



101111111 9/24/2016 9/24/2016
Republic of the Philippines
Province of Cavite
City of Bacoor

OFFICE OF THE SANGGUNIANG PANLUNGSOD

CITY RESOLUTION NO. CR 2016-105
Series of 2016

A RESOLUTION DISMISSING THE COMPLAINT OF MR. CARLITO CAYUBIT AGAINST PUNONG BARANGAY ADELAI DA J. CATANGHAL, BARANGAY KAGAWAD DAISY G. DIOLA, JAYSON S. GABANI, MELO E. REYES, AND BARANGAY EMPLOYEES ENRICO A. GONZALES AND REYNALDO R. BANAAG ALL OF BARANGAY ZAPOTE III, BACoor CITY, CAVITE FOR UTTER LACK OF MERIT.

Sponsored by:

Councilor Victorio L. Guerrero Jr.

Co-Sponsored by:

Coun. Apolonio I. Advincula, Jr., Coun. Miguel N. Bautista, Coun. Rowena Bautista-Mendiola, Coun. Venus De Castro, Coun. Leandro A. De Leon, Coun. Edwin G. Gawaran, Coun. Hernando C. Gutierrez, Coun. Alejandro F. Gutierrez, Coun. Roberto R. Javier, Coun. Gaudencio P. Nolasco, Coun. Reynaldo D. Palabrica, and Coun. Michael E. Solis.

WHEREAS, a complaint was filed by Mr. Carlito D. Cayubit (the "complainant") against Punong Barangay Adelaida J. Catanghal of Barangay Zapote III and other barangay officials particularly: Barangay Kagawad Daisy G. Diola, Barangay Kagawad Jayson S. Gabani, Barangay Kagawad Melo E. Reyes, Barangay Employee Enrico A. Gonzales, and Barangay Employee Reynaldo R. Banaag (the "respondents") – all of Barangay Zapote III of this City – for a misunderstanding arising from the backfilling of a portion of a drainage canal that is connected to the septic tank of the complainant's house.

WHEREAS, the complainant filed a Complaint with the Office of the Ombudsman against the respondents. The said Complaint was endorsed by the Office of the Ombudsman to the Sangguniang Panlungsod for investigation and for the imposition of the appropriate administrative sanction against the respondents if warranted. The said matter was referred by Vice Mayor Catherine S. Evaristo to the Committee on Barangay Affairs for appropriate action.

WHEREAS, during the hearing held on 8 August 2016 conducted by the Committee on Barangay Affairs attended by the above-named parties and their respective witnesses, it was discovered that the complainant backfilled the said canal as noxious odors emanating from the said public drain allegedly

District I:

HON. ROWENA BAUTISTA - MENDIOLA
City Councilor

HON. MIGUEL N. BAUTISTA
City Councilor

HON. EDWIN G. GAWARAN
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. VENUS D. DE CASTRO
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

District II:

HON. APOLONIO I. ADVINCULA JR.
City Councilor

HON. REYNALDO D. PALABRICA
City Councilor

HON. HERNANDO C. GUTIERREZ
City Councilor

HON. GAUDENCIO P. NOLASCO
City Councilor

HON. LEANDRO A. DE LEON
City Councilor

HON. ROBERTO R. JAVIER
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor - ABC Pres.

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor



Republic of the Philippines
Province of Cavite
City of Bacoor

OFFICE OF THE SANGGUNIANG PANLUNGSOD

District I:

HON. ROWENA BAUTISTA - MENDIOLA
City Councilor

HON. MIGUEL N. BAUTISTA
City Councilor

HON. EDWIN G. GAWARAN
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. VENUS D. DE CASTRO
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

District II:

HON. APOLONIO I. ADVINCULA JR.
City Councilor

HON. REYNALDO D. PALABRICA
City Councilor

HON. HERNANDO C. GUTIERREZ
City Councilor

HON. GAUDENCIO P. NOLASCO
City Councilor

HON. LEANDRO A. DE LEON
City Councilor

HON. ROBERTO R. JAVIER
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor - ABC Pres.

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

waffled to his residence allegedly causing various respiratory illnesses upon members of his household.

WHEREAS, fearing that the complainant's backfilling of the said drainage canal would cause flooding in their barangay during the onset of the rainy season, respondent Gabani confronted the complainant and requested him to clear the said canal. An argument ensued during the said confrontation leading to the hurling of invectives against each other by Gabani and the complainant.

WHEREAS, it can be gleaned from the records presented to the Committee, the testimonies of the witnesses of the contending parties, and from the complainant's own admission that Punong Barangay Catanghal was not present when the said argument took place and that the only participation of the rest of the respondents (i.e., Reyes, Diola, Gonzales, and Banaag) during the said squabble was to pacify the complainant when his emotions were most heated.

WHEREAS, the Committee decided to refer the said matter to the City Legal Services Office for further study.

WHEREAS, on 25 August 2016, the Committee received the legal opinion of Atty. Arnold A. Valenzuela, the City Legal Officer, of even date recommending the dismissal of the said complaint as it failed to make "any clear allegation as to what particular acts or omission in violation of law" were committed by the respondents, the complainant neglected to state the type of relief that he was seeking against the respondents, and that the said complaint was not verified. Atty. Valenzuela then recommended to the Committee that the said complaint be dismissed for lack of merit.

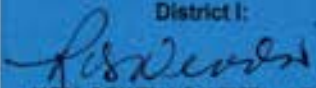
WHEREAS, the Committee then reviewed the records of the case in conjunction with the legal opinion of Atty. Valenzuela and independently arrived at the following conclusions: (a) the complainant has no right to backfill a public canal being jointly maintained by the city government and by Barangay Zapote III, (b) respondent Gabani's apprehension of the complainant and his request to the latter to clear the canal in order to prevent flooding in their barangay are legitimate exercises of his lawful duties as a barangay kagawad, (c) the other respondents (Punong Barangay Catanghal, Kagawad Reyes and Diola, and barangay employees Gonzales and Banaag) could not possibly have committed any administrative infraction as they took no part in the altercation that ensued between the complainant and Gabani, and (d) the complainant failed to prove that any of the respondents committed any act or omission that would warrant the




Republic of the Philippines
Province of Cavite
City of Bacoor

OFFICE OF THE SANGGUNIANG PANLUNGSOD

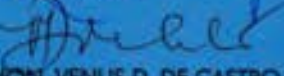
District I:



HON. ROWENA BAUTISTA - MENDIOLA
City Councilor


HON. MIGUEL N. BAUTISTA
City Councilor


HON. EDWIN G. GAWARAN
City Councilor



HON. MICHAEL E. SOLIS
City Councilor



HON. VENUS D. DE CASTRO
City Councilor


HON. ALEJANDRO F. GUTIERREZ
City Councilor


District II:


HON. APOLONIO J. ADVINCULA JR.
City Councilor



HON. REYNALDO D. PALABRICA
City Councilor


HON. HERNANDO C. GUTIERREZ
City Councilor


HON. GAUDENCIO P. NOLASCO
City Councilor


HON. LEANDRO A. DE LEON
City Councilor


HON. ROBERTO R. JAVIER
City Councilor


HON. VICTORIO L. GUERRERO, JR.
City Councilor - ABC Pres.

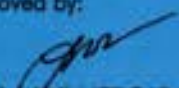
Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:


HON. LANI MERCADO - REVILLA
City Mayor

imposition of any administrative sanction against any of the said respondents.

NOW THEREFORE, upon joint and unanimous motion of its members, **BE IT RESOLVED AS IT IS HEREBY RESOLVED** by the Sangguniang Panlungsod of the City of Bacoor to **EXONERATE** respondents Adelaida Catanghal, Barangay Kagawad Daisy G. Diola, Barangay Kagawad Jayson S. Gabani, Barangay Kagawad Melo E. Reyes, Barangay Employee Enrico A. Gonzales, and Barangay Employee Reynaldo R. Banaag and to **DISMISS** the complaint filed against them by Mr. Carlito D. Cayubit for utter lack of merit.

RESOLVED FURTHER, to furnish the Office of the Ombudsman, Barangay Zapote III, and Mr. Cayubit with certified true copies of this Resolution.

UNANIMOUSLY APPROVED by the Sangguniang Panlungsod of the City of Bacoor, Province of Cavite this 30th day of August 2016.

I hereby certify the truth and correctness of the above-quoted Resolution.

Certified by:


CATHERINE SARINO-EVARISTO
City Vice Mayor/Presiding Officer

Attested by:


ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Approved by:


LANI MERCADO-REVILLA
City Mayor