

Republic of the Philippines
CITY OF TUGUEGARAO
SANGGUNIANG PANLUNGSOD NG TUGUEGARAO
3rd Floor, Tuguegarao City Hall Building
Carig, Tuguegarao City

MARIVIC MAGGAY,
Complainant,

Admin Case No. _____

versus

**For: Abuse of Authority/ Conduct
Prejudicial to the Best
Interest of the Service, Oppression**

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

X- - - - -X

COMPLAINT-AFFIDAVIT

I, **MARIVIC V. MAGGAY**, married, of legal age, Filipino, and resident of Lecaros St., Ugac Sur, Tuguegarao City, Cagayan, sworn in accordance with law, hereby depose and states that:

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 03, 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.

7. In order to avoid further exchanges of words, I went home and took my lunch;

8. That after taking my lunch I returned to the brgy. Hall to finished my work and went home at 5:30 PM;

9. Upon arriving home, I read the messages sent to my cell phone, from those messages, PB Binarao texted " ari kana mattallung, ari ku kayamasingan muka mu ta balay baka golpeyan naka ni wagi, kinukkuletam mu kanakak ku", which I do not know who he was referring to.

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 me to be put into shame.

Attached is the screenshot conversation, marked as "Annex A", DANICA MAE MAGGAY

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.

11. In the presence of **LEONITA CAMMAYO** and **LUCY BUQUEL**, PB Binarao yelled at me and accused me of several unfounded wrongful acts which I strongly deny having done so.

12. That among the things PB Binarao mentioned against me in the presence of several persons are the following, to wit:

12.1. Contracting debt for goods at a store near the Brgy. 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.

12.2. 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, I 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.

12.3. 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 occasions.

12.4. 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.

13. In all these accusations, which were publicly made, I was never given any chance to answer the allegations directed against my person;

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;

15. That due to this incident, I suffered mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation, and similar injury.

16. Clearly, respondents acted with grave abuse of their 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;

18. I am willing to narrate other matters relevant hereto if necessary.

Affiant further sayeth naught.

In witness whereof, we have hereunto set our hands this FEB 07 ²⁰²⁴ day of January 2024 at Tuguegarao City.


MARIVIC MAGGAY
Complainant

VERIFICATION/CERTIFICATION


I, MARIVIC MAGGAY, after having been duly sworn to in accordance with law, do hereby state that I am the Complainant in the above-entitled case and in my capacity as such, have caused the preparation of the foregoing Complaint, the contents of which are all true and correct based on our own knowledge and authentic records.

I further certify that I have not commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and to the best of my knowledge, no such other action or claim is pending therein; nor is there any other pending action or claim involving the same issues in any court, tribunal or quasi-judicial agency; and if I should hereafter learn that the same or similar action or claim has been filed or is pending, I shall report that fact within five (5) days there from to this Honorable Body.

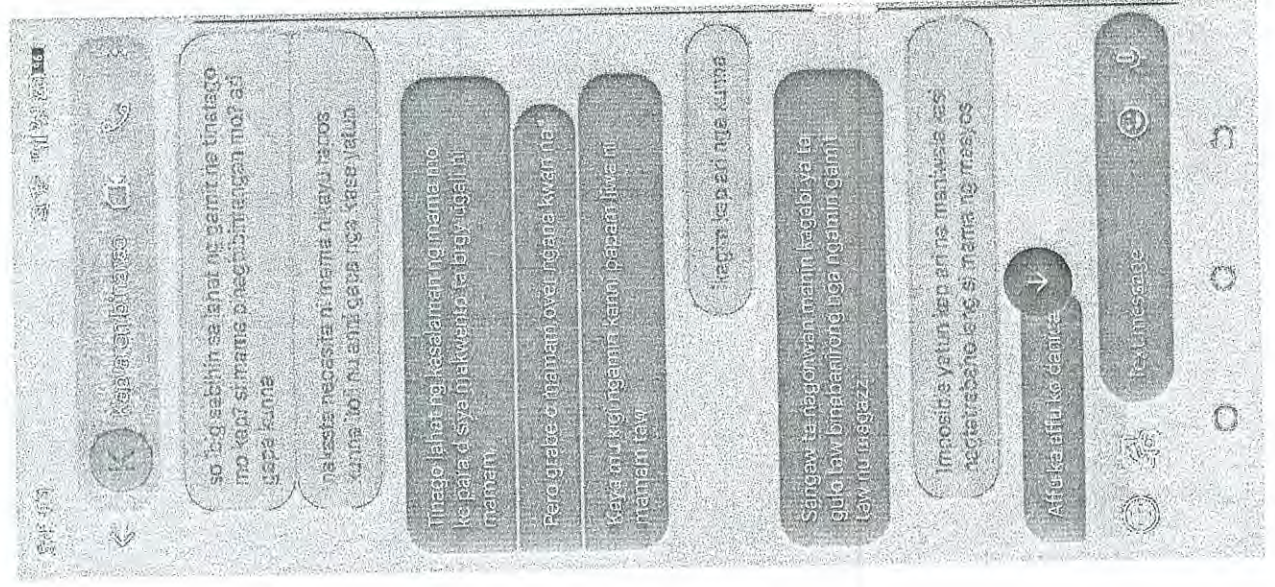
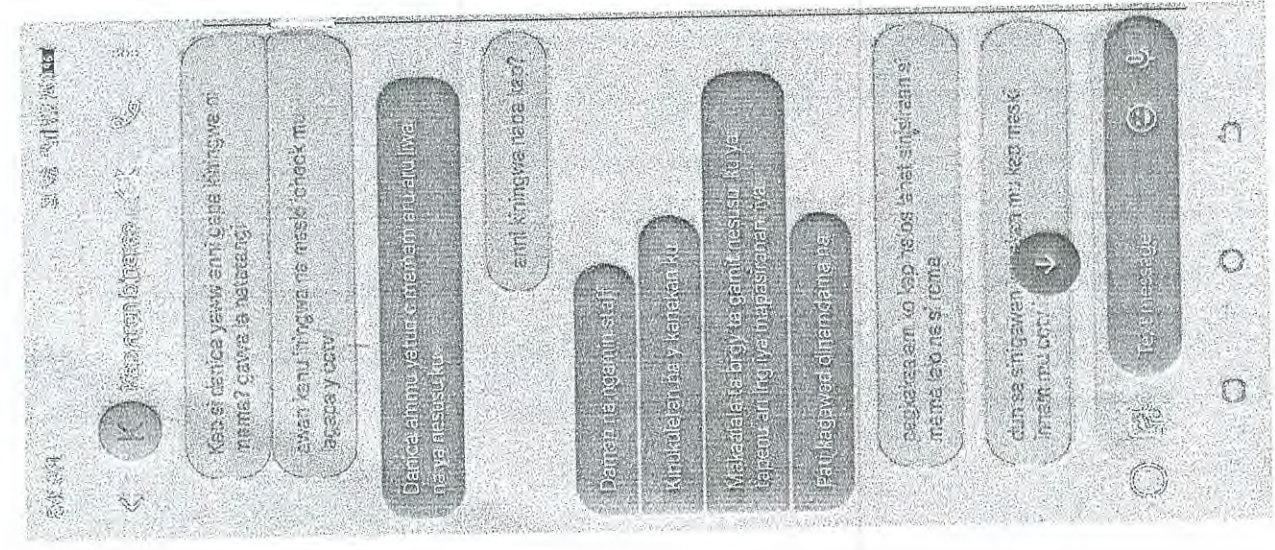

MARIVIC MAGGAY
POSTAL ID No. A 2918 0376538

SUBSCRIBED AND SWORN TO before me this ^{FEB 07 2024} ___th day of January 2024 at Tuguegarao City, affiant's identity has been ascertained by me through her ID indicated beneath her signature.

DOC NO. 255
PAGE NO. 71
BOOK NO. XXI
SERIES OF 2024


ATTY. ORLANDO D. BUENO JR.
NOTARY PUBLIC for Tuguegarao City
Commission Valid Until December 31, 2024
IBP Roll No. 81413
IBP OR No. 394672
PTR No. 13531362
MCLE EXEMPT (Governing Board No.1 Series Of 2008)
Tuguegarao City, Cagayan

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Republic of the Philippines
PROVINCE OF CAGAYAN
City of Tuguegarao



OFFICE OF THE SECRETARY TO THE SANGGUNIAN

MARIVIC MAGGAY,
Complainant,

ADMIN. CASE NO. 02-2024

-versus-

For: **Abuse of Authority/
Conduct Prejudicial to the Best
Interest of the Service, Oppression**

**PUNONG BARANGAY AARON BINARAO and
BARANGAY KAGAWAD REMALYN ADDUN**
Respondents,

X-----X

ORDER FOR THE RESPONDENT

You are hereby required to submit your verified answer to the complaint of Ms. Marivic Maggay within fifteen (15) days from receipt thereof pursuant to the following provisions:

Section 62 of the Local Government Code on Notice of Hearing which states that:

"Within seven days after the administrative complaint is filed, the sanggunian concerned shall require the respondent to submit his verified answer within fifteen days from receipt thereof, and commence the investigation of the case within ten days after receipt of such answer of the respondent."

Section 4 of Ordinance No. 19-2000 "An Ordinance Providing for the Rules and Regulations in the Investigation, Hearing and Disposition of Administrative Cases Against Elective Barangay Officials" which states that:

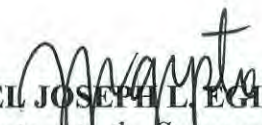
"The City Council Secretariat shall record and assign a docket number to the complaint, notifies and requires the respondent within five days after the administrative case is filed, to submit a verified answer within 15 days from receipt thereof."


"Failure of the respondent to file the verified answer within fifteen days from receipt of the complaint shall be considered a waiver to present evidence in his behalf. Within ten days after the receipt of the verified answer, the Committee shall commence to hear and investigate the case."

Your failure to submit a verified answer is deemed a waiver on your part and your case shall be disposed upon based on the available records.

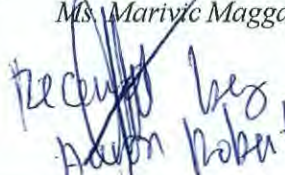
SO ORDERED.


Tuguegarao City, Cagayan. February 7, 2024.


JOEL JOSEPH L. EGIPTO, Ph.D.,
Secretary to the Sanggunian


2-7-24

Attachment: Complaint Affidavit with Annex A of Ms. Marivic Maggay
Copy to: Ms. Marivic Maggay


02/07/24
Aaron Robert A. Binarao


ERWIN PANJAV
02-07-24