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**OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY**

# CERTIFICATION

**TO WHOM IT MAY CONCERN:**

*THIS IS TO CERTIFY that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on June 14, 2021 at Lingayen, Pangasinan, the following provincial resolution was approved:*

Author: SP Member Noel C. Bince

**PROVINCIAL RESOLUTION NO. 543-2021**

**APPROVING AND ADOPTING AS ITS DECISION EN BANC, THE RESOLUTION/RECOMMENDATION OF THE COMMITTEE ON GOOD GOVERNMENT AND ACCOUNTABILITY OF PUBLIC OFFICERS, JUSTICE AND HUMAN RIGHTS IN SP ADMINISTRATIVE CASE NO. 04-2020**

**WHEREAS**, the Sangguniang Panlalawigan is in receipt of a verified administrative complaint filed on July 27, 2020 by Mr. Joker Ignacio, incumbent Punong Barangay of Bantog, Asingan, Pangasinan against Mayor Julius C. Ramos of Sta. Maria, Pangasinan for Grave Misconduct and which was referred to the Committee on Good Government and Accountability of Public Officers, Justice and Human Rights as SP Administrative Case No. 04-2020;

**WHEREAS**, the Committee on Good Government and Accountability of Public Officers, Justice and Human Rights, on June 14, 2021 submitted its Decision embodied in Committee Report No. 28-2021, to wit:

**DECISION**

*This is an administrative complaint of GRAVE MISCONDUCT instituted by Joker Ignacio, incumbent Punong Barangay of Bantog, Asingan, Pangasinan against Mayor Julius C. Ramos, incumbent Mayor of Sta. Maria, Pangasinan.*

*After the respondent filed his Answer and the complainant submitted his Reply thereto Pre-trial Conference was held for the purpose of simplification of issues and the possibility of stipulation of facts.*

*During the Pre-trial Conference respondent Mayor Julius Ramos was represented by his counsel Atty. Russel A. Barroga while complainant Joker Ignacio was without counsel, having earlier manifested before the committee that he does not intend to engage the services of a counsel.*





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*Thereafter, the parties agreed to submit the case for decision on the basis of the evidence so far adduced and the documentary proofs submitted in support of their respective claims.*

*Thus this Decision:*

*As collated, evidence for the complainant tend to establish that sometime early January, 2020, several men entered, extracted and hauled sand and gravel from a parcel of land along the Agno River bank located inside Barangay Bantog, Asingan, Pangasinan. That the persons were identified as Ambeth Mendoza, backhoe operator and Renato dela Pena, truck driver. They reasoned out that they were just following the orders of their employer, herein respondent Mayor Julius Ramos. Since then up to the present, despite repeated warnings and demands to cease and desists, and without permit from Barangay Bantog, they continued their illegal quarrying. That consequently, a demand letter was sent to the respondent and his employees to stop their illegal activity, to no avail.*

*Several documents were submitted by the complainant to support the administrative complaint against Mayor Julius Ramos to wit;*

- a. Demand letter dated July 13, 2020 addressed to Mayor Julius Ramos.*
- b. Several pictures showing backhoe and truck gathering sands and gravel inside the gravel pit, allegedly belonging to barangay Bantog.*
- c. Pictures showing the location where the quarrying was made.*

*In his Answer, respondent articulated that the administrative complaint filed against him has no factual and legal leg to stand on and merely a retaliatory move of the complainant because the respondent deliberately ignored the demand letter that he sent to him. Respondent further claimed that the pieces of evidence on record do not constitute substantial evidence for him to be held administratively culpable for Grave Misconduct.*

*In support of his contention, respondent submitted the following documentary evidence;*

- a. May 8, 2018 Memorandum Report re: request for site inspection of quarry site by Presley G. Agbanlog (Annex "1");*
- b. DPWH prepared vicinity map of the quarry site applied by Presley G. Agbanlog (Annex "2");*
- c. Area Status and Clearance of the Commercial Sand and Gravel Permit Application of Presley G. Agbanlog (Annex "3");*
- d. Sketch Map and Technical Description of the quarry site applied by Presley G. Agbanlog (Annex "4");*
- e. Sketch Plan of the quarry site applied by Presley G. Agbanlog (Annex "5");*





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- f. Certificate of Posting issued by Brgy. San Patricio, Sta. Maria, Pangasinan re: quarry application of Presley G. Agbanlog (Annex "6");
- g. Certificate of Posting issued by Sta. Maria, Pangasinan re: quarry application of Presley G. Agbanlog (Annex "7");
- h. May 8, 2019 Letter of OIC District Engr. Gerardo De Guzman to Mr. Nathaniel Pulido, Supervising Environment Management Specialist of the ENRO-NRRG, manifesting that his office interposes no objection to the renewal of quarry site of Presley G. Agbanlog (Annex "8");
- i. Pangasinan Provincial Mining Regulatory Board Resolution No. 102, Series of 2019, dated August 23, 2019, endorsing the renewal of the Commercial Sand and Gravel Permit of Presley G. Agbanlog (Annex "9");
- j. Commercial Sand and Gravel Permit No. 010-2010 of Presley G. Agbanlog (Annex "10");
- k. Certification of the 2020 renewal of the Commercial Sand and Gravel Permit of Presley G. Agbanlog (Annex "11")

In his reply, complainant alleged that he does not question the existence and validity of the quarry permit issued for barangay San Patricio, Sta. Maria, Pangasinan for what he is questioning is the respondent's quarrying operation in barangay Bantog, Asingan, Pangasinan.

Complainant, to support his claim, submitted a google map of the quarry vicinity along further the Agno River and boundary between San Patricio, Sta. Maria, Pangasinan and Bantog, Asingan, Pangasinan proving that the quarry is inside Bantog. Moreover, there are three (3) quarries adjacent to each other, lying on the Bantog side of the river, namely; Agbanlog quarry of respondent, Wilfredo Sibolboro quarry and Freddie Morden quarry. Likewise introduced is a Barangay Bantog Resolution granting permit for the Sibolboro Quarry to operate. Furthermore, a copy of the Order of Payment issued by ENRO, Pangasinan in favor of Sibolboro quarry, located in Bantog. A letter-report of the DENR addressed to Mayor Lopez of Asingan, Pangasinan who reported the DENR to relocate where the quarry site of Mr. Morden and reported that it is in Bantog and not San Patricio was also attached to the pleading.

**FINDINGS AND CONCLUSION**

It is elementary in Law on Evidence that all facts alleged in a particular case should be proven by competent, material and admissible evidence and requires the necessary quantum of proofs to establish such fact. Unlike in criminal cases which requires proof beyond reasonable doubt, administrative complaint needs substantial evidence as criteria to sustain conviction.

In this case, it is unfortunate that the complainant, despite instruction by the Committee to engage the legal service of a counsel, opted not to get one and just submitted the case for judgment based on the pleading and the documentary evidence so far presented.





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*Prefatorily, this committee could have just dismissed the instant administrative complaint motu proprio for failure of complainant to testify and prove his allegations as embodied in the*

*complaint and to present witnesses and persons who issued the submitted documentary evidence. The supporting documents, without proof of their authenticity and execution being established, are considered as mere scrap of papers which deserve no evidentiary weight and value. In short, they are inadmissible in evidence and deserve scant consideration.*

*On the other hand, however, this Committee does not rely entirely on technically but decides to examine all the records submitted if only to render justice and fair play to the adverse party.*

*Ironically, respondent acquiesce to the proposal of the complainant that they submit the case for decision on the basis of the evidence so far presented. Thus, it is just proper and fitting to evaluate, examine, and assess the respective claims of the parties to determine the culpability, if any, of the respondent.*

*After carefully scrutinizing the evidence proffered by both parties, this Committee concludes that the controversy pertains to boundary disputes between Barangay Bantog, Asingan, Pangasinan and Barangay San Patricio, Sta. Maria, Pangasinan.*

*Several documents were presented by the contending parties to prove that the property in question is within their respective boundaries, but in view of the failure of both parties to present themselves and their witnesses to prove their causes of action and assertions. There is therefore no certainty or assured fact that the land belongs to either of the party. In short, this Committee is still in a cloud of doubt and under state of speculation and conjecture as to the real owner of the land.*

*Since ownership of the land in question have not been yet established with absolute certainty, this Committee cannot pass upon and resolve whether or not the respondent is guilty of Grave Misconduct. In short, there is a "prejudicial question" which needs to be resolve first before the instant Administrative Complaint for Grave Misconduct be resolved and acted upon by this Committee.*

*To settle the issues once and for all, it is recommended that both the municipalities of Asingan where barangay Bantog is located and Sta. Maria where barangay San Patricio is found to institute an action before the Sanggunian Panlalawigan of Pangasinan in a "Boundary Dispute Proceedings" to determine whose territorial jurisdiction is the land in question located.*

**WHEREFORE**, premises considered, it is resolved that the administrative complaint against Mayor Julius C. Ramos be **DISMISSED**.



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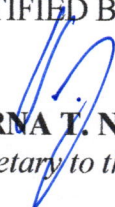
**WHEREAS**, the Sangguniang Panlalawigan finds the said Decision to be in order;

**WHEREFORE**, in view of the foregoing, on motion of SP Member Noel C. Bince, duly seconded, it was –


**RESOLVED**, by the Sangguniang Panlalawigan in session assembled to approve and adopt, as it is hereby approved and adopted as its decision en banc, the Resolution/Recommendation of the Committee on Good Government and Accountability of Public Officers, Justice and Human Rights in Administrative Case No. 04-2020;

**RESOLVED, FURTHER**, that copies of this resolution be furnished to Mr. Joker Ignacio, Punong Barangay of Bantog, Asingan, Pangasinan, and Mayor Julius C. Ramos of Sta. Maria, Pangasinan, and counsels, for their information and guidance.

CERTIFIED BY:

  
**VERNA T. NAVA-PEREZ**  
*Secretary to the Sanggunian*

ATTESTED:

  
**MARK RONALD DG. LAMBINO**  
Vice Governor  
*(Presiding Officer)*