

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 SANGGUNIANG 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 Councilors Macarandang and Ferriols, the following Resolution was Adopted:

RESOLUTION NO. 73 S. 2013


ADOPTING AND APPROVING THE DECISION OF THE INVESTIGATING
COMMITTEE ON ADMINISTRATIVE CASE NO. 02-2012, KAGAWADS PERPETUO
P. FAYTAREN, ALFREDO M. MARANAN, VIRGILIO J. CUNAG, ARLENE A.
LACSAMANA AND KITTROS COLE V. DRIZ (SK) VS. PUNONG BARANGAY
FLORENCIO V. ABDON

RESOLVED, to adopt the Decision of the Investigating
Committee on Administrative Case No. 02-2012, Kagawads Perpetuo
P. Faytaren, Alfredo M. Maranan, Virgilio J. Cunag, Arlene A.
Lacsamana and Kittros Cole V. Driz (SK) vs. Punong Barangay
Florencio V. Abdon, as the Decision of the Sangguniang
Panlungsod.

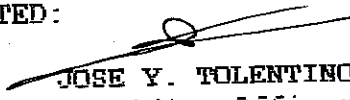
RESOLVED FURTHER, to approve the aforesaid Decision.

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

Kgd. Perpetuo P. Faytaren
Kgd. Alfredo M. Maranan
Kgd. Virgilio J. Cunag
Kgd. Arlene A. Lacsamana
Kgd. Kittros Cole V. Driz (SK)

-versus-

Administrative Case No. 02-2012
for: Abuse of Authority, Dishonesty
Misconduct in Office
Dereliction of Duty, Qualified
Theft and Falsification

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

X -----X

DECISION

PRELIMINARY:

The complainants and the Respondent presented before the Investigating Authority their respective witnesses and exhibits in evidence. They also submitted their respective Formal Offer of Evidence.

The witnesses for the complainants are the complainants themselves. On the other hands, the respondent presented as his witnesses the following namely: Kagawad Arlene Lacsamana, Kagawad Leoncio Tolentino, Kagawad Jaime Mandigma, SK Chairman Kittross Cole V. Driz and Mr. Larry Noche, the Barangay Secretary, all of Barangay Sta. Clara, Batangas City.

The Investigating Authority, created by virtue of SP Resolution No. 99 S. 2000, made a conscientious study and evaluation of the testimonies and exhibits marked by both parties.

From the parties' oral and documentary evidence, the following facts are un rebutted and are supported by evidence, to wit:

1st - Un rebutted is the testimony of the respondent that at the middle of March 2, 2012 and March 11, 2012, they received a call from Ms. Rosanna Caraan of Siemen's that Siemen's is giving a container van.

2nd - On March 12, 2012 a meeting/session was called by the respondent Punong Barangay and the meeting was adjourned for lack of quorum. However, he caused the preparation of a draft resolution numbering it Resolution No. 5 Series 2012.

3rd - Resolution No. 5, Series 2012 is a draft resolution because in all formal resolutions enacted by the Sanggunian Barangay of Sta. Clara, as testified by complainant Perpetuo Faytaren, and admitted by the Respondent the signatures of the approving Kagawad must appear.

4th = Respondent Abdon with the use of the draft resolution was able to receive the container van but he discovered the container van to be unusable, only as "scrap", because the van has no flooring and he sidings were full of holes. The respondent told this to Ms. Rosanna Caraan who agreed that the container van be sold and the proceeds be used for the benefit of the Barangay. The container van was sold at Dimatatac Junkshop at San Pascual, Batangas for P 20,000.00.

5th – Un rebutted is the fact of the sale of the container van and the proceeds thereof to be used for the repair of the Brgy. CR door, buying rice and

meat and uniform for the Brgy. Tanod was taken up during the meeting/session of April 17, 2012 attended by all Kagawad of Brgy. Sta. Clara, including the respondent Punong Barangay and the Barangay Secretary. The meeting/session ended at 5:40 P.M. with no one opposing the approval of the propositions as contained in the minutes of April 17, 2012.

6th - Likewise the testimonies of Kagawads Arlene Lacsamana, Leoncio Tolentino, Janine Mandigma, the SK Chairman, and Brgy. Secretary Larry Notice is direct and straightforward evidencing honesty and truthfulness.

CONCLUSION:

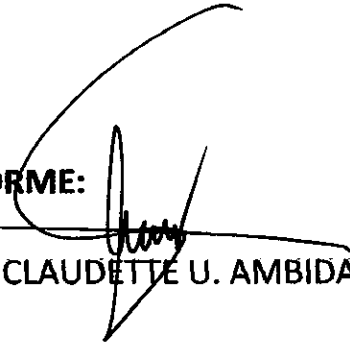
Considering that the complainants has not presented substantial evidence, that is that evidence a reasonable mind might accept as adequate to support a conclusion that the Respondent Punong Barangay has committed abuse of authority, dishonesty, misconduct in office, dereliction of duty, qualified theft and falsification. The acts committed by respondent are devoid of malice. An Act becomes malicious when it is intended to deceive and desire benefits which are not due and performed surreptitiously to hide the same from the knowledge of other people.

WHEREFORE, the Investigating Authority hereby acquits the respondent Punong Barangay Florencio V. Abdon for the Offenses charge, and further request the members of the Sangguniang Panlungsod for the approval of this decision.

May 17, 2012.


COUN. PRUDENCIO A. CEPILLO
CHAIRMAN

CONFORME:


COUN. CLAUDETTE U. AMBIDA


COUN. ELOISA DE LOYOLA PORTUGAL


COUN. ELIZALDE M. FERRIOLS JR.


COUN. ARMANDO C. LAZARTE


COUN. NARCISO B. MACARANDANG


COUN. RICHARD I. CABATAY

Copy furnished:

1. Atty. Ben John A. Maralit
Batangas City
2. Atty. Pepito D. Mendoza
Batangas City