hererra, Calubian, Leyte, an annual allocation of P 30,000.00 is allocated for Lights & Power Expenses of the barangay. If ever Yuga Construction shared also its payment in the electricity of the barangay for January 2020, an allocation is added thereof amounting to P1,927.00, and no reason that for the month of Jan. 2020 until Nov. 2020, the electricity expenses to LEYECO V could not be settled.

Kagawad Mamerto Capin handed down during the committee hearing, a Statement of Account of Bgy. Cabalhin/ Herrera, Calubian, Leyte at LEYECO V Ormoc City as of Dec. 2, 2020. The statement of account showed that the latest bill of the barangay as of Dec. 2, 2020 is P2,108.17 plus the 10 months **unpaid bills amounting P 25,281.00**. Meaning, from Jan. 2020 until Nov. 2020, there was no payment of electricity usage of the barangay to LEYECO V.

In the Answer to the Complaint of Punong Barangay Catalina C. Panugan, she enclosed therein 3 official receipts of payment by Yuga Construction, as stated below:

1. Oct. 29, 2019 – P 1,118.00 as per O.R. No. 4048643;
2. Nov. 24, 2019 – P 6,200.00 as per O.R. 4048644; and
3. Dec. 10, 2019 – P 4,566.00 as per O.R. No. 4048645;

In this same Answer, it was stated that the last payment was made on Feb. 4, 2020 for the consumption of Dec. 2019. Meaning, starting Jan. 2020 up to Nov. 2020, there was no payment made by the Bgy. Treasurer nor the Punong Barangay. The Official receipts issued in series by former Bgy. Treasurer Estelta Pecajas seemed questionable and misleading, because every month of transaction of the barangay is only covered with one official receipt, how about the other financial transactions of the barangay?

To us, it is concluded that the Punong Barangay herein Respondent Catalina C. Panugan and the former Barangay Treasurer manipulated the funds

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NORMINDA R. RAAGAS
MUN. SECRETARY

entrusted by the people of the barangay in the payment of its electricity uses to LEYECO V & the same is tantamount to malversation of funds;

Bgy. Kagawad Renato C. Avenir, Jr. relayed into the hearing/ investigation that the appointed Chief Barangay Tanod is Mr. Danilo Panugan, who is the husband of the Punong Barangay and for being such, afforded to utter words to him and rest of the members of the Bgy. Council with this "Kun ako mapungot, pakaunon ko hin Pulbura." This statement is supported by a Police Blotter at the Calubian PNP dated Oct. 15, 2020 ;

Kagawad Rogelio M. Cabalhin revealed also during the committee hearing that he also filed a separate complaint before the Office of the Ombudsman last Jan. 2019 against Punong Barangay Catalina C. Panugan. This separate complaint was attached in his Adm. Complaint filed to the Office of the SB;

The on going conflict of the Punong Barangay and the Sangguniang Barangay of Bgy. Cabalhin/ Herrera, Calubian, Leyte will hamper & trigger the delivery of public services, particularly to the people of the barangay.

Both parties (Complainants & Respondent) could not even reach to a compromise via conduct of a Special Session in the Barangay Hall as requested by the Punong Barangay, Catalina C. Panugan on Oct. 5, 2020, in connection with the compliance of other pertinent documents so that the newly appointed & concurred Barangay Treasurer, Ms. Cresle R. Isorena could start its official duties and functions in the barangay.

WHEREFORE, in light of the foregoing premises, this council finds the Respondent Catalina C. Panugan **GUILTY** of the following offenses:


1. Abuse of authority as Punong Barangay ;
2. Dishonesty ;
3. Malversation of funds in violation of Article 217 of the Revised Penal Code.

Respondent shall be penalized for suspension of (six) months.

APPROVED, this 7th day of December 2020 at Calubian, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing DECISION

CERTIFIED TRUE COPY:



NORMINDA R. RAAGAS
MUN. SECRETARY


Babalon



Appraiser


Aguilar





ATTESTED:


GILBERT S. PONCE
Mun. Vice Mayor
Presiding Officer


NORMINDA R. RAAGAS
Mun. Secretary



ELPIDIO M. GO, M.D.
SB Member

JOSEPH C. AVENIR
SB Member
(inhibited)


DIOMEDES D.C. ARLOS
SB Member


EUGENIO A. CHING, JR.
SB Member


LUZ M. ASEVEROS
SB Member



ALYSSA F. NIERRAS
SK Fed. President


VIVENCIA V. CASAS
SB Member


AIDA Q. LABTIC
SB Member


ALFREDO M. CASAS
Liga ng Mga Barangay Pres.



CERTIFIED TRUE COPY:

NORMINDA R. RAAGAS
MUN. SECRETARY



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Calubian
-oOo-



OFFICE OF THE MUNICIPAL SECRETARY

Annex "E"

Dec. 15, 2020

Hon. Marciano A. Batiancela, Jr.
Mun. Mayor
Calubian, Leyte

Dear Sir :

We are forwarding herewith SB Res. No. 2020- 225 and its attached SB Committee Report dated Dec. 7, 2020 and SB Res. No. 2020- 226 and its attached DECISION dated Dec. 7, 2020 on the Administrative Complaint (marked as Adm. Case No. 2020- 03) dated Nov. 6, 2020 filed before the Office of the Sangguniang Bayan against Punong Barangay Catalina C. Panugan (Respondent) of Bgy. Cabalhin/ Herrera , Calubian, Leyte for " Abuse of Authority; Grave Misconduct; Gross Ignorance of the Law; Gross Negligence, Dereliction of Duty and Violation of R.A. 6713, for your information, perusal and appropriate action.

Kindly acknowledge receipt hereaf.

Thank you .

Very truly yours,


NORMINDA R. RAAGAS
Mun. Secretary

Enc:

1. SB Committee Report No, 2020- 78 A of the Sangguniang Bayan of Calubian, Leyte;
2. Decision dated Dec. 7, 2020 of the Sangguniang Bayan of Calubian, Leyte;
3. Adm. Complaint filed by Bgy. Kagawad Rogelio M. Cabalhin, et.al. to the Office of the SB;
4. Answer submitted by Punong Barangay Catalina C. Panugan on the Adm. Complaint filed against her;
5. Notice to Answer Adm. Complaint sent to the respondent Punong Barangay Catalina C. Panugan;
6. Notice of Hearing on the Adm. Complaint filed for both parties;
7. Xerox Copy of Statement of Account of the Bgy. Cabalhin/Herrera, Calubian, Leyte from LEYECO V of Ormoc City;
8. Xerox Copy of Statement of Income & Expenditures of Bgy. Cabalhin/ Herrera, Calubian, Leyte for C.Y. 2019;
9. Xerox Copy of Statement of Income & Expenditures of Bgy. Cabalhin/ Herrera, Calubian, Leyte for C.Y. 2020;
10. SB Res. No. 61- 2019 of the Sangguniang Bayan of Calubian, Leyte (Amended Internal Rules of SB); and
11. Attendance during the Committee Hearing/ Investigation.

CERTIFIED TRUE COPY:


NORMINDA R. RAAGAS
MUN. SECRETARY



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Calubian
-000-

OFFICE OF THE MUNICIPAL SECRETARY

Annex G

12/15/2020
[Signature]
Dec. 15, 2020

Ms. Jessica Josol
MLGOO
DILG
Calubian, leyte

Dear Madam :

We are furnishing you herewith SB Res. No. 2020- 225 and its attached SB Committee Report dated Dec. 7, 2020 and SB Res. No. 2020- 226 and its attached DECISION dated Dec. 7, 2020 on the Administrative Complaint (marked as Adm. Case No. 2020- 03) dated Nov. 6, 2020 filed before the Office of the Sangguniang Bayan against Punong Barangay Catalina C. Panugan (Respondent) of Bgy. Cabalhin/ Herrera , Calubian, Leyte for " Abuse of Authority; Grave Misconduct; Gross Ignorance of the Law; Gross Negligence, Dereliction of Duty and Violation of R.A. 6713, for your information, guidance & perusal.

Kindly acknowledge receipt hereof.

Thank you .

Very truly yours,

[Signature]
NORMINDA R. RAAGAS
Mun. Secretary

Enc:

1. SB Committee Report No. 2020- 78 A of the Sangguniang Bayan of Calubian, Leyte;
2. Decision dated Dec. 7, 2020 of the Sangguniang Bayan of Calubian, Leyte;
3. Adm. Complaint filed by Bgy. Kagawad Rogelio M. Cabalhin, et.al. to the Office of the SB;
4. Answer submitted by Punong Barangay Catalina C. Panugan on the Adm. Complaint filed against her;
5. Notice to Answer Adm. Complaint sent to the respondent Punong Barangay Catalina C. Panugan;
6. Notice of Hearing on the Adm. Complaint filed for both parties;
7. Xerox Copy of Statement of Account of the Bgy. Cabalhin/Herrera, Calubian, Leyte from LEYECO V of Ormoc City;
8. Xerox Copy of Statement of Income & Expenditures of Bgy. Cabalhin/ Herrera, Calubian, Leyte for C.Y. 2019;
9. Xerox Copy of Statement of Income & Expenditures of Bgy. Cabalhin/ Herrera, Calubian, Leyte for C.Y. 2020;
10. SB Res. No. 61- 2019 of the Sangguniang Bayan of Calubian, Leyte (Amended internal Rules of SB); and
11. Attendance during the Committee Hearing/ Investigation.

CERTIFIED TRUE COPY:

[Signature]
NORMINDA R. RAAGAS
MUN. SECRETARY