

Republic of the Philippines
Province of Cagayan
TUGUEGARAO CITY

NINTH CITY COUNCIL

COMMITTEE REPORT NO. 121-2024

April 03, 2024

Submitted by: **COMMITTEE ON RULES, LAWS AND ETHICS**
COMMITTEE ON APPROPRIATIONS AND WAYS AND MEANS
COMMITTEE ON HEALTH AND SANITATION

PRESENT:

HON. MARC ALDOUS C. BACCAY	- Chairman (Rules)/ via zoom
	- Member (Appropriations)
HON. JUDE T. BAYONA	- Chairman (Appropriations)/via zoom
	- Vice Chairman (Rules)
	- Member (Health)
HON. IMOGEN CLAIRE M. CALLANGAN	- Chairman (Health)/ via zoom
	- Member (Appropriations)
HON. KARINA S. GAUANI-VIERNES	- Vice Chairman (Health)/ via zoom
HON. ARNEL T. ARUGAY	- Member (Rules)
HON. GRACE B. ARAGO	- Member (Rules)/ via zoom

RESOURCE PERSON:

Atty. Gerome Pagalilauan - City Legal Office Representative

SUBJECT:

Indorsement of the City Mayor, Hon. Maila Rosario S. Ting-Que, requesting for the approval to the Motion to Enter a Plea-Bargaining Agreement from both accused, Orlando Pascual (Criminal Case No. 21453) and Rey Gallibu (Criminal Case Nos. 21424 & 21425) pending before the Regional Trial Court Branch 10 and for an authority in order to represent Tuguegarao City Government to give consent to offer.

FOR THE PRESIDING OFFICER:

The Members of the Joint Committees met and deliberated on the Indorsement of the City Mayor, Hon. Maila Rosario S. Ting-Que, requesting for the approval to the Motion to Enter a Plea-Bargaining Agreement from both accused, Orlando Pascual (Criminal Case No. 21453) and Rey Gallibu (Criminal Case Nos. 21424 & 21425) pending before the Regional Trial Court Branch 10 and for an authority in order to represent Tuguegarao City Government to give consent to offer. The Joint Committees respectfully submit the herein Committee Report and has the honor to report to this August body in session the following actions taken, its findings and recommendations.

SPST-004-00

Ref. No. _____

ACTIONS TAKEN:

The committee conducted an evaluation of the Indorsement of the City Mayor, Hon. Maila Rosario S. Ting-Que, requesting for the approval to the Motion to Enter a Plea-Bargaining Agreement from both accused, Orlando Pascual (Criminal Case No. 21453) and Rey Gallibu (Criminal Case Nos. 21424 & 21425) pending before the Regional Trial Court Branch 10 and for an authority in order to represent Tuguegarao City Government to give consent to offer. A representative from the City Legal Office, Atty. Gerome Pagalilauan, was present to assist the committee in the committee deliberation.

FINDINGS:

1. The office of the City Legal Officer, Atty. Vanessa T. Herrero-Verbo, received a Motion to Enter a Plea-Bargaining Agreement from both accused, Orlando Pascual (Criminal Case No. 21453) and Rey Gallibu (Criminal Case Nos. 21424 & 21425) pending before the Regional Trial Court Branch 10 Tuguegarao City, Cagayan.
2. The City Legal Office representative, Atty. Gerome Pagalilauan, stated during the committee meeting that both accused filed a motion to enter into a Plea-Bargaining Agreement in order to plead to a lesser offense from Estafa through falsification of public document to Simple Estafa in addition to the penalty to be imposed by the court.
3. The City Legal Office representative, Atty. Gerome Pagalilauan, also mentioned that if the accused were granted the motion to a lesser offense, they will be admitted as witnesses in the proceedings of the cases filed against Dr. Ian Cabalsa and Marites Attaban.
4. Both accused will be imposed to pay the damages and return the benefits or claims they obtained before, and the same will be returned to the trust fund given by Philhealth provided that the Tuguegarao City Government will pursue criminal cases against the persons who are directly involved in the fraud.
5. For this plea-bargaining agreement to commence there is a need to request authority from the Sangguniang Panlungsod to allow the City Mayor, Hon. Maila Rosario S. Ting-Que, to be fully clothed to give consent to the offer of a plea bargain by the accused.

RECOMMENDATIONS:

After a thorough discussion on the subject matter, the committee hereby recommends for the passage of a Resolution granting authority to the City Mayor to represent the Tuguegarao City Government to enter into a Plea-Bargaining Agreement with both accused, Orlando Pascual (Criminal Case No. 21453) and Rey Gallibu (Criminal Case Nos. 21424 & 21425) pending before the Regional Trial Court Branch 10 Tuguegarao City, Cagayan.

Attached herewith is the Draft Resolution.

Respectfully submitted:



HON. MARC ALDOUS C. BACCAY
Chairman, Committee on Rules, Laws and Ethics
Member, Committee on Appropriations and Ways and Means



HON. JUDE T. BAYONA
Chairman, Committee on Appropriations and Ways and Means
Vice Chairman, Committee on Rules, Laws and Ethics
Member, Committee on Health and Sanitation



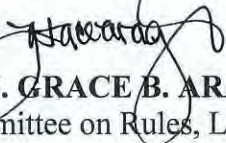
HON. IMOGEN CLAIRE M. CALLANGAN
Chairman, Committee on Health and Sanitation
Member, Committee on Appropriations and Ways and Means



HON. KARINA S. GAUANI-VIERNES
Vice Chairman, Committee on Health and Sanitation



HON. ARNEL T. ARUGAY
Member, Committee on Rules, Laws and Ethics



HON. GRACE B. ARAGO
Member, Committee on Rules, Laws and Ethics

**DRAFT RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR
TO REPRESENT THE TUGUEGARAO CITY GOVERNMENT TO ENTER INTO A
PLEA-BARGAINING AGREEMENT WITH BOTH ACCUSED, ORLANDO PASCUAL
(CRIMINAL CASE NO. 21453) AND REY GALLIBU (CRIMINAL CASE NOS. 21424 &
21425) PENDING BEFORE THE REGIONAL TRIAL COURT BRANCH 10
TUGUEGARAO CITY, CAGAYAN**

WHEREAS, the office of the City Legal Officer, Atty. Vanessa T. Herrero-Verbo, received a Motion to Enter a Plea-Bargaining Agreement from both accused, Orlando Pascual (Criminal Case No. 21453) and Rey Gallibu (Criminal Case Nos. 21424 & 21425) pending before the Regional Trial Court Branch 10 Tuguegarao City, Cagayan;

WHEREAS, the City Legal Office representative, Atty. Gerome Pagalilauan, stated during the committee meeting that both accused filed a motion to enter into a Plea-Bargaining Agreement in order to plead to a lesser offense from Estafa through falsification of public document to Simple Estafa in addition to the penalty to be imposed by the court;

WHEREAS, the City Legal Office representative, Atty. Gerome Pagalilauan, also mentioned that if the accused were granted the motion to a lesser offense they will be admitted as witnesses in the proceedings of the cases filed against Dr. Ian Cabalsa and Marites Attaban;

WHEREAS, both accused will be imposed to pay the damages and return the benefits or claims they obtained before, and the same will be returned to the trust fund given by Philhealth provided that the Tuguegarao City Government will pursue criminal cases against the persons who are directly involved in the fraud;

WHEREAS, for this plea-bargaining agreement to commence there is a need to request authority from the Sangguniang Panlungsod to allow the City Mayor, Hon. Maila Rosario S. Ting-Que, to be fully clothed to give consent to the offer of a plea bargain by the accused;

NOW, THEREFORE RESOLVED, as it is hereby **RESOLVED**, to grant authority to the City Mayor to represent the Tuguegarao City Government to enter into a plea-bargaining agreement with both accused, Orlando Pascual (Criminal Case No. 21453) and Rey Gallibu (Criminal Case Nos. 21424 & 21425) pending before the Regional Trial Court Branch 10 Tuguegarao City, Cagayan.

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
SECOND JUDICIAL BRANCH
BRANCH 10
Tuguegarao City, Cagayan

PEOPLE OF THE PHILIPPINES,

Crim. Case No. 21453

-versus-

MARITES ATTABAN y PAGULAYAN,
ET AL.,

Accused.

Estafa through falsifi-
cation of public
documents

MOTION

(TO ENTER INTO PLEA BARGAIN)

The accused Orlando Pascual y Aglugub assisted by the Public Attorney's Office through the undersigned unto the Honorable Court, respectfully submit this Motion for Its consideration.

1. The accused unilaterally intimated to the undersigned that he sincerely desires to enter into a plea bargain.
2. The undersigned explained to him in layman's term about the status of his case, the pieces of evidence and witnesses of the prosecution vis-à-vis his own in the event the case proceeds to full-blown trial - without however insinuating possible outcome of the eventual Judgment. In view of such development, the undersigned told him that he can plea bargain under Article 315 (4) of the Revised Penal Code.
3. The undersigned then meticulously explained to him the consequences in the event the prosecution agrees and the Honorable Court grants the plea bargain, *viz., he will be admitting a crime as under Article 315 (4) of the Revised Penal Code punishable by arresto mayor in its medium and maximum*

periods considering that the amount of fraud involved in the case does not exceed P40,000 – with the hope of being granted later of probation.

4. Without really assuming at all, in case the penalties imposed in the Judgment is probationable, he will be applying for it and in view thereof, the undersigned clearly asked the accused in the vernacular language known to him whether he was *previously convicted of a crime by final judgment concerning national security, or with imprisonment of more than six (6) months and one (1) day and/or a fine of more than one thousand pesos (P1,000.00), or been once on probation – on all he answered in the negative.* The undersigned also asked the accused *whether he is a recidivist, habitual offender, drug addict or troublemaker, likewise on all he again answered in the negative.*

The accused appeals before the Honorable Court that this Motion may find merit and consideration.

Other relief just and equitable under the premises are likewise prayed for.

Tuguegarao City, Cagayan – February 07, 2024.

Public Attorney's Office
Tuguegarao District
Hall of Justice
Tuguegarao City, Cagayan

By:



ROBIN R. ARSITIO

Counsel for the accused

The contents of this Motion were explained to me in a language that I speak and understand, and with that, my conformity thereto:

Orlando Pascual y Aglugub
Orlando Pascual y Aglugub
Accused

NOTICE

ATTY. ALBINE H.S. DIAZ
The Branch Clerk of Court
RTC-BRANCH 10
Tuguegarao City, Cagayan


PROS. SUSAN M. FLORES-DANAO
Office of the City Prosecutor
Carig, Tuguegarao City, Cagayan

ATTY. MONIQUE VIVIEN DE LEON
Private Prosecutor
City Legal Office
Tuguegarao City, Cagayan

Greetings:

Please take notice that this Motion is requested to be heard on February 14, 2024 at 8:30 AM or at date and time set by the Honorable Court or as soon as thereafter the parties are heard.

Thank you.


ROBIN R. ARSITIO

Copy Furnished:

PROS. SUSAN M. FLORES-DANAO
Office of the City Prosecutor

ATTY. MONIQUE VIVIEN DE LEON

Private Prosecutor

City Legal Office

Tuguegarao City, Cagayan

02/02/24



Republic of the Philippines
REGIONAL TRIAL COURT
BRANCH 03
Second Judicial Region
Tuguegarao City

PEOPLE OF THE PHILIPPINES,

Complainant,

Criminal Case No. 21424 & 21425

-versus-

For: "Estafa through Falsification of
Public or Official Document &
Violation of RA 3019"

MARITESS ATTABAN et al.,

Accused.

AMENDED 2nd MOTION TO ENTER INTO PLEA BARGAINING AGREEMENT

ACCUSED REY GALLIBU, through the Public Attorney's Office, by undersigned counsel, unto the Honorable Court, most respectfully states that:

1. Private complainant local government unit of Tuguegarao City agreed to the proposal of accused to a plea bargain from Estafa through falsification of public document to simple estafa.
2. However, private complainant LGU did not agree to the proposal for the dismissal of the separate charge of violation of RA 3019.
3. In light of the foregoing, accused proposes that he shall also voluntarily plead to the offense of simple estafa for the present charge of violation of RA 3019, which plea bargain is supported by prevailing jurisprudence.

WHEREFORE, premises considered, it is most respectfully prayed of the Honorable Court to give due course to accused's Motion to Enter into a Plea Bargaining Agreement, allowing the accused to voluntarily plead to two (2) counts of simple estafa as a plea bargain to the two instant charges of estafa with falsification and violation of RA 3019.

Other relief just and equitable are likewise prayed for. Tuguegarao City, November 14, 2022.

By: RHODERICK C. TAGARUMA
Public Attorney IV

Copy furnished by electronic mail due to lack of messengerial services to:

Hon. Joel T. Daliuag
Asst. Senior City Prosecutor
Tuguegarao City

From: Rhoderick Tagaruma
Sent: Monday, 14 November 2022 8:29 am
To: RTC Branch 3 Tuguegarao City, Cagayan
Cc: JOEL DALIUAG; Imelda Theresa Natividad; krischelleutit@gmail.com;
moniquevivienmacutaydeleon@yahoo.com; msmariesmiguel@gmail.com
Subject: Amended 2nd Motion to Enter Into Plea Bargaining Agreement (P v Gallibu) {to correct clerical error of erroneous plea of theft to simple estafa}

Hon. Marivic A. Cacatian-Beltran
Presiding Judge
Regional Trial Court
Second Judicial Region
Branch 03
Tuguegarao City

Dear Ma'am:

Please find as attachment the following pleading/s in Word format:

Amended 2nd Motion to Enter Into Plea Bargaining Agreement

for Criminal Case No. 21424 & 21425

entitled "People of the Philippines vs Rey Gallibu."

May I respectfully request for an acknowledgment of the receipt of this email.

Thank you.

Warm regards,

Rhoderick C. Tagaruma
Public Attorney IV
Public Attorney's Office
Regional Office No. 02
Hall of Justice, Carig
Tuguegarao City, Cagayan

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KE
RE

X--

TF
Co