

Republic of the Philippines
Province of Cagayan
TUGUEGARAO CITY

NINTH CITY COUNCIL

COMMITTEE REPORT NO. 013-2025
January 08, 2025

Submitted by:
COMMITTEE OF THE WHOLE

PRESENT:

- | | | |
|-----------------------------------|---|--------------------------|
| HON. BIENVENIDO C. DE GUZMAN II | - | City Vice Mayor/Chairman |
| HON. MARK ANGELO B. DAYAG | - | Member |
| HON. MARIA ROSARIO B. SORIANO | - | Member |
| HON. RONALD S. ORTIZ | - | Member |
| HON. MARY MARJORIE P. MARTIN-CHAN | - | Member |
| HON. IMOGEN CLAIRE M. CALLANGAN | - | Member |
| HON. GILBERT S. LABANG | - | Member |
| HON. JUDE T. BAYONA | - | Member |
| HON. KARINA S. GAUANI | - | Member |
| HON. ARNEL T. ARUGAY | - | Member |
| HON. GRACE B. ARAGO | - | Member |
| HON. TIRSO S. MANGADA | - | Member |
| HON. MARC ALDOUS C. BACCAY | - | Member |
| HON. RESTITUTO C. RAMIREZ | - | Member |
| HON. CERENE PEARL T. QUILANG | - | Member |

RESOURCE PERSONS:

Ms. Marivic Maggay (Complainant)
represented by:
ATTY. MARIA HYACINTH D. BAUTISTA-ESPEJO

- Respondents**
- | | | |
|-------------------|---|------------------------------|
| Mr. Aaron Binarao | - | Punong Barangay of Ugac Sur |
| Ms. Remalyn Addun | - | Barangay Kagawad of Ugac Sur |

FOR THE PRESIDING OFFICER:

SUBJECT:

Verified and notarized Complaint-Affidavit of Ms. Marivic Maggay against Punong Barangay Aaron Binarao and Barangay Kagawad Remalyn Addun of Ugac Sur for Abuse of Authority/Conduct Prejudicial to the Best Interest of the Service, Oppression.

Action Taken:

The Committee of the Whole convened and conducted hearings on the above-captioned administrative case the last day of which was on January 08, 2025. The Honorable members of the Committee of the Whole Investigating Body have perused the verified complaint-affidavit and counter-affidavit of the respective parties and all other supporting documents and testimonies attached to the affidavits.

The Ninth (9th) City Council acting as collegial Administrative Body rendered a decision based on the merits of the case presented taking into considerations the weight of the evidence submitted and the applicable existing laws and jurisprudence, the Committee of the Whole have rendered a decision.

Recommendation:

There being no questions, corrections, amendments or objection from the members of the Committee of the Whole (Investigating Body), on the draft Decision, the Committee hereby recommends the adoption and approval of the Committee Report favorably recommending the approval of the draft Decision on Administrative Case No. 02-2024, copy of the said Decision of which is hereto attached.


The Committee further recommends the adoption and approval of the concomitant Resolution adopting and approving the Committee of the Whole (Investigating Body) Report/Decision on the above-cited Administrative Case No. No. 02-2024 titled: " Verified and notarized Complaint-Affidavit of Ms. Marivic Maggay against Punong Barangay Aaron Binarao and Barangay Kagawad Remalyn Addun of Ugac Sur for Abuse of Authority/Conduct Prejudicial to the Best Interest of the Service, Oppression".

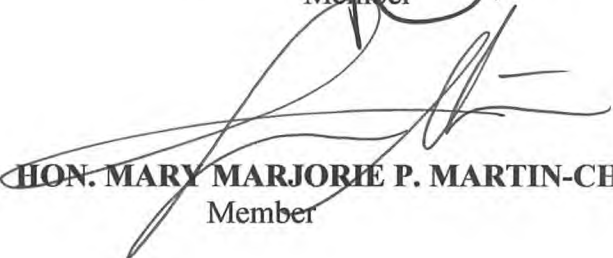
Respectfully submitted:


HON. BIENVENIDO C. DE GUZMAN II
City Vice Mayor/Chairman


HON. MARK ANGELO B. DAYAG
Member


HON. MARIA ROSARIO B. SORIANO
Member


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HON. CERENE PEARL T. QUILANG

**REPUBLIC OF THE PHILIPPINES
PROVINCE OF CAGAYAN
TUGUEGARAO CITY**

NINTH CITY COUNCIL

MARIVIC MAGGAY,
Complainant,

-versus-

**AARON BINARAO and
REMALYN ADDUN,**
Respondents.

ADM. CASE No. 02-2024
For: Abuse of Authority/ Conduct
Prejudicial to the Best Interest
of the Service, Opression

X-----X

Complainant Marivic Maggay, filed her complaint- affidavit against Brgy. Chairman Aaron Binarao (Brgy. Chairman Binarao) and Brgy. Sangguniang Member Remalyn Addun of Ugac Sur, with the Office of the S.P. Secretariat, on February 7, 2017 which was received by the said office on the same date.

The complaint affidavit states the following:

Xxx

1. *That I am an Barangay Utility Worker of the Barangay Local Government Unit of Brgy. Ugac Sur, Tuguegarao City since June 2020 until January 3, 2024 and as a utility worker it is my primary responsibility to clean the facility of the barangay and perform other tasks as the Punong Barangay orders. This include repairing light fixtures or other pieces of equipment, cleaning rooms inside the hall and gymnasium and perform other errands tasks.*
2. *That prior to this item, I was appointed by Punong Barangay Aaron Binarao as Barangay Health Worker (BHW) from 2018 to 2020 the basic duties being a frontline health worker who provide basic health education and deliver selected primary health care services (e.g., maternal and child health, first aid, environmental health) and link clients to health facilities.*
3. *That I would like to file an administrative complaint against Aaron Binarao, of legal age, Filipino, resident of Barangay Ugac Sur, Tuguegarao City and the duly elected Punong Barangay (PB) of Ugac Sur, Tuguegarao City and REMALYN ADDUN, of legal age, Filipino, resident of Barangay Ugac Sur, Tuguegarao City and duly elected member of the Sangguniang Barangay of Ugac Sur, Tuguegarao City for Gross Misconduct, Oppression, Abuse of Authority/ Conduct Prejudicial to the Best Interest of the Service for unlawfully having dismissed me in service without due process and without justifiable cause, maliciously tagging my person as thief of government properties, considered my person as grossly undesirable allegedly not only to my co-workers but also to the people in the community and wrongfully accused of alleged maltreatment of unidentified minors by way of shouting at the unnamed children;*

6. *That on January 02, 2024 at around 8:00 in the morning, I joined the Barangay Officials of Ugac Sur in a General Cleaning Drive purposely to clear and clean the mess brought about by the recent welcoming of new year. While transferring the equipment of the day care workers from the old building to the new building, it is at that time that I saw Kagawad Remalyn Addun trying to open plastic cellophane roll which was newly purchased by the daycare workers, right there and then I informed Kagawad Addun not to use the same because it was intended for some other purpose by the day care center workers. Kagawad Addun got irked and immediately told the words "Ano, magsusumbong ka naman kay Kap?" and after which she shouted at me telling "Ipapatanggal kita kay Kap?". Several minutes thereafter and upon seeing that she has no intention to stop on throwing accusatory words and as such I chose to walk out to avoid further arguments. (paragraph 6 of the Complaint- Affidavit)*
7. *In order to avoid further exchanges of words, I went home and took my lunch; (paragraph 7 of the Complaint- Affidavit)*
8. *That after taking my lunch I returned to the brgy. Hall to finished my work and went home at 5:30 PM; (paragraph 8 of the Complaint- Affidavit)*
9. *Upon arriving home, I read the messages sent to my cell phone, from those messages, PB Binarao texted "ari kana mattallung, ari ku kaya masingan muka mu ta balay baka golpeyan naka ni wagi, kinukkuletam mu kanakak ku" which do not know Who he was referring to. (paragraph 9 of the Complaint- Affidavit)*
10. *At night time I told my daughter, Danica Mae Maggay about the incident and that she texted PB Binarao what transpired and why was her Mother crying. PB Binarao messaged back my daughter that I have committed many wrongdoings like, shouting at all staff, the Sangguniang Barangay members and including his unnamed nephew/niece. Accordingly, he did not bring out these mess I have done because he does not want meto be put into shame. (paragraph 10 of the Complaint- Affidavit)*
10. *The following morning, January 03, 2024, I went to the office of PB Binarao purposely to talk about this matter, however, PB Aaron Binarao told me that there is no need for me to attend my chores at the barangay hall because I was already removed as utility worker. (paragraph 10 again of the Complaint- Affidavit)*
11. *In the presence of LEONITA CAMMAYO and LUCY BUQUEL, PB Binarao yelled at me and accused me of several unfounded wrongful acts which strongly deny having done SO. (paragraph 11 of the Complaint- Affidavit)*
12. *That among the things PB Binarao mentioned against me in the presence of several persons are the following, to wit: (paragraph 12 of the Complaint- Affidavit)*

Contracting debt for goods at a store near the Bgry. Hall and making use of the name of Barangay, the truth of the matter is, I contracted debt for goods from the store at my own personal expense.

That I allegedly brought home office supplies and rice and other goods, the truth being that, I never brought home any office supply or goods, fact is, bring home dirty curtains of the office in order to wash it at home, the Closed-Circuit Television (CCTV) of the Barangay could be reviewed to verify the veracity and truthfulness of this allegations.

That allegedly I am troublesome, easily get angry and hate my co-workers, these are all complete lies, the truth being that it is I who have suffered a treatment of indifference from PB Binarao and Kagawad Addun. In fact, when Kagawad Addun arrived, it was her who openly told PB Binarao that I should be removed from office immediately. My removal from office was repeatedly mentioned by Kagawad Addun for several occasion.

That after the barrage of negative remarks against my person and without affording time to rebut, PB Binarao told that I am already removed as utility worker and as such, I should not report any more at the Brgy. Hall. PB Binarao told me to get all my personal belongings in the office and not to return anymore. (paragraphs 12.1 -12.4 of the Complaint- Affidavit)

13. *In all these accusations, which were publicly made, I was never given any chance to answer the allegations directed against my person;(paragraph 13 of the Complaint-Affidavit)*

14. *From the foregoing, it can be surmised that the outright removal is attended by bad faith. Bad faith connotes a dishonest purpose or some moral obliquity and conscious doing of a wrong; a breach of sworn duty through some motive or intent or ill will; it partakes of the nature of fraud. The acts committed by PB Binarao and Kagawad Addun leads to the inevitable conclusion that it was for the purpose of singling my person;*

15. *That I have tried to convince for the affidavits of LEONITA CAMMAYO and LUCY BUQUEL being two of the persons who witnessed most of the wrongful accusations thrown against me but they said they are afraid to serve as witnesses to these incidents;*

That due to this incident, I suffered mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation and similar injury. (paragraph 15 again of the Complaint- Affidavit)

16. *Clearly, respondents acted with grave abuse of the ir authority when Kagawad Addun told PB Binarao for my removal without allowing me to respond to the allegations and PB Binarao likewise verbally approved my removal as utility worker. Concomitantly, having taken advantage of their official position to tarnished my reputation, The public shaming done to me is an indication of a highly improper act, deficient in prudence discretion and judgment that tends to undermine my faith and confidence to duly elected officials. For this, Respondents must be held liable for conduct prejudicial to the best interest of the service;*

17. *That I am executing this affidavit to formally file an administrative complaint against PUNONG BARANGAY AARON BINARAO and KAGAWAD REMALYN ADDUN for Gross Misconduct, Conduct Prejudicial to the Best Interest of the Service and for Abuse of Authority;*

(xxx)

Attached in the complainant's Complaint- Affidavit is a copy of the screenshots of the text messages between her daughter, Danica and Brgy. Chairman Binarao.

In their verified counter- affidavit, filed on April 26, 2024 and received by the Office of the Secretariat on the same date, Brgy. Chairman Binarao and Sangguniang Barangay Member Addun stated the following:

(xxx)

2. *Based on the allegations in the Complaint- Affidavit, Complainant imputed to us an offense which in the first place did not happen at all. She alleged that we abused our authority by removing her as Barangay Utility Worker without justifiable cause;*

3. *At this very juncture, we vehemently deny having committed the acts alleged in the said Complaint- Affidavit. For purposes of belying and disputing the unfounded claim of the complainant, we would like to present and portray a clear and truthful narration of the actual events that transpired. The truth of the matter is herein set forth, to wit:*

3.a. *Herein complainant is indeed a responsible Barangay Utility Worker in respondents' barangay and this can be attested by all the employees in their workplace- the Barangay Local Government Unit of Barangay Ugac Sur, Tuguegarao City;*

3.b *However, as elected leaders and barangay officials of the said barangay, it is also our duty to ensure that a positive work environment is created to portray unity and camaraderie to the people of Brgy. Ugac Sur;*

3.c *We have received multiple complaints from other employees of the barangay relative to complainant's negative attitude and how the latter deals with them in an unpleasant and displeasing manner which caused her to be singled-out by her co-employees;*

3.d *These complaints include getting angry to children who are using the barangay gymnasium and whenever her co-employees use the utensils of the Barangay Hall. It also came to our knowledge that complainant was even speaking ill of us, the Barangay Officials, behind our backs;*

3.e *At the same time, we tried to pacify and fix the disarray between the complainant and her co-employees. I (Punong Barangay Aaron Binarao) even organized an open forum where each of them can vent their ill feelings to each other;*

3.f *However, despite this, complainant's bad attitude which everyone was complaining about still remained the same;*

3.g *Despite repeated warnings from us, complainant still continued the acts to which she was complained of.;*

3.h *I (Barangay Kagawad Remalyn Addun) even learned from nearby sari-sari stores that complainant uses the name of the barangay in contracting debt on the said stores. I immediately told herein respondent Punong Barangay Aaron Binarao this predicament for immediate action because the name of the barangay had already been put in dishonor;*

3.i *I (Punong Barangay Aaron Binarao) also witnessed complainant maltreating Romel Q. Dayag, a deaf-mute employee of the barangay.*

3.j *Because of these, I (herein respondent Punong Barangay Aaron Binarao), being the one who appointed complainant as a utility worker, removed her from work as she had already created a hostile work environment which is detrimental to the discharge of functions and duties of other employees;*

4. *We never abused our authority in removing her as a Barangay Utility Worker. As an appointed employee, she can also be removed by the appointing authority - Punong Barangay Aaron Binarao.*

5. *As a matter of fact, the Supreme Court in the case of Aguirre vs. De Castro, G.R. No. 127631 ruled that the power to appoint even carries with it the power to remove or discipline.*

6. *It must also be put into emphasis that complainant was not removed immediately even if there were already numerous complaints from her co-employees. We, as leaders, still tried our very best to resolve these issues because herein complainant has been our colleague for a long period of time.*

7. *Thus, it was very heartbreaking that complainant went to the extent of filing this case with pure falsehood and disinformation. We believe that this was only an act of retaliation due to her removal from work which was, however, justified. Even her co-employees can attest that, indeed, complainant was dishonest and has fabricated lies in her complaint-affidavit. Attached hereto are the Affidavit of Lucila C. Bucquel and Joint-Affidavit of Leonita L. Cammayo and Monalisa I. Capalungan and marked as Annex "1" and "2", respectively;*

8. *With all the foregoing, we are humbly stating that there is no enough ground to hold us liable for the offense imputed by the herein Complainant. The pieces of evidence being offered against us as well as the pieces of evidence and truth we presented should be meticulously examined to prevent material damage including guarantees of fair play.*

9. *We have executed this affidavit freely, voluntarily and intelligently in order to answer the administrative charge against us.*

10. *We are executing this affidavit to attest the truthfulness of the foregoing facts.*

The respondents submitted a joint affidavit of witnesses executed by Leonita L. Cammayo and Monaliza T. Capalungan, to refute the allegation of Ms. Maggay in her complaint- affidavit that they are supporting her in her complaint against the respondents.

ISSUE:

1. Whether or not the dismissal from service of the complainant, Marivic Maggay constitute Gross Misconduct, Conduct Prejudicial to the Best Interest of the Service and Abuse of Authority on the part of Brgy. Chairman Binarao and Sangguniang Barangay Member Remalyn Addun;

DECISION

A barangay utility worker is among the barangay employees appointed by the Barangay Chairman. Hence, the following pertinent provision of the Local Government Code of 1991 shall govern the appointment and dismissal of a barangay utility worker:

SECTION 389. Chief Executive: Powers, Duties, and Functions. - (xxx)

(b) For efficient, effective and economical governance, the purpose of which is the general welfare of the barangay and its inhabitants pursuant to Section 16 of this Code, the punong barangay shall:

(xxxx)

(5) Upon approval by a majority of all the members of the sangguniang barangay, appoint or replace the barangay treasurer, the barangay secretary, and other appointive barangay officials;

From the foregoing, the appointment by the Punong Barangay of appointive barangay officials requires the approval of a majority of all the members of the sangguniang barangay. Considering that the barangay utility worker is appointed by the Punong Barangay, he is deemed considered covered by the foregoing provision.

In the case of Ramon Alquizola, et. al., vs. Gallardo Ocol, et. al.¹, the court held that:

Aside from what may be implicit in Section 389, there is no other provision in the Local Government Code that treats of the power of the Punong Barangay to remove the barangay secretary, the barangay treasurer, or any other appointive barangay official from office. The duration of the term of office of these barangay officials have not been fixed by the Local Government Code. Where the tenure of the office is not fixed by law, it is a sound and useful rule to consider the power of removal as being an incident to the power of appointment. Elsewise stated, the power to remove is deemed implied in the power to appoint.

The Code explicitly vests on the punong barangay, upon approval by a majority of all the members of the sangguniang barangay, the power to appoint or replace the barangay treasurer, the barangay secretary, and other appointive barangay officials. (xxx)

Verily, the power of appointment is to be exercised conjointly by the punong barangay and a majority of all the members of the sangguniang barangay. Without such conjoint action, neither an appointment nor a replacement can be effectual.

Pertinent to this case also is Memorandum Circular No. 2010-147, issued by the Department of Interior and Local Government, which contains the following provision:

Further, in an opinion dated 28 July 1998 rendered by the Civil Service Commission (CSC), it was ruled that barangay secretaries, treasurers and other appointive barangay officials are by their nature, co-terminus with the appointing authority.

Clearly, from the foregoing, the dismissal of Ms. Maggay as Barangay Utility Worker should have been made with the concurrence of the Sangguniang Barangay of Ugac Sur. In all instances, the dismissal by the Barangay Chairman of an appointive barangay official should be made with the concurrence of a majority of all the members of the Sangguniang Barangay.

In the case of appointive barangay officials, while it is true that they are classified as co-terminus employees, they cannot be terminated at the pleasure of the appointing authority since their termination requires the concurrence of the majority of the members of the Sangguniang Barangay as can be inferred from the provisions of the Local Government Code of 1991 and the above cited jurisprudence.

While Ms. Maggay has failed to raise as issue in her complaint- affidavit the procedural aspect of her dismissal from service, this Body cannot render a decision on this case without making a discussion on the above- cited provision of the Local Government Code of 1991.

It bears stressing that Brgy. Chairman Binarao admitted that Ms. Maggay was dismissed from service and that he never denied in his counter- affidavit the manner on how Ms. Maggay was dismissed from service, as stated in her complaint- affidavit. In fact, it was even stated in their

¹ G.R. No. 132413, August 27, 1999

counter- affidavit, particularly paragraph 3a thereof, that Ms. Maggay is indeed a responsible barangay utility worker.

The respondents erred in citing the case of *Aguirre vs. De Castro*. In that instant case, the issue involves the disciplinary action made by the City Legal Officer against Atty. Evangeline C. De Castro, the Chief of the Legal Affairs and Complaint Services of the Division of City Schools of Manila. It does not bear relevance in the instant petition for they dwell in different administrative realms. The principle laid down in the said case is not applicable in cases of dismissal of employees of the barangay, as there is a specific provision of law, specifically Section 389(b)(5), which entails by doctrine of necessary inference, requires the concurrence of the majority of all the members of the Sangguniang Barangay.

In his counter- affidavit, Brgy. Chairman Binarao has cited multiple complaints from other employees of the barangay relative to the complainant's negative attitude, as among his reasons in removing Ms. Maggay as Barangay Utility Worker. However, he failed to present evidences that indeed there were complaints against Ms. Maggay's attitude and that he has acted on those complaints.

However, the said act of Brgy. Chairman Binarao and Sangguniang Barangay member Addun alone does not constitute abuse of authority, conduct prejudicial to the best interest of service and oppression.

Abuse of Authority has been defined in DILG Legal Opinion No. 11, s. 2006 as a denial of justice when discretion, by virtue of one's position, has not been justly and properly exercised and it signifies 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. There is thus a necessity for actual investigation to determine whether or not discretion by virtue of one's official position has been justly exercised.

Absent any finding that the discretion of Brgy. Chairman Binarao has been unjustly exercised when she terminated Ms. Maggay, he cannot be charged of Abuse of Authority.

Also, in *Hon. Paquito Ochoa, et. Al. vs. Atty. Dy buco*², the court has defined Grave Abuse of Authority and Oppression "as a misdemeanor committed by a public officer, who under color of his office, wrongfully inflicts upon any person any bodily harm, imprisonment or other injury constituting an act of cruelty, severity or excessive use of authority.

In the case of *Cruz vs. Pandacan Hikers et. Al.*³, the court has held that the administrative offense of conduct prejudicial to the interest of the service is committed when the questioned conduct tarnished the image and integrity of the officer's public office; the conduct need not be related or connected to the public officer's official functions for the said officer to be meted the corresponding penalty.

It further stated that the basis for such liability is Republic Act No. 6713, or the Code of Conduct and Ethical Standards for Public Officials and Employees, particularly Section 4 (c) thereof, which ordains that public officials and employees shall at all times respect the rights of others, and shall refrain from doing acts contrary to public safety and public interest.

In the case of *Office of the Ombudsman vs. Caberoy*⁴, the court has defined oppression "as grave abuse of authority, which is a misdemeanor committed by a public officer, who under color of his office, wrongfully inflict upon any person any bodily harm, imprisonment, or other injury. It is an act of cruelty, severity, or excessive use of authority."

² G.R. No. 216634, October 14, 2020

³ G.R. No. 188213, January 11, 2016

⁴ G.R. No. 188066, October 22, 2014, citing *Romero vs. Villarosa, Jr.*, A.M. No. P-11-2913, April 12, 2011, 648 SCRA 32

To be held administratively liable for Oppression or Grave Abuse of Authority, there must be substantial evidence presented proving the complainant's allegations.⁵

Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion.⁶

Worthy to take note that although the respondents may have failed to comply with the required procedure in dismissing the petitioner, the petitioner has only presented self-serving testimony which does not suffice to held said respondents liable for Gross Misconduct, Conduct Prejudicial to the Best Interest of the Service and Abuse of Authority.

There was no substantial evidence presented against the respondents to show that they have acted with grave abuse of authority, conduct prejudicial to the best interest of service and oppression.

Consequently, the Ninth (9th) City Council acting as collegial Administrative Body, can only decide base on the merits of the case and on the weight of the evidence presented. It cannot rule merely based on the allegations presented in the complaint. Although in administrative cases, the quantum of evidence required is merely substantial, this does not deviate from the basic principle that there must be sufficiency of evidence in character, weight, or amount, as will legally justify the judicial action demanded or prayed by the parties.

Despite the failure of the petitioner to provide the required quantum of evidence required in an administrative procedure, with the foregoing factual antecedence, Brgy. Chairman Binarao failed to comply with the procedural requirement for removing a Barangay Official which technically includes Utility workers. For emphasis, the ruling of the Supreme Court in the above-cited case of Ramon Alquizola, et. al., vs. Gallardo Ocol, et. al. is crystal clear in this matter:

The Code explicitly vests on the punong barangay, upon approval by a majority of all the members of the sangguniang barangay, the power to appoint or replace the barangay treasurer, the barangay secretary, and other appointive barangay officials.

(xxx)

The doctrine of necessary inference entails that the power to appoint carries with the power to remove. In this instant case, the power to appoint requires the concurrence of the majority of all the members of the Sangguniang Barangay hence, it can be inferred that the removal also requires the concurrence of the majority of all the members of the Sangguniang Barangay. The facts are sufficiently established so as to conclude that the respondents have failed the proper procedure for the removal of a Barangay Official.


Wherefore, it is the recommendation of the Committee of the Whole (Investigating Body) that Punong Barangay Aaron Binarao be REPRIMANDED for dismissing Ms. Maggay as utility worker without following the prescribed procedure under the Local Government Code of 1991. As to respondent, Sangguniang Barangay Member Remalyn Addun, the Committee of the Whole finds no basis in holding her liable for the offenses being charged against them.

⁵ Office of the Ombudsman vs. Caberoy, G.R. No. 188066, October 22, 2014, citing Nedia vs. Judge Lavina, 508 Phil. 9, 19 (2005)

⁶ Office of the Ombudsman vs. Caberoy, G.R. No. 188066, October 22, 2014, citing Miro vs. Mendoza Vda. De Erederos, G.R. Nos. 172532 and 172544-45, November 20, 2013, 710 SCRA 371, 388

SO ORDERED.

Tuguegarao City, Cagayan. January 8, 2025


HON. BIENVENIDO C. DE GUZMAN II
City Vice Mayor/Chairman

HON. MARK ANGELO B. DAYAG
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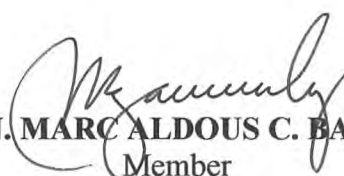
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HON. RESTITUTO C. RAMIREZ
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HON. CERENE PEARL T. QUILANG
Member

DRAFT RESOLUTION ADOPTING AND APPROVING THE COMMITTEE OF THE WHOLE (INVESTIGATING BODY) REPORT/DECISION ON ADMINISTRATIVE CASE NO. 02-2024 TITLED: " VERIFIED AND NOTARIZED COMPLAINT-AFFIDAVIT OF MS. MARIVIC MAGGAY AGAINST PUNONG BARANGAY AARON BINARAO AND BARANGAY KAGAWAD REMALYN ADDUN OF UGAC SUR FOR ABUSE OF AUTHORITY/CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE, OPPRESSION".

WHEREAS, on January 08, 2024 a decision on administrative case no. 02-2024 has been rendered by the -committee of the whole, a copy of which is hereto attached and made -an integral part of this Resolution;

WHEREAS, The Ninth (9th) City Council acting as collegial Administrative Body rendered a decision based on the merits of the case presented taking into considerations the weight of the evidence submitted and the applicable existing laws and jurisprudence.

WHEREAS, the findings, issues and decision in the afore-quoted Administrative Case No. 02-2024 Titled: "Verified and Notarized complaint-affidavit of Ms. Marivic Maggay against punong Barangay Aaron Binarao and Barangay Kagawad Remalyn Addun of Ugac Sur for abuse of authority/ conduct prejudicial to the best interest of the service, oppression" are in accordance and pursuant to law and jurisprudence”;

WHEREAS, on joint motion, this Resolution adopting and approving the aforementioned Committee of the Whole (Investigating Body) Report/Decision on Administrative Case No. 02-2024 dated January 08, 2024 is hereby adopted and approved;

NOW, THEREFORE, RESOLVE, as it is hereby RESOLVED, to approve the Resolution of the Committee of the Whole/Investigating Body) in its Committee Report/Decision dated January 08, 2024 on Administrative Case No. 02-2024 titled: "Verified and Notarized complaint-affidavit of Ms. Marivic Maggay against punong Barangay Aaron Binarao and Barangay Kagawad Remalyn Addun of Ugac Sur for abuse of authority/ conduct prejudicial to the best interest of the service, oppression".