

**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 JUNE 30, 2014 AT THE SANGGUNIAN SESSION HALL**

PRESENT:

Hon. Emilio Francisco A. Berberabe Jr.,	Presiding Officer
Hon. Glenn M. Aldover,	Councilor
Hon. Claudette U. Ambida-Alday,	"
Hon. Hamilton G. Blanco,	"
Hon. Aileen Grace A. Montalbo,	"
Hon. Sergie Rex M. Atienza,	"
Hon. Armando C. Lazarte,	"
Hon. Alyssa Renee A. Cruz-Atienza,	"
Hon. Gerardo A. dela Roca,	"
Hon. Ma. Kristine Josefina G. Balmes,	"
Hon. Julian B. Villena,	"
Hon. Angelito "Dondon" A. Dimacuha,	(ABC-Rep.)

"On motion of Councilor Dimacuha seconded by Councilor Alday, the following Resolution was Adopted:


RESOLUTION NO. 168 S. 2014

**ADOPTING THE DECISION OF THE COMMITTEE OF THE WHOLE
ON ADMINISTRATIVE CASE NO. 01-14**

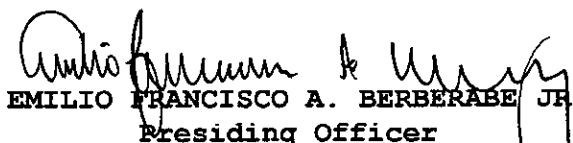
RESOLVED, to adopt the Decision of the Committee of the Whole as the decision of Administrative Case No. 01-14 for Grave Abused of authority and Gross Misconduct filed by Mr. Fidel M. Gutierrez against Barangay Councilors Angel delos Reyes and Roilan Michael Medina of Barangay Poblacion 8, Batangas City.

UNANIMOUSLY APPROVED."

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


ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

ATTESTED:


EMILIO FRANCISCO A. BERBERABE JR.
Presiding Officer

**REPUBLIC OF THE PHILIPPINES
BATANGAS CITY**

OFFICE OF THE SANGGUNIANG PANLUNGSOD

COMMITTEE REPORT

**TO : The Honorable City Vice Mayor & Presiding Officer
and the Honorable City Councilors**

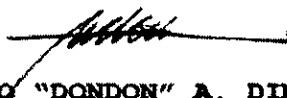
**SUBJECT : Administrative Case No. 01-14
Fidel M. Gutierrez vs. Kagawad Angel Delos Reyes and
Kagawad Roilan Michael Medina**

After hearing and deliberation on the facts, issues, and applicable laws, the Committee of the Whole chaired by the Committee on Barangay Affairs submits the attached Decision on the subject Administrative Case.

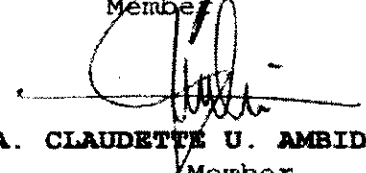
The Committee recommends: *amangay again*

1. That the Sangguniang Panlungsod adopt the attached decision as the Decision on Administrative Case No. 01-14;
2. That parties be sent a copy of the Decision.

Respectfully submitted, June 30, 2014.


ANGELITO "DONDON" A. DIMACUBA
Chairman
Committee on Barangay Affairs


GERARDO A. DELA ROCA
Member


MA. CLAUDETTE U. AMBIDA-ALDAY
Member


GLENN M. ALDOVER
Member


AILEEN GRACE A. MONTALBO
Member

**REPUBLIC OF THE PHILIPPINES
BATANGAS CITY**

OFFICE OF THE SANGGUNIANG PANLUNGSOD

G. FIDEL M. GUTIERREZ
Complainant

SP ADM. BLG. 01 - 14
For: GRAVE ABUSE OF AUTHORITY
AND GROSS MISCONDUCT

- versus -

KAGAWAD ANGEL DELOS REYES
KAGAWAD ROILAN MICHAEL MEDINA
(Brgy. Poblacion 8, Batangas City)
Respondents

x-----x

D E C I S I O N

Before the Committee is the Administrative Case filed by Fidel M. Gutierrez against two barangay kagawads of Poblacion No. 8. The facts are as follows:

On January 7, 2014, between 11:00 o'clock in the evening to 12:00 o'clock midnight, an altercation ensued between Reynally Delen and Jason Buquis. The former is a resident of Analyn Subdivision, Alangilan, Batangas City who was visiting his friends in the neighborhood of the latter in P. Mendoza Street, Batangas City. Jason Buquis was drinking with Luis Antonio Gutierrez II, Joden de Torres, and Ivy Sagun in the terrace of the residence of complainant Fidel Gutierrez while Reynally Delen was in the neighboring house with Ace Tristan Dela Roca, Edison de Luna, Diosel Buenafe, certain Ronnie, Arjay and Respondent Barangay Kagawad Angel delos Reyes. The incident happened at the gate of the apartment residence of Fidel Gutierrez.

Respondent Angel delos Reyes intervened in the verbal tussle of Jason Buquis and Reynally Delen, emphatic that he is a Barangay Konsehal and therefore must be listened to. Complainant Fidel Gutierrez came out of the house and took on the heated argument with the Barangay Kagawad. By this time the respondent has entered the gate and the complainant was shouting of trespassing, denying the authority of the barangay Kagawad inside his premises. A neighbor, Honorio Belela, came and tried to pacify the two, saying that they are disturbing the sleeping neighborhood. Fidel Gutierrez turned to him shouting he should be the one to go home and that he should not meddle in their argument.

The Respondent Angel delos Reyes sought assistance from fellow Barangay Kagawad on duty at the Barangay Hall that night in the person of Respondent Roilan Michael Medina. Kagawad Medina, however, likewise was later on embroiled in argument with complainant Gutierrez. Honorio Belela came back and joined anew in the quarrel.

The altercation escalated to a fistfight. Barangay Chairman Belen Iturralde came and invited the parties to the Barangay Hall to give their statement for Barangay Blotter.

The Committee is faced to resolved the issue of whether or not Barangay Kagawads Angel delos Reyes and Roilan Michael Medina of Barangay Poblacion 8, Batangas City, committed Grave Abuse of Authority and Gross Misconduct.

The charged offenses are Grave Abuse of Authority and Gross Misconduct; the respondents are both incumbent barangay kagawad of Barangay Poblacion No.8, Batangas City.

Misconduct in office means mal-administration or willful, intentional neglect and failure to discharge the duties of the office (Tenza vs. Espenilli, 108 SCRA 157). Abuse of authority means the use of that discretion in such a way as to deprive a person of his right or of the remedy to protect or enforce such right (David vs. Garcia, 2 A.C.R. 45).

In administrative cases, there is a need to present substantial evidence to determine the liability of the public officer. Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion (Malonzo vs. Commission on Election, 269 SCRA-330).

The complainant failed to establish by substantial evidence that the respondents acted with grave abuse of authority.

First, The Committee found the testimony of the respondents to be more credible than that of the complainant. The complainant alleged that Kagawad Roilan Medina stabbed the arm of Joden de Torres with a balisong. However, nothing in the medico-legal report supports this assertion. Furthermore, it is contrary to the experience of man that something as serious as a stabbing incident would go unmentioned in a blotter report especially when the complainant took time to report the alleged damage sustained by his vehicle. His initial silence regarding the alleged stabbing incident casts doubt on whether said incident really took place. The over-all demeanor of the complainant and the respondents were also considered by the committee in formulating its recommendation. It is noteworthy that Luis Antonio Gutierrez II was silent for a considerable length of time when the Respondents' counsel asked him why Honorio Belela asked his father to go back inside his apartment. If it were true that Respondents were the ones who were bullying the Complainant, then why did Mr. Belela ask the Complainant to go inside his apartment? Shouldn't he have asked the Respondents to leave instead? This question leads the committee to subscribe to the belief that it was the Complainant who acted inappropriately and the Respondents were merely doing their duty to maintain the peace.

Second, it is worth noting that Kagawad Roilan Medina was not at the scene when the argument started. Kagawad delos Reyes merely enlisted his help because the Complainant continued on with his outburst even after Mr. Belela asked him to go back inside. This is supported by the affidavit of Honorio Belela that they went home after they tried to appease the two parties, but they could still hear the complainant as they were about to go back to sleep so they went back to the scene of the argument. This strengthens the respondents defense that they were merely doing their job.

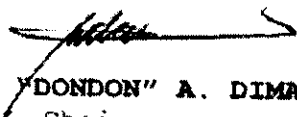
A public office is a public trust and public officers and employees must at all time be accountable to the people, serve them with utmost responsibility, integrity and justice (PNP CIC vs. Landicho- Lintao, 282 SCRA 76). The respondents barangay Kagawads could not be adjudged to have acted with grave abuse of authority in trying to maintain peace in their barangay. Grave abuse of discretion implies such capricious and whimsical exercise of judgement as it equivalent to lack of jurisdiction, or, in other words where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and it must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law (Esquerria vs. CA 267 SCRA 380).

WHEREFORE, the Committee finds that the respondent barangay kagawads merely answered the call of their bounden duty to maintain the peace among in their barangay and to enjoin their constituents to recognize the authority mandated in keeping order for everyone to enjoy. The Committee hereby dismisses the case for lack of merit.

SO ORDERED.

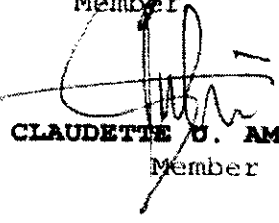
Batangas City. June 30, 2014.

THE INVESTIGATING COMMITTEE OF THE WHOLE
(Committee of the Whole Chaired by Committee of Barangay Affairs)


ANGELITO "DONDON" A. DIMACUHA
Chairman
Committee on Barangay Affairs


GERARDO A. DELA ROCA
Member


GLENN M. ALDOVER
Member


MA. CLAUDETTE U. AMBIDA-ALDAY
Member


AILEEN GRACE A. MONTALBO
Member