



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  
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City Councilor

HON. ROBERTO R. JAVIER  
City Councilor

HON. VICTORIO L. GUERRERO, JR.  
City Councilor / ABC President

Attested by:

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

Certified by:

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

Approved by:

HON. LANI MERCADO - REVILLA  
City Mayor

CITY RESOLUTION NO. CR 2018-010

Series of 2018

A RESOLUTION RESOLVING THE COMPLAINT FILED BY THE OFFICERS AND BOARD OF DIRECTORS OF SOUTH GAWARAN RESIDENTS ASSOCIATION, INC., (SGRAI), MOLINO VII AGAINST PUNONG BARANGAY FERDINAND G. GAWARAN, BARANGAY KAGAWAD ABDULLA A. TINASAS, ET. AL. FOR GRAFT AND CORRUPTION, GRAVE ABUSE OF AUTHORITY, CONDUCT UNBECOMING OF AN ELECTED GOVERNMENT OFFICIAL, DAMAGE TO PROPERTY AND MALICIOUS MISCHIEF.

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

**WHEREAS**, this Resolution resolves the complaint filed by **Ms. Myrna F. Bernabe** (the "complainant") on 27 June 2017 against **Punong Barangay Ferdinand G. Gawaran** ("Gawaran"), **Kagawad Abdulla A. Tinasas** ("Tinasas"), and their unnamed "cohorts" (collectively referred to herein as "the respondents"), all of whom are incumbent officials of Barangay Molino VII.

**WHEREAS**, the allegations leveled against the respondents, as culled from the letter of complaint are as follows:

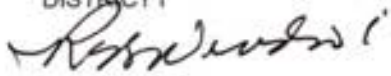
1. "Graft and corruption" consisting of the alleged illegal collection by the respondents of "membership fees" amounting to P3,500.00 per resident of South Gawaran Residents Association, Inc. (SGRAI), of which the complainant is the incumbent President and allegedly requiring resident-members of SGRAI to open bank accounts and deposit P600.00 for each 30-square meter and P1,200.00 for a 60-square meter lot that the said residents were actually occupying;

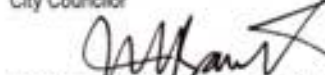


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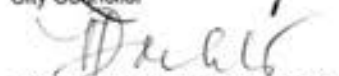
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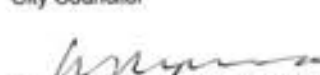
  
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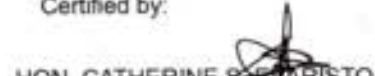
  
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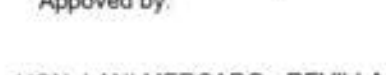
Attested by:

  
 ATTY. ARHALDO 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

2. "Grave abuse of authority" consisting of: (a) the alleged refusal of the respondents to issue barangay clearances in favor of the complainant and other officials of the SGRAI, perceived as enemies by Gawaran and (b) the erroneous placement of the words "Barangay Gawaran" on the façade of the Barangay Molino VII Hall ; and
3. "Damage to property and malicious mischief" consisting of: (a) the damage allegedly inflicted by Gawaran to the gate of the basketball court of Barangay Molino VII and (b) alleged use of a barangay patrol vehicle to damage the said gate.

**WHEREAS,** the said complaint was referred by the Sangguniang Panlungsod to the Committee on 03 July 2017. After the said referral, the committee conducted hearings on the complaint on the following dates: 17 July 2017, 9 August 2017, 2 October 2017 and 9 October 2017. The complainant was present in all of the said hearings.

**WHEREAS,** after the said hearings, the Committee members conducted a thorough evaluation of the various allegations and evidence submitted by the parties, double checked the veracity of the various pronouncements made by the parties, and consulted with legal experts.

**NOW THEREFORE,** be it resolved as it is hereby resolved by the Sangguniang Panlungsod in regular session assembled THAT:

1. The complaint against the respondents with regard the alleged payment of SGRAI members of P3,500.00 in bank accounts in exchange for the "right" to reside in the lots being occupied by SGRAI members is hereby **DISMISSED** for lack of evidence.
2. The complaint that the respondents did not issue barangay clearance to the complainant and to other officers of SGRAI who were perceived as "enemies" of the respondents is hereby declared **MERITORIOUS** and respondent Gawaran is hereby **CENSURED** with the stern warning that a repeat of this infraction would result in the imposition of stiffer administrative sanctions against him.



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Attested by:

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

Certified by:

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

Approved by:

HON. LANI MERCADO - REVILLA  
City Mayor

- The complaint with regard the respondents' alleged placement of "Barangay Gawaran" on the façade of the barangay hall of Molino VII is partially declared as **MERITORIOUS**. Accordingly, the respondents are hereby required to place "Barangay Molino VII" on the facade of the barangay hall, on all official communications, and on all publicly owned properties within the said barangay pursuant to Republic Act No. 10160 within the current fiscal year (2018).
- With regard the complaint that the respondents are guilty of damage to property, the Body notes that: (1) the basketball court in question was built using public funds and is situated on land owned by the city government, (2) **respondent Gawaran admitted that it was his brother who caused the destruction of the said gate allegedly upon the behest of barangay residents residing near the basketball court whose only way of egress and ingress to their places of residence is through the said sporting facility**, (3) the elements of the crime of malicious mischief are not present in the present case, and (4) no evidence was presented by the complainant proving that the respondents committed conduct unbecoming of an elected official. In view thereof, respondent Gawaran is hereby **REQUIRED** to reconstruct the said gate with the use of his **personal funds** within thirty (30) days from his receipt hereof with the stern warning that his failure to comply with the said directive would result in the imposition of stiffer penalties against him.

**RESOLVED FURTHER**, to furnish concerned parties with copies of this Resolution.

**UNANIMOUSLY APPROVED** this 22<sup>nd</sup> day of January 2018 at the City of Bacoor during the 3<sup>rd</sup> regular session of the 3<sup>rd</sup> Sangguniang Panlungsod of the City of Bacoor.



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 City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA  
 City Mayor

I hereby certify that the foregoing Resolution was duly passed in accordance with law and that its contents are true and correct.

Certified by:

*[Signature]*

HON. CATHERINE SARINO-EVARISTO  
 City Vice Mayor/Presiding Officer

Attested by:

*[Signature]*

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

Approved by:

HON. LANI MERCADO-REVILLA  
 City Mayor *[Signature]*