CITY RESOLUTION NO.2013-97
Series of 2013

A RESOLUTION EXONERATING PUNONG BARANGAY NICANOR ESPRITU AND KAGAWAD EDWIN ESPRITU OF BARANGAY SALINAS 1, BACOOR CITY, CAVITE FROM THE COMPLAINT FILED BY MS. ROWENA BARRON IN VIEW OF THE AMICABLE SETTLEMENT THEREOF.


WHEREAS, a complaint was filed by Ms. Rowena Barron (the complainant) against Punong Barangay Nicanor Espiritu and Kagawad Edwin Espiritu (the respondents) before the Office of the Ombudsman. The said case was later docketed as IC-OC-12-0436 by the Office of the Ombudsman.

WHEREAS, the Office of the Ombudsman forwarded the Complaint to the Sangguniang Panlungsod for the latter to investigate the matter and exercise its disciplinary authority over barangay officials under Republic Act No. 7160 (the "Local Government Code of 1991").

WHEREAS, the Sangguniang Panlungsod referred the matter to its Committee on Barangay Affairs and to its Committee on Ordinances and Legal Matters (the "Joint Committee").

WHEREAS, the Joint Committee held a number of committee hearings attended by the Complainant, the Respondents, and their respective witnesses.

Address: Evangelista St., Barangay Tubing Dagit, Bacoor, Cavite
Telefax No.: (046) 434-6716
WHEREAS, during the said hearings, the contending parties realized that the controversy arose due to an incorrect appreciation of the facts of the said case and that, consequently, no criminal or administrative liability may be imposed against the respondents.

WHEREAS, on 8 June 2013, the contending parties executed a Compromise Agreement, a copy of which is attached hereto as Annex “A” and made an integral part hereof.

WHEREAS, as a consequence of the signing of the said Compromise Agreement, the Joint Committee passed Committee Report No. 023-13 on 14 June 2013 recommending the approval of a resolution exonerating the respondents and furnishing the Office of the Ombudsman with a copy thereof. Attached as Annex “B” and made an integral part hereof is a copy of Committee Report No. 023-13.

NOW THEREFORE, upon joint and unanimous motion of all the members constituting a quorum, BE IT RESOLVED AS IT IS HEREBY RESOLVED by the Sangguniang Panlungsod in regular session assembled to exonerate Punong Barangay Nicanor Espiritu and Kagawad Edwin Espiritu of Barangay Salinas 1 from all charges filed by Ms. Rowena Barron in view of the execution of a Compromise Agreement by the parties.

RESOLVED LASTLY, to furnish the Office of the Ombudsman, Punong Barangay Nicanor Espiritu, Kagawad Edwin Espiritu, and Ms. Rowena Barron with copies of this Resolution.

APPROVED UNANIMOUSLY by the Sangguniang Panlungsod this 24th day of June 2013 during its regular session held in the City of Bacoor, Cavite.

I hereby certify that the foregoing Resolution is true and correct.

Certified by:

HON. EDWIN G. GAWARAN
Acting City Vice Mayor/ Acting Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Approved by:

HON. STRIKE B. REVILLA, PhD
City Mayor

Address: Evangelista St., Barangay Tubig Dapat, Bacoor, Cavite
Telefax No.: (046) 434-6716
COMPROMISE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Compromise Agreement was executed in Bacoor City, Cavite on _______ 8, _______ 2013 by and between:

MS. ROWENA BARRON, Filipino, of legal age, residing at No. 365 3rd ½ St., Salinas 1, Bacoor City, Cavite (the "Complainant"); and

MR. NICANOR ESPRITU and MR. EDWIN ESPRITU, Filipinos, of legal age, with principal office address at the Barangay Hall of Barangay Salinas 1, Bacoor City, Cavite (the "Respondents").

WITNESSETH: That

A complaint was filed before the Office of the Ombudsman by the Complainant against the Respondents over the latter’s alleged maltreatment of the Complainant’s minor child.

The said complaint was docketed as IC-OC-12-0436 (the “Complaint”). The Office of the Ombudsman forwarded the Complaint to the Sangguniang Panlungsod for the latter to investigate the matter and exercise its disciplinary authority over barangay officials under Republic Act No. 7160 (the "Local Government Code of 1991").

The Sangguniang Panlungsod referred the matter to its Committee on Barangay Affairs and to its Committee on Ordinances and Legal Matters (the “Joint Committee”).

The Joint Committee held a number of committee hearings attended by the Complainant, the Respondents, and their respective witnesses.

During the said hearings, the contending parties realized that the controversy arose due to an incorrect appreciation of the facts of the said case and that, consequently, no criminal or administrative liability may be imposed against the Respondents.

NOW THEREFORE, upon the joint and mutual consent of the parties, they have agreed to execute this Agreement based on the following terms and conditions:

1. The Complainant agrees to withdraw and cause the dismissal of the Complaint (IC-OC-12-0436) from the Office of the Ombudsman;

2. The Complainant hereby holds the Respondents free and blameless for any injury or criminal/civil/administrative liability arising from the incidents surrounding the said case;

3. The Respondents hold the Complainant free and blameless for any offense or injury they may have suffered as a result of the filing of the Complaint and they commit to continue treating the Complainant with the respect and goodwill due her as a member of the community they serve;
4. The parties hereby agree to forgive one another for any misunderstanding that may have ensued from the filing of the said Complaint.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures on the date and place mentioned above.

NICANOR ESPiritu
Respondent

EDWIN ESPiritu
Respondent

ROWENA BARRON
Complainant

ACKNOWLEDGMENT

BEFORE ME, a notary public for and in the City of Bacoor, personally appeared the following persons this ___ day of JUN 10, 2013:

<table>
<thead>
<tr>
<th>Name</th>
<th>Gov't Issued ID</th>
<th>Place/Date Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROWENA BARRON</td>
<td>BIR / VOTER'S ID</td>
<td>Bacoor City / 04-07-2011</td>
</tr>
<tr>
<td>NICANOR ESPiritu</td>
<td>NIDA / OSCAR ID</td>
<td>Bacoor City / 04-06-2009</td>
</tr>
<tr>
<td>EDWIN ESPiritu</td>
<td>PHILBEATH</td>
<td>Bacoor / Oct. 1, '11 - Dec. 31, '11</td>
</tr>
</tbody>
</table>

Known to me and to me known to be the same persons who executed the foregoing document and acknowledged to me that the same is their free act and voluntary deed and that the corporation herein represented.

This Compromise Agreement consists of two (2) pages including this page whereon this Acknowledgment is written, signed by the parties and their instrumental witnesses on each and every page thereof and sealed with my notarial seal.

WITNESS MY HAND AND SEAL on the date and place above-written.

Notary Public

Doc. No. 193
Page No. 40
Book No. 34
Series of 2013.
JOINT COMMITTEE:

COMMITTEE ON BARANGAY AFFAIRS
COMMITTEE ON ORDINANCE & LEGAL MATTERS

Committee Report No. 023 - 13
June 14, 2013

SUBJECT:
SIGNING OF THE COMPROMISE AGREEMENT BETWEEN MS. ROWENA BARRON (THE "COMPLAINANT"), MR. NICANOR ESPiritu AND MR. EDWIN ESPiritu (THE "RESPONDENTS").

A committee hearing was conducted last Saturday, June 8, 2013 at the Barangay Hall of Salinas I, City of Bacoor, Cavite. Present during the hearing were Coun. Catherine S. Evaristo, Coun. Reynaldo Palabrica, Coun. Venus De Castro, Coun. Bayani De Leon as well as PB Nicanor Espiritu, Ms. Rowena Barron, Mr. Edwin Espiritu, Ms. Leonor Francisco, Brgy. Secretary, Mr. Benjamin Alcantara, Mr. Orlando I. Tabios, Mr. Cesar Del Rosario, the two witnesses, and Mrs. Flor Dagdag, SP staff of Coun. Evaristo. The hearing started at 10:04 am.

Coun. Evaristo presided over the hearing and gave PB Espiritu and Mrs. Barron copies of the draft Compromise Agreement for their comments. Thereafter, the said parties agreed to sign the Compromise Agreement signifying their desire to amicably settle the complaint filed by Mrs. Rowena Barron against PB Espiritu.

RECOMMENDATION:

In view of the foregoing, the Joint Committee recommends the approval of a resolution exonerating PB Espiritu and furnishing the Ombudsman with the copy thereof.

HON. CATHERINE S. EVARISTO
Chairwoman
Committee on Barangay Affairs

HON. VENUS D. DE CASTRO
Chairwoman
Committee on Ordinance & Legal Matters

HON. REYNALDO DC. PALABRICA
Vice-Chairman
Committee on Barangay Affairs

COUN. BAYANI DE LEON
Member
Committee on Ordinance & Legal Matters