



MUNICIPAL MAYOR OF BAYAMBANG

EXECUTIVE ORDER NO. 029

Series of 2019

“AN ORDER IMPLEMENTING SANGGUNIANG BAYAN RESOLUTION NO. 274 SERIES OF 2019 OF THE SANGGUNIANG BAYAN OF BAYAMBANG, PANGASINAN FOR PREVENTIVE SUSPENSION OF NINETY (90) DAYS AGAINST PUNONG BARANGAY CRISOSTOMO M. BATO OF BARANGAY SAN VICENTE THIS MUNICIPALITY, PURSUANT TO SECTION 63 OF REPUBLIC ACT 7160 OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991”

WHEAREAS, an Administrative Complaint against Punong Barangay Crisostomo M. Bato was filed by Dominador E. Ragos and is docketed as Administrative Case No. 05-2019 for GRAVE ABUSE OF AUTHORITY, GRAVE MISCONDUCT and CONDUCT UNBECOMING OF A PUBLIC OFFICIAL;

WHEREAS, SB RESOLUTION No. 274 Series of 2018 imposed Preventive Suspension for a period of ninety (90) days against Punong Barangay Crisostomo M. Bato in furtherance of the investigation in the said administrative case;

WHEREFORE, upon recommendation of Sangguniang Bayan of Bayambang, Pangasinan as embodied in SB Ressionation No. 274 series of 2019 carried in its regular session on August 13, 2019, **I, CEZAR T. QUIAMBAO**, by virtue of the power vested in me by law and the Local Government Code of 1991, do hereby direct and order:

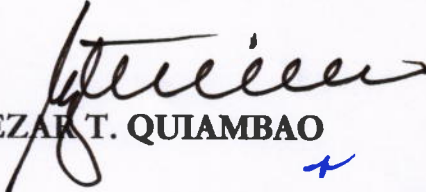
Section 1. Placing under preventive suspension from office Punong Barangay Crisostomo M. Bato of Barangay San Vicente, Bayambang, Pangasinan for a period of Ninety (90) days effective upon service of this order.

Section 2. The law on succession as provided under the Local Government Code of 1991 shall apply.

Section 3. Punong Barangay Crisostomo M. Bato shall be deemed reinstated in office upon completion or expiration of the effectivity of the preventive suspension.



SO ORDERED, this 20th day of August, 2019, in the Municipality of Bayambang,
Province of Pangasinan.


DR. CEZAR T. QUIAMBAO



*Cc: Sangguniang Bayan of Bayambang
Ryolita P. Rosario – MLGOO
Councilor Rodelito Bautista – ABC President
Dominador E. Ragos, San Vicente, Bayambang, Pangasinan*



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 OFFICE OF THE SANGGUNIANG BAYAN

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RESOLUTION NO. 274, SERIES OF 2019

“RESOLUTION RECOMMENDING TO THE MUNICIPAL MAYOR CEZAR T. QUIAMBABO THE ISSUANCE OF PREVENTIVE SUSPENSION FOR A PERIOD OF NINETY (90) DAYS (30 DAYS FOR GRAVE ABUSE OF AUTHORITY; 30 DAYS FOR GRAVE MISCONDUCT; 30 DAYS FOR CONDUCT UNBECOMING OF A PUBLIC OFFICIAL) AGAINST PUNONG BARANGAY CRISOSTOMO M. BATO OF BARANGAY SAN VICENTE, BAYAMBANG, PANGASINAN, IN SB ADMINISTRATIVE CASE NO. 05-2019 ENTITLED, DOMINADOR E. RAGOS, Complainant VS. CRISOSTOMO M. BATO, Respondent, GRAVE ABUSE OF AUTHORITY, GRAVE MISCONDUCT AND CONDUCT UNBECOMING OF A PUBLIC OFFICIAL”

Sponsored by: Committee En Banc

WHEREAS, After joining the issues of the case filed by DOMINADOR E. RAGOS against the Respondent, PUNONG BARANGAY CRISOSTOMO M. BATO for Grave Abuse of Authority, Grave Misconduct and Conduct Unbecoming of a Public Official, and considering that the evidence of Respondents’ guilt is strong, it is hereby recommended by this august body that Respondent be placed under preventive suspension for a period of ninety (90) days in furtherance of the Sangguniang Bayan’s formal investigation due to the following reasons:

- Herein Respondent, Crisostomo M. Bato, is the incumbent Punong Barangay of San Vicente where the Complainant, Dominador E. Ragos resides;
- By reason of Respondents’ continuance in office and influence, there is a big possibility that no witness would dare come forward to testify about the complained incident;

WHEREAS, legal requirements for the urgent issuance of preventive suspension against the respondents are complied with, namely: (1) joining of issues (2) strong evidence of guilt and, (3) great probability, given the gravity of offenses, that continuance in office of the respondents could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence;

WHEREAS, Punong Barangay Crisostomo M. Bato shall be deemed reinstated in office without prejudice to the continuation of the proceedings against them upon expiration of the order of preventive suspension;

NOW THEREFORE, on motion of **SB Member Philip R. Dumalanta**, duly seconded, be it;

RESOLVED, AS IT IS HEREBY RESOLVED, to RECOMMEND TO THE MUNICIPAL MAYOR CEZAR T. QUIAMBABO THE ISSUANCE OF PREVENTIVE SUSPENSION FOR A PERIOD OF NINETY (90) DAYS (30 DAYS FOR GRAVE ABUSE OF AUTHORITY; 30 DAYS FOR GRAVE MISCONDUCT; 30 DAYS FOR CONDUCT UNBECOMING OF A PUBLIC OFFICIAL) AGAINST PUNONG BARANGAY CRISOSTOMO M. BATO OF BARANGAY SAN VICENTE, BAYAMBANG, PANGASINAN, IN SB ADMINISTRATIVE CASE NO. 05-2019 ENTITLED, DOMINADOR E. RAGOS, Complainant VS. CRISOSTOMO M. BATO, Respondent, GRAVE ABUSE OF AUTHORITY, GRAVE MISCONDUCT AND CONDUCT UNBECOMING OF A PUBLIC OFFICIAL;

RESOLVED FINALLY, that copies of this resolution be forwarded to the Office of the Municipal Mayor, Honorable Cezar T. Quiambao for his Honor’s information and appropriate action.

CARRIED this 13th day of August 2019.



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OFFICE OF THE SANGGUNIANG BAYAN

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"RESOLUTION RECOMMENDING TO THE MUNICIPAL MAYOR CEZAR T. QUIAMBAO THE ISSUANCE OF PREVENTIVE SUSPENSION FOR A PERIOD OF NINETY (90) DAYS (30 DAYS FOR GRAVE ABUSE OF AUTHORITY; 30 DAYS FOR GRAVE MISCONDUCT; 30 DAYS FOR CONDUCT UNBECOMING OF A PUBLIC OFFICIAL) AGAINST PUNONG BARANGAY CRISOSTOMO M. BATO OF BARANGAY SAN VICENTE, BAYAMBANG, PANGASINAN, IN SB ADMINISTRATIVE CASE NO. 05-2019 ENTITLED, DOMINADOR E. RAGOS, Complainant VS. CRISOSTOMO M. BATO, Respondent, GRAVE ABUSE OF AUTHORITY, GRAVE MISCONDUCT AND CONDUCT UNBECOMING OF A PUBLIC OFFICIAL"


Certified to be duly adopted and approved:

JOEL V. CAMACHO
 Secretary to the Sanggunian

ATTESTED:


HON. RAUL R. SABANGAN
 Municipal Vice-Mayor &
 SB Presiding Officer

WE CONCUR:
SANGGUNIANG BAYAN MEMBERS

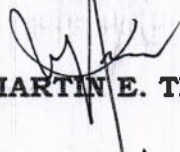

HON. MYLVIN T. JUNIO


HON. PHILIP R. DUMALANTA


HON. JOSEPH VINCENT E. RAMOS



HON. BENJAMIN FRANCISCO S. DE VERA

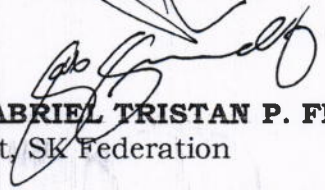

HON. GERARDO DC. FLORES


HON. MARTIN E. TERRADO II

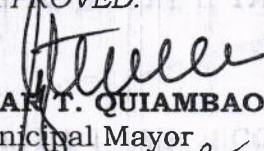

HON. AMORY M. JUNIO


HON. LEVINSON NESSUS M. UY


HON. RODELITO F. BAUTISTA
 Pangulo, Liga ng mga Barangay


HON. GABRIEL TRISTAN P. FERNANDEZ
 President, SK Federation



APPROVED:

HON. CEZAR T. QUIAMBAO
 Municipal Mayor



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OFFICE OF THE MUNICIPAL VICE MAYOR

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Proof of Service/Acknowledgment receipt

- Copy of Resolution No. 274, Series of 2019, in re: "RESOLUTION RECOMMENDING TO THE MUNICIPAL MAYOR CEZAR T. QUIAMBAO THE ISSUANCE OF PREVENTIVE SUSPENSION FOR A PERIOD OF NINETY (90) DAYS (30 DAYS FOR GRAVE ABUSE OF AUTHORITY; 30 DAYS FOR GRAVE MISCONDUCT; 30 DAYS FOR CONDUCT UNBECOMING OF A PUBLIC OFFICIAL) AGAINST PUNONG BARANGAY CRISOSTOMO M. BATO OF BARANGAY SAN VICENTE, BAYAMBANG, PANGASINAN, IN SB ADMINISTRATIVE CASE NO. 05-2019 ENTITLED, DOMINADOR E. RAGOS, Complainant VS. CRISOSTOMO M. BATO, Respondent, GRAVE ABUSE OF AUTHORITY, GRAVE MISCONDUCT AND CONDUCT UNBECOMING OF A PUBLIC OFFICIAL"
- Copy of Executive Order No. 029, Series of 2019, entitled: "AN ORDER IMPLEMENTING SANGGUNIANG BAYAN RESOLUTION NO. 274, SERIES OF 2019 OF THE SANGGUNIANG BAYAN OF BAYAMBANG, PANGASINAN FOR PREVENTIVE SUSPENSION OF NINETY (90) DAYS AGAINST PUNONG BARANGAY CRISOSTOM M. BATO OF BARANGAY SAN VICENTE THIS MUNICIPALITY, PURSUANT TO SECTION 63 OF REPUBLIC ACT 7160 OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991"

Received by:

Crisostomo M. Bato
 Printed Name and Signature

Date and time received: *08/22/2019 2:10 PM*

Delivered/Served by:

Joven Rei H. Junio

Arvin Christopher J. Malagotnot

Date Delivered:

August 22, 2019



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MUNICIPALITY OF BAYAMBANG
OFFICE OF THE SANGGUNIANG BAYAN

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Proof of Service/Acknowledgment receipt

- Preliminary Conference Order, *in re: ADMINISTRATIVE CASE NO. 05-2019*
for: GRAVE ABUSE OF AUTHORITY, GRAVE MISCONDUCT AND CONDUCT
UNBECOMING OF A PUBLIC OFFICIAL.

Received by:

E. Razon

Dommodor E. Razon
Printed Name and Signature

Date and time received:

October 9, 2019 10:40 AM

Delivered/Served by:

Joven Rei H. Junio

Marvin P. Campos

Date Delivered:

October 9, 2019



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MUNICIPALITY OF BAYAMBANG
OFFICE OF THE SANGGUNIANG BAYAN

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DOMINADOR E. RAGOS,

-Complainant-

-versus-

PUNONG BARANGAY CRISOSTOMO M. BATO,

-Respondent-

X-----X

ADMINISTRATIVE CASE NO. 05-2019

For: GRAVE ABUSE OF AUTHORITY, GRAVE MISCONDUCT AND CONDUCT UNBECOMING OF A PUBLIC OFFICIAL

PRELIMINARY CONFERENCE ORDER

The Complainant and Respondent together with their respective counsels failed to agree to settle their claims amicably. Hence, the parties proceeded with the preliminary conference. Both parties were willing to submit their case for resolution upon submission of their respective position papers together with their documentary evidence.

THE DISPUTE ARISES FROM THE CLAIM OF THE COMPLAINANT THAT:

The complainant argues that the respondent approached him last May 13, 2019, at around 7:00 in the morning at voting precinct 237-A at San Vicente Elementary School, and for no apparent reason, tightly grasped his right shoulder before uttering the following words, "*Ambalbalanga'y kawes mo. Bali-balin kan dapeyengen ed lupam.*" At about 11:00 on the morning of the same day, officers from the Barangay Safety Health Office of Brgy. San Vicente, namely; Eduardo Cuison, Ronald Esteban, and Rolando Abalos, arrived at the complainant's house and were ordered by the respondent to bring the complainant to San Vicente Elementary School. Upon arriving at San Vicente Elementary School, respondent shouted the following words towards the complainant, "*Gala dia!*" and "*Anto'y ibabagam ed sara'y tauhan ko?*" and abruptly punched the complainant at his right jaw which was seen by the complainant's son who tried to help him get out of the situation.

However, the respondent denied the claim saying that when the respondent and the complainant met each other at the school grounds of San Vicente Elementary School, the former merely greeted the latter by saying, "*Ambalbalanga kayo*" and then touched the complainant's belly with his left hand as a friendly gesture. The respondent allegedly did not utter the words "*dapeyengen ed lupam*" because the word "*dapeyengen*" in Pangasinan dialect means to hit with the open palm at the back of the head of another.



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Also, the respondent denies the claim of the complainant that he ordered the complainant to be brought to San Vicente Elementary School. According to him, while he was sitting on an elevated portion of the passageway in front of the gate of the San Vicente Elementary School, he saw the complainant and asked the latter to sit beside him. When the complainant was approaching the respondent, the latter asked the former what he reported by saying, "anto tay imbagam", and the complainant pointed his finger to the respondent and then uttered the words, "anta imbagam". Immediately thereafter, former Municipal Councilor Junie J. Angeles grabbed the complainant and brought him away from the respondent. Respondent claims that he could not have punched the complainant on his chin because at that time, the respondent had just suffered from a stroke which affected his left limb, and that the complainant was standing two (2) meters away from the respondent.

THE ISSUES OF THE CASE ARE:

1. Whether or not the factual allegations of the parties were truthfully stated;
2. Whether or not the alleged actions of the Respondent violated his duties as a Barangay Captain;
3. Whether or not the Respondent is administratively liable as charged.

THE PARTIES PROCEEDED WITH THE MARKING OF THEIR EXHIBITS.

1. The Complainant marked the following Exhibits:

- The *Sinumpaang Salaysalay* executed by Federico Ragos as **Exhibit A**;
- The Certification of Police Blotter dated May 14, 2019 as **Exhibit B**;
- The Medico Legal Certificate/Request for Medico Legal Dated May 14, 2019 as **Exhibit C**;
- The Medical Certificate dated May 15, 2019 as **Exhibit D**;
- The *Sinumpaang Salaysay* executed by Dominador E. Ragos as **Exhibit E**.

2. The Respondent marked the following Exhibits:

- The *Sinumpaang Salaysay* of Wilfred C. Bato and Arnel C. Calimlim, Jr. as **Exhibit 1**;
- The *Sinumpaang Salaysay* of Junie J. Angeles as **Exhibit 2**;
- The Medical Certificate issued by the Pangasinan Provincial Medical Hospital as **Exhibit 3**.



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The submission of both parties of their respective position papers together with their documentary evidence shall not be later than 30 days counted from the issuance of the preliminary conference order.

SO ORDERED. OCTOBER 9, 2019 AT BAYAMBANG, PANGSINAN.

HON. RAUL R. SABANGAN
Municipal Vice Mayor
Presiding Officer
Chairman, Committee en Banc