

**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 NOVEMBER 16, 2021 AT THE SANGGUNIANG SESSION HALL**

PRESENT:

Hon. Emilio Francisco A. Berberabe Jr.,	Presiding Officer
Hon. Alyssa Renee A. Cruz,	Councilor
Hon. Aileen Grace A. Montalbo,	“
Hon. Nestor E. Dimacuha,	“
Hon. Karlos Emmanjuel A. Buted,	“
Hon. Gerardo A. Dela Roca,	“
Hon. Oliver Z. Macatangay,	“
Hon. Nelson J. Chavez,	“
Hon. Michael Thomas T. Pastor,	“
Hon. Isidra “Ched” M. Atienza,	“
Hon. Maria Aleth A. Lazarte,	“
Hon. Angelito “Dondon” A. Dimacuha,	ABC-Rep.
Hon. Marjorie A. Manalo,	SK-Fed. Pres.
Hon. Julian B. Villena,	Councilor
Hon. Lorenzo A. Gamboa, Jr.,	“

“On motion of Councilor Nestor Dimacuha seconded by Councilor Angelito “Dondon” Dimacuha, the following Resolution was Adopted:

RESOLUTION NO. 318 S. 2021

**ADOPTING THE REPORT AND DECISION OF THE COMMITTEE ON
ETHICS AND GOOD GOVERNMENT AS THE DECISION OF THE
SANGGUNIANG PANLUNGSOD ON ADMINISTRATIVE CASE NO. 001-2021
(BARANGAY KAGAWADS MARVIN A. CASCALLA, TEODORA D. ANTONIO,
JESTONI D. BEREDO, JOEL E. MELO AND SERAFIN M. ALEA, JR.,
COMPLAINANTS, VS. BARANGAY CAPTAIN ARCHIE C. TUMAMING,
RESPONDENT)**

RESOLVED, to adopt the report of the Committee on Ethics and Good Government and the recommendations stated therein on Administrative Case No. 001-2021 (Barangay Kagawads Marvin A. Cascalla, Teodora D. Antonio, Jestoni D. Beredo, Joel E. Melo and Serafin M. Alea, Jr., Complainants, versus Barangay Captain Archie C. Tumaming, Respondent).

RESOLVED FURTHER, to adopt the decision of the Committee on Ethics and Good Government as the decision of the Sangguniang Panlungsod in Administrative Case No. 001-2021.

UNANIMOUSLY APPROVED. “

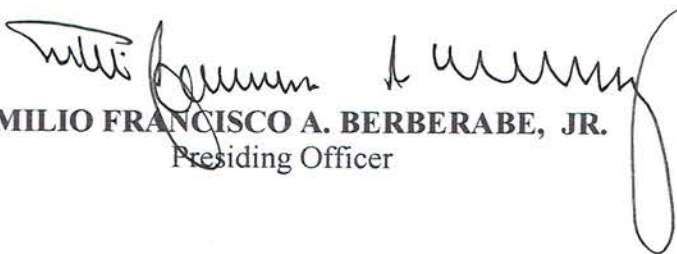
Continuation of Resolution No. 318 S. 2021

ADOPTING THE REPORT AND DECISION OF THE COMMITTEE ON ETHICS AND GOOD GOVERNMENT AS THE DECISION OF THE SANGGUNIANG PANLUNGSOD ON ADMINISTRATIVE CASE NO. 001-2021 (BARANGAY KAGAWADS MARVIN A. CASCALLA, TEODORA D. ANTONIO, JESTONI D. BEREDO, JOEL E. MELO AND SERAFIN M. ALEA, JR., COMPLAINANTS, VS. BARANGAY CAPTAIN ARCHIE C. TUMAMBING, RESPONDENT)

I hereby certify that the foregoing Resolution No. 318 S. 2021 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on November 16, 2021.


ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED:


EMILIO FRANCISCO A. BERBERABE, JR.
Presiding Officer

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Republic of the Philippines
Batangas City

OFFICE OF THE SANGGUNIANG PANLUNGSOD

COMMITTEE REPORT

DATE : NOVEMBER 16, 2021

TO : THE HONORABLE VICE MAYOR DR. EMILIO FRANCISCO A. BERBERABE JR. &
THE HONORABLE SANGGUNIANG PANLUNGSOD MEMBERS

SUBJECT : RESOLUTION NO. 280, S. 2021
COMPLAINT OF BARANGAY KAGAWAD MARVIN A. CASCALLA ET. AL,
AGAINST BRGY. CAPTAIN ARCHIE C. TUMAMBING OF ALANGILAN,
BATANGAS CITY.

Sir/Mesdames:

Referred to the Committee on Ethics and Good Governance is the aforementioned subject to which the undersigned is reporting it back to this honorable august body for your outmost consideration.

As part of the legislative functions of the Sangguniang Panlungsod, the Committee on Ethics and Good Government convened into quasi-judicial body to hear and decide administrative complaint filed against erring Barangay Official.

During the marathon proceedings, the Chairman humbly cajoled the parties hoping for the ardent settlement, however the Complainant Marvin A. Cascalla et.al, and the Respondent declined to the efforts exerted, wherefore the undersigned has reasons to believe for the hearing to proceed. Rules of procedure in administrative case in the investigation was judiciously observed and exercised by the Sangguniang Panlungsod as the disciplining authority from the beginning until it concludes.

It was October 21, 2021 when the marathon hearing was conducted, Complainants and Respondent were given the chance to state and succinctly explain their testimonies. Evidences were presented by the Complainant Kagawad Marvin A. Cascalla, Jestoni D. Beredo, Theodora D. Antonio, Joel E. Melo, & Serafin M. Alea Jr. to substantiate their complaint against Brgy. Captain Archie C. Tumambing and the same was collaborated by the testimony of DILG Officer Ester B. Castor. Respondent Brgy. Captain Archie C. Tumambing vehemently denied the allegations hurled against him. He lamented that mere politics was the motive that prompted the filing of the case. However, the Respondent failed to submit supporting documents related to the testimonies he manifested.

After steadfast & judicious scrutiny of the materials & evidences submitted by the Complainant Brgy. Kagawad Marvin A. Cascalla, Theodora D. Antonio, Jestoni D. Beredo, Joel E. Melo, & Serafin M. Alea Jr., the Committee finds the following:

1. Dishonesty exercised by the Respondent.
2. Negligence & dereliction of duty exercised by the Respondent.

Therefore, the undersigned recommends the **SUSPENSION** of Respondent Brgy. Captain Archie Calingasan Tumaming.

Considering the veracity of the report, the following are hereby submitted for consideration:

1. Adoption of the Committee Report.
2. Promulgation of the **DECISION** by the Local Chief Executive pursuant to Sec. 63, par (a) (3) of Republic Act 7160.

Respectfully Submitted: November 16, 2021

COMMITTEE ON ETHICS AND GOOD GOVERNMENT



HON. NESTOR "BOY" E. DIMACUHA
Chairman

HON. ATTY. ALYSSA RENEE C. ATIENZA
Member



HON. AILEEN GRACE A. MONTALBO
Member



Republic of the Philippines
Batangas City

OFFICE OF THE SANGGUNIANG PANLUNGSOD

SP ADM Blg. 001-2021
Dishonesty, Gross Negligence

Barangay Kagawads Marvin A. Cascalla,
Teodora D. Antonio
Jestoni D. Beredo
Joel E. Melo
Serafin M. Alea Jr.

COMPLAINANTS

Vs.

Barangay Captain Archie C. Tumambing

RESPONDENT

DECISION

FACTS:

On October 21, 2021, at exactly 9:00 in the morning, the Committee on Ethics and Good Government convened into quasi-judicial body to hear and decide administrative complaint filed against erring elective Barangay Official. Attended by the Complainant Barangay Kagawads, Marvin A. Cascalla et al., Respondent Barangay Captain Archie C. Tumambing, Members of the Committee, Sangguniang Panlungsod Members, including the Secretariat Department who recorded the entire proceedings from the beginning until it concludes.

It was September 28, 2021, 8:40am, when Complainants Barangay Kagawads Marvin A. Cascalla, Teodora D. Antonio, Jestoni D. Beredo, Joel E. Melo, and Serafin M. Alea Jr. submitted their Sworn Statement manifesting their complaint with Barangay Captain Archie C. Tumambing for the alleged Dishonesty and Gross Negligence. After receiving the Sworn Statement, the alacrity of the committee is to send the copies of the Sworn Statement to Barangay Captain Archie C. Tumambing and instructed him to answer the allegations hurled against him and to submit it on before October 13, 2021 before the commencement of the investigation as reflected at the letter of the Committee on Ethics and Good Government.

Respondent Barangay Captain Archie C. Tumambing submitted his "Sinumpaang Kontra-Salaysay" in the Office of the Sangguniang Panlungsod on October 14, 2021, 9:22am. The Committee on Ethics and Good Government meticulously study the Sworn Statement of both the Complainants and Respondent seven (7) days prior to the commencement of the investigation.

During the hearing, the Chairman of the Committee exerted the effort to cajole both the Complainants and Respondent the possibility of amicable settlement, however, both of them declined, wherefore the Committee has reason to believe for the hearing to proceed.

The Chairman called the appearance of the Complainants Barangay Kagawads Marvin A. Cascalla, Teodora D. Antonio, Jestoni D. Beredo, Joel E. Melo, and Serafin M. Alea Jr. and administered the Oath. From there the proceedings began. Complainant Kagawad Marvin A. Cascalla who eloquently manifested his exasperation with allegations hurled against Barangay Captain Archie C. Tumambing, "Na ang opisina ng Barangay Hall ng Barangay Alangilan ay ginagawa na niyang sariling tahanan at doon na siya nakatira at natutulog." Their testimonies were substantiated by evidences marked A & B. Allegation No. 2, "Na ang bagong sasakyan na binili ng Barangay ay personal na niyang nagagamit at nadadala pa kung saan-saang lugar kasama ang pamilya." The Complainants manifested that they were deprived of using the Barangay Service Vehicle for official use especially during pandemic wherein Barangay Alangilan was having the highest case of Covid-19 infections. Their testimonies were collaborated by DILG Officer Ester B. Dator as shown in her letter addressed to Barangay Chairman Archie C. Tumambing. As declared in Exhibit marked "G" No. 3 Allegation, " Na ang mga Barangay Clearance, Permit, at iba pang Certificate ay mataas ang singil at hindi nagbibigay ng resibo ..." Also, The Complainants manifest that the Barangay Tanod & VAWC Officer Josephine Namig, in collusion with the Barangay Captain, performed the collection of fees which is supposed to be done by the Barangay Treasurer, Norberto C. Beredo. However, the fees collected were not remitted directly to the coffer of the Barangay since no official receipts were issued.

No. 4 & 5 Allegations, "Na pagsasagawa ng bidding pero yari na ang sasakyan na Toyota Revo CMD 2000 na ibi-bidding." Hearing the Complainant testimonies, the Committee finds it beyond the jurisdiction of the Sangguniang Panlungsod to tackle issues relative to disbursements of Barangay fund over payments constituting to alleged technical malversation and falsification of public documents. No. 6 and 7 Allegations "Hindi magandang trato sa Barangay Official ukol sa mga ayuda para sa mga Covid patient na nakaquarantine sa bahay. The Committee finds the testimonies of the Complainants that the Respondent truculent and arrogant behavior is suppressing the rights of the Complainant Kagawads to act and performed their duties and functions accordingly. No. 8 Allegation, "Madaming kapabayaang hindi pagsagot sa tawag ng tungkulin." This constituted administrative offense of grave negligence of the Respondent Barangay Captain Archie C. Tumambing. Testimonies of the Complainant Barangay Kagawads Marvin A, Cascalla et al. were collaborated by DILG Officer Ms. Esther B. Dator as shown in Exhibit marked "G" ending the presentations of the evidences by the Complainants.

During the hearing, the Respondent Mr. Archie C. Tumambing was respectfully called by the Committee Chairman to present his Sworn Statement. The Respondent vehemently denied the allegations against him stating that mere politics was the reason behind which prompted the Complainants Marvin A. Cascalla, Teodora D. Antonio, Jestoni D. Beredo, Joel E. Melo, and Serafin M. Alea Jr. to file the case. Further during the cross examinations, the Respondent failed to substantiate his Sworn Statement. The Committee finds the statement of the Respondent with inconsistency and evasiveness, which clearly shows possible lapses. However, the Chairman of the Committee asked the Complainants for a rejoinder or an answer to the statement of the Respondent. Given ten (10) days to submit the Sworn Statement, the hearing concludes 3pm of the same day.

It was November 3, 2021 when the Committee of Ethics and Good Government received the joint rejoinder of the Complainants firmed with their Sworn Statements submitted prior to the hearing while Barangay Captain Archie C. Tumambing failed to do so.

After evaluation, the Committee finds substantive evidence, to find Respondent Barangay Captain Archie C. Tumambing, **GUILTY** of Administrative Offenses of Grave Abuse of Discretion, Dishonesty, Negligence, and Dereliction of Duty.

- Dishonesty – Refers to the concealment or distortion of truth which shows lack of integrity or a disposition to defraud, cheat, deceive or betray and an intent to violate the truth. In ascertaining the intention of a person accused of dishonesty, consideration must not be only of the facts and circumstances which gave rise to the act committed by the Respondent, but also of his / her state of mind at the time the offense was committed, the time he/she might have had at his/her disposal for the purpose of meditating on the consequences of his/her act, and the degree of reasoning he/she could have had at that moment. (CSC 471 SCRA 512)
- Gross Negligence – By definition, refers to negligence characterized by the want of even slight care, acting or omitting to act in a situation where there is duty to act, not inadvertently but willfully and intentionally with a conscious indifference to consequences in so far as other persons may be affected. (<http://www.csc.gov.ph>)

It was succinctly explained to the Respondent that he, as the Chief Executive of Barangay whose role is not limited to preside to session, is endowed with powers, duties, and functions as provided for in Chapter III – Section 387 of Republic Act 7160, otherwise known as the Local Government Code of 1991. Such powers vested by the code are “NOT ABSOLUTE,” and shall not allow suppression or any form of abuse. The truculent or the aggressively self-assertive behavior often displayed and exercised by the Respondent cannot be tolerated.

Wherefore, the Committee on Ethics and Good Government respectfully recommends the **SUSPENSION** of Barangay Captain Archie C. Tumambing for sixty (60) days effective immediately.

In the case of Barangay Complainants who signed the Affidavit of Understanding for reasons that they are under duress, hence, no amount of intimidation or threat must in any way bends your stands and decision in the performance of your duties and functions accorded pursuant to Section 391 of Republic Act 7160 and Article XI, Section 1 of the Philippine Constitution.

Furthermore, having displayed and exhibited disagreement or arguments during the session which causes serious disruption to the point of manifesting unprofessional behavior as public figure, therefore, hereby **REPRIMAND** both the Respondent and Complainants and are enjoined to take refresher course regarding Internal Rules and Procedure as provided for in Section 50 of Republic Act 7160.

SO ORDERED!

COMMITTEE ON ETHICS AND GOOD GOVERNMENT



HON. NESTOR "BOY" E. DIMACUHA

Chairman



HON. ATTY. ALYSSA RENEE C. ATIENZA

Member



HON. AILEEN GRACE A. MONTALBO

Member

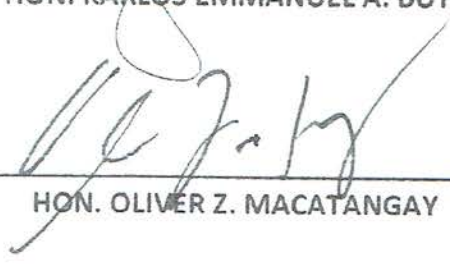
CONFORME:



HON. KARLOS EMMANUEL A. BUTED



HON. GERARDO A. DELA ROCA



HON. OLIVER Z. MACATANGAY



HON. NELSON J. CHAVEZ

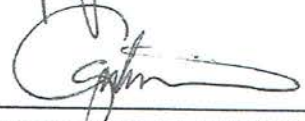
HON. JULIAN B. VILLENA



HON. MICHAEL THOMAS PASTOR



HON. ISIDRA M. ATIENZA



HON. MARIA ALETH A. LAZARTE

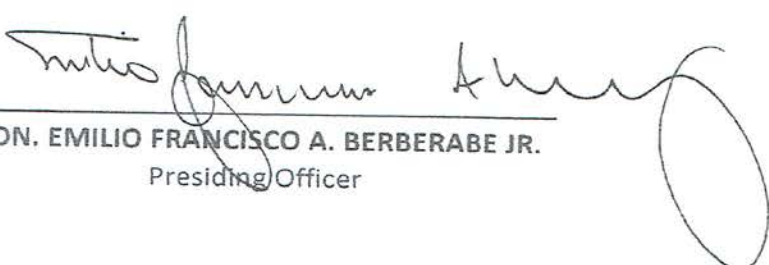
HON. LORENZO A. GAMBOA JR.



HON. MARJORIE A. MANALO



HON. ANGELITO DONDON A. DIMACUHA



HON. EMILIO FRANCISCO A. BERBERABE JR.

Presiding Officer