



DISTRICT I

 HON. MIGUEL N. BAUTISTA
 City Councilor

HON. MICHAEL E. SOLIS
 City Councilor

ABSENT

HON. ROWENA BAUTISTA-MENDIOLA
 City Councilor

HON. ADRIELITO G. GAWARAN
 City Councilor

HON. VICTORIO L. GUERRERO, JR.
 City Councilor

HON. ALEJANDRO F. GUTIERREZ
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HON. ALDE JOSELITO F. PAGULAYAN
 City Councilor

HON. ROBERTO R. JAVIER
 City Councilor

HON. REYNALDO D. PALABRICA
 City Councilor - Liga ng Brgy. President

HON. MAE RAVEN ESPIRITU
 City Councilor - SK FEDERATION PRESIDENT

Attested by:

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

Certified by:

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

Noted by:

 HON. LANI MERCADO - REVILLA
 City Mayor

CITY RESOLUTION NO. CR 2020-171
Series of 2020

A RESOLUTION DISMISSING THE COMPLAINT AGAINST PUNONG BARANGAY ALFIE O. GAWARAN AND BARANGAY SECRETARY REGGIE UGALDE BOTH OF BARANGAY BAYANAN, CITY OF BACOOR, CAVITE FOR ALLEGED GROSS NEGLIGENCE AND USURPATION OF POWER DUE TO LACK OF LEGAL AND FACTUAL BASIS.

Sponsored by:

HON. MIGUEL N. BAUTISTA and HON. REYNALDO D. PALABRICA

WHEREAS, on 15 January 2020 a complaint was filed by Mrs. Venus Ocampo-Asis (the "complainant") against Punong Barangay Alfie O. Gawaran of Barangay Bayanan, City of Bacoor, Cavite and his Barangay Secretary, Mr. Reggie D. Ugalde (the "respondents") for alleged gross negligence and usurpation of power.

WHEREAS, the said complaint stemmed from the alleged failure of the respondents to comply with the proper procedure in the issuance of a certificate to file action (CFA) particularly on (1) the request of the complainant to hold the issuance of the said CFA in abeyance for 45 days after the termination of the mediation process in the complaint filed by the complainant against a fellow resident of the said barangay (the "respondent-resident") and (2) for issuing a CFA to the respondent-resident one day before the same CFA was issued to the complainant.

WHEREAS, the said matter was referred to the Committee on Ethics, Appointments and Government Organization which conducted hearings on the same.

WHEREAS, after the said hearings, the Committee discovered that the respondents did not violate any of the rules under Chapter Seven of Republic Act No. 7160 on Katarungan Pambarangay. Though it is true that the complainant requested the respondents to put on hold the issuance of the CFA, Section 410 (e) of the said law clearly states that the "pangkat shall arrive at a settlement of or resolution of the dispute within fifteen (15) days from the day it convenes" and that the said period may be extended for another period not exceeding fifteen (15) days but only for clearly meritorious cases. In view of this explicit provision of law and the fact that the request of the complainant exceeded the period allowed for the pangkat to settle or



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Sangguniang Panlungsod Secretary

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City Vice Mayor / Presiding Officer

Noted by:

HON. LANI MERCADO - REVILLA
City Mayor

resolve the said complaint, the Committee concluded that the respondents acted within the ambit of the law when the pangkat decided to issue the said CFA to the parties in the said complaint.

WHEREAS, the Committee likewise discovered that there is no provision under Chapter Seven of RA 7160 on Katarungan Pambarangay that prohibits barangay officials from issuing a CFA to the respondent before the same certification is issued to the complainant in a particular case. Thus, the assertion of the complainant that the respondents committed gross negligence and usurpation of power were found by the Committee to be utterly bereft of legal and factual basis.


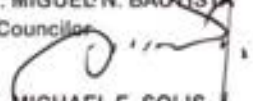
WHEREAS, the Committee also discovered during the course of its hearings that the respondents sometimes used harsh and discourteous language against the complainant whenever their discussions related to the above-mentioned matters were getting heated. This unsavory attitude of the respondents was unacceptable to the Committee members.

NOW THEREFORE, after careful deliberation, upon motion of Hon. Miguel Bautista duly seconded by Hon. Reynaldo Palabrica, in regular session duly assembled **BE IT RESOLVED AS IT IS HEREBY RESOLVED** by the Sangguniang Panlungsod to **DISMISS** the complaint filed against Punong Barangay Alfie O. Gawaran of Barangay Bayanan, City of Bacoor, Cavite and his Barangay Secretary, Mr. Reggie D. Ugalde for alleged gross negligence and usurpation of power in view of the utter lack of factual and legal merit of the said allegations.


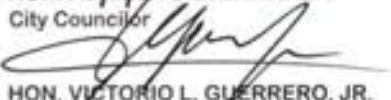
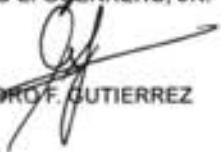
RESOLVED FURTHER, the Sangguniang Panlungsod is hereby **REPRIMANDING** the respondents for using harsh and discourteous language against the complainant. The respondents are strongly reminded that they are public servants and they are expected to always behave properly when dealing with their constituents because the latter are the reason why they are in public service. No amount of aggravation on the part of the complainant will justify the use of rude or intemperate language by public officials such as the respondents. In view thereof, the respondents are warned that a repeat of the same behavior against any member of the public in the future shall lead to the imposition of the appropriate disciplinary action against them.

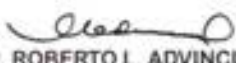
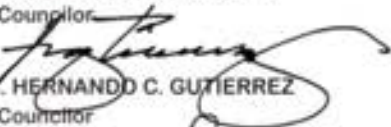


RESOLVED LASTLY, to furnish the Office of the City Mayor, the complainant (Mrs. Venus Ocampo-Asis),

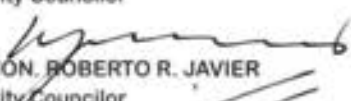
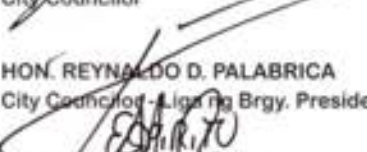



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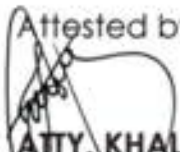
respondents Gawaran and Ugalde, the City Interior and Local Government Operations Officer and other government agencies concerned with copies of this resolution.

UNANIMOUSLY ADOPTED this 17th day of February 2020 at the City of Bacoor during the 28th regular session of the 4th Sangguniang Panlungsod of the City of Bacoor.

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

Certified by:


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

Attested by:

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

Noted by:


HON. LANI MERCADO-REVILLA
 City Mayor