

REPUBLIC OF THE PHILIPPINES
BATANGAS CITY

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY
ON MAY 27, 2013 AT THE SANGGUNIAN SESSION HALL

PRESENT:

Hon. Jose Y. Tolentino,	Presiding Officer
Hon. Dexter R. Buted,	Councilor
Hon. Claudette U. Ambida,	"
Hon. Mario Vittorio A. Mariño,	"
Hon. Sergie Rex M. Atienza,	"
Hon. Elizalde M. Ferriols Jr.,	"
Hon. Armando C. Lazarte,	"
Hon. Narciso B. Macarandang,	"
Hon. Prudencio A. Cepillo,	(ABC-Rep.)
Hon. Richard I. Cabatay,	(SK-Rep.)

ABSENT:

Hon. Hamilton G. Blanco,	Councilor
Hon. Eloisa Angela D. Portugal,	"
Hon. Luisa F. Macaraig,	"

"On motion of Councilor Cepillo seconded by Councilor Mariño, the following Resolution was Adopted:

RESOLUTION NO. 74 S. 2013


ADOPTING AND APPROVING THE DECISION OF THE INVESTIGATING
COMMITTEE ON ADMINISTRATIVE CASE NO. 01-2012, STA. CLARA BATANGAS
COMMUNITY ASSOCIATION, INC. REPRESENTED BY MR. PEDRO P. CASAPAO,
CHAIRMAN VS. PUNONG BARANGAY FLORENCIO V. ABDON, STA. CLARA,
BATANGAS CITY

RESOLVED, to adopt the Decision of the Investigating
Committee on Administrative Case No. 01-2012, Sta. Clara Batangas
Community Association, Inc., represented by Mr. Pedro P. Casapao,
Chairman vs. Punong Barangay Florencio V. Abdon, as the Decision
of the Sangguniang Panlungsod.


RESOLVED FURTHER, to approve the aforesaid Decision.

UNANIMOUSLY APPROVED."

I hereby certify to the correctness of the copy of the
foregoing Resolution.


ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

ATTESTED:


JOSE Y. TOLENTINO
Presiding Officer

SPONSORS

COUN. PRUDENCIO A. CEPILLO
COUN. CLAUDETTE U. AMBIDA
COUN. ELOISA D. LOYOLA PORTUGAL
COUN. ELIZALDE M. FERRIOLS JR.

COUN. NARCISO B. MACARANDANG
COUN. ARMANDO C. LAZARTE
COUN. RICHARD I. CABATAY

**REPUBLIC OF THE PHILIPPINES
BATANGAS CITY**

SANGGUNIANG PANLUNGSOD

STA. CLARA BATANGAS COMMUNITY
ASSOCIATION, INC.

Represented by G. Pedro P. Casapao, Chairman

Administrative Case No. 01-2012

-versus

for: MISCONDUCT IN OFFICE,
GROSS NEGLIGENCE/
DERELICTION OF DUTY

Punong Barangay Florencio V. Abdon
Sta. Clara, Batangas City

X -----X

DECISION

PRELIMINARY:

Bereft of any unnecessary allegations by the parties, the case arose out of the missing boxes of PDX Wire and Circuit Breakers. Culled from the testimonies, oral and documentary evidence, the following points remain unrebutted:

1st – On **November 30, 2010** a public ceremony was held In front of the Barangay Hall wherein the Mr. Pedro P. Casapao, former Brgy. Captain of Sta. Clara turn-over of position to Mr. Florencio V. Abdon as the newly elected Barangay Captain of Brgy. Sta. Clara. The turn-over of position was witnessed by the public.

2nd – The PDX Wire and Circuit Breakers were given by Mayor Eduardo B. Dimacuha upon request of Mr. Pedro P. Casapao, the then Barangay Captain.

3rd – The PDX Wire requested by Mr. Pedro P. Casapao for the residents of Puyo Property, however, the Punong Barangay, and Kagawad Alfredo Maranan gave also the PDX Wire to other Brgy. residents.

4th - That Kagawad Alfredo Maranan was the property custodian of the PDX Wire and Circuit Breaker during the incumbency of Mr. Pedro P. Casapao and continued to be such during the incumbency of the newly elected Barangay Captain Florencio V. Abdon

5th – On **September 9, 2011**, Kgd. Alfredo Maranan was relieved by Brgy. Captain Florencio V. Abdon as property custodian.

6th – On **October 17, 2011**, a meeting was held between Kagawad Perpetuo P. Faytaren, Kagawad Virgilio Cunag, Kagawad Alfredo Maranan and Mr. Pedro Casapao and officials of the Sta. Clara, Batangas City Community Association. During that meeting of **October 17, 2011**, wherein Kgd. Perpetuo P. Faytaren was the presiding Officer, they re-appointed Kgd. Alfredo Maranan as property custodian of the PDX Wire and Circuit Breakers even without the consent and authority of the Barangay Captain.

7th – On **May 8, 2012** of Barangay Officials learned of the lost of the PDX Wire and Circuit Breakers which was place under the stairs of the first floor of the Barangay Hall upon instruction of Mr. Pedro Casapao to the Barangay Tanod.

8th – The safety of the PDX Wire and Circuit Breakers were place under the custody of Kgd. Alfredo Maranan, being the property Custodian appointed by the Barangay Kagawad on **October 17, 2011** meeting.

9th – Immediately the Brgy. Captain Florencio V. Abdon conducted an investigation and found out that the PDX Wire was taken by Barangay Tanod Gerry Noche, Cesar Evangelio, Danny Noche, Elmar Pagcaliwagan and Bernard Ferrol. Only Bernard Ferrol was dismissed from the service as Barangay Tanod, but the others responsible were chastised and were warned by Brgy. Captain Florencio V. Abdon that they will be dismissed from the service if they will again repeat the same offense.

10th – When ask by Chairman Prudencio Cepillo why the Barangay Captain Florencio V. Abdon was charge of the alleged offenses when the property custodian was Kgd. Alfredo Maranan. The questions and answered reads:

Q – CHAIR – “Ang tanong ko ay bakit si Pangulong Abdon and inihabla ninyo”?

A – MR. CASAPAO – “Una po gusto ko pong iparating bilang isang barangay captain na may karapatan at obligasyon pang tungkulin na pamunuan ang mga mamamayan ng Sta. Clara, sundin ang sangguniang barangay pati po ang kanyang pinaglilinkurang mamamayan ay siya po ang may karapatan at natural lamang ipatungkol ko ang kasong ito sa aming punong barangay Florencio Abdon”.

**ISSUES TO BE RESOLVED BY THE
INVESTIGATING AUTHORITY:**

FIRST – Was there a proper turn-over of the property of barangay Sta. Clara to the respondent Brgy. Captain?

SECOND – Was the appointment of Brgy. Kagawad Alfredo Maranan as property custodian legal?

THIRD - Is the Respondent Punong Barangay guilty as charged for the offenses stated in the Complaint.

DISCUSSION ON THE ISSUES:

ON FIRST ISSUE – Under the COA rules, a turn over to be proper and official, an inventory/report must be made and the property to be turn-over must be listed by the outgoing official. The acknowledgement of having received the property must be signed by the outgoing and incoming officials. Was there any inventory/report? Was there an acknowledgment? The Answer is **NEGATIVE**. Was there an ARE (Acknowledgment Receipt for Equipment)? The answer is also **NEGATIVE**. Hence, the Investigating Authority cannot admit that there was a proper and official turn-over of the property. The complainant should have presented documentary evidence required by law.

ON THE SECOND ISSUE – As provided by Section 395, par. e (1) of RA 7160, the Barangay Treasurer shall keep custody of barangay funds and properties. Hence, the barangay treasurer is the official custodian of barangay properties. The appointment of Kgd. Alfredo Maranan on the meeting of OCTOBER 17, 2011 presided by Kgd. Faytaren is without legal basis and in violation of law.

ON THE THIRD ISSUE: The respondent Punong Barangay is not guilty of the offenses charge of Misconduct in Office, Gross Negligence and Dereliction of duty. The evidence presented by the complainant has not proven by substantial evidence the offense charge. No substantial evidence, oral or documentary, was presented by the complainant to prove that the respondent committed misconduct in office, gross negligence and dereliction of duty.

CONCLUSION

WHEREFORE, the Investigating Authority hereby acquits Punong Barangay **Florencio V. Abdon** of the offenses charged and prays that the Sangguniang Panlungsod approves and adopts this Decision as the Decision of the Sangguniang Panlungsod in Administrative Case No. 01-2012.

SO ORDERED.

May 20, 2013.



COUN. PRUDENCIO A. CEPILLO
CHAIRMAN

CONFORME:


COUN. CLAUDETTE U. AMBIDA


COUN. ELOISA DE LOYOLA PORTUGAL


COUN. ENZALDE M. FERRIOLS JR.


COUN. NARCISO B. MACARANDANG


COUN. ARMANDO C. LAZARTE


COUN. RICHARD I. CABATAY

Copy furnished:

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2. Atty. Pepito D. Mendoza
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