



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-14-CRM-0420 to 0422**
Plaintiff, For: Violation of Sec. 3(e)
of R.A. No. 3019

SB-14-CRM-0423
For: Violation of Sec. 3(h)
of R.A. No. 3019

SB-14-CRM-0424
For: Violation of Sec. 89 (2)
of R.A. No. 7160

Present


- versus -

AVELINO C. CERIOLA

Accused.

FERNANDEZ, SJ, J.,
Chairperson
MIRANDA, J. and
VIVERO, J.

Promulgated:

April 26, 2019 

X-----X

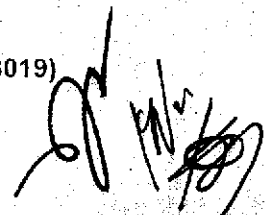
DECISION

FERNANDEZ, SJ, J.

Accused Avelino C. Ceriola, then the Municipal Mayor of Malinao, is charged with three (3) counts of violation of Sec. 3(e) of Republic Act No. 3019 (R.A. No. 3019) for allegedly issuing Mayor's Permits in favor of a corporation in which he holds an interest. He is further charged with violation of Sec. 3(h) of the same law, and violation of Sec. 89(a)(2) of Republic Act No. 7160 (R.A. No. 7160) for allegedly holding financial interest in a corporation engaged in the operation of a cockpit.

The accusatory portions of the Informations read:

SB-14-CRM-0420
(Violation of Sec. 3[e] of R.A. No. 3019)



DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 2 of 51

x-----x

That on or about 03 February 2012, in Malinao, Albay, and within the jurisdiction of this Honorable Court, the above-named accused, AVELINO C. CERIOLA, a public officer, being then the Municipal Mayor of Malinao, taking advantage of his official position and committing the crime in relation to his office, did then and there willfully, criminally, and with evident bad faith and manifest partiality, give unwarranted benefits, advantage or preference to Ceriola Property Holdings Corporation, a corporation in which he himself holds an interest, by unlawfully issuing an Annual Cockpit Permit (Mayor's Permit) in favor of the said corporation, contrary to the provisions of Section 447 (3) (v) of Republic Act No. 7160 which vests on the Sangguniang Bayan the exclusive power to authorize and license the establishment, operation and maintenance of cockpits and to regulate cockfighting within the Municipality, thereby allowing the said corporation to benefit from and exercise a privilege that it otherwise could not in the absence of an authority from the Sangguniang Bayan.

CONTRARY TO LAW.

SB-14-CRM-0421
(Violation of Sec. 3[e] of R.A. No. 3019)

That on or about 21 February 2012, in Malinao, Albay, and within the jurisdiction of this Honorable Court, the above-named accused, AVELINO C. CERIOLA, a public officer, being then the Municipal Mayor of Malinao, taking advantage of his official position and committing the crime in relation to his office, did then and there willfully, criminally, and with evident bad faith and manifest partiality, give unwarranted benefits, advantage or preference to New Malinao Cockpit Arena, Inc., a corporation in which he himself holds an interest, by unlawfully issuing a Mayor's Permit in favor of the said corporation for the operation of a "3 cock derby," contrary to the provisions of Section 447 (3) (v) of Republic Act No. 7160, which vests on the Sangguniang Bayan the exclusive power to authorize and license the establishment, operation and maintenance of cockpits and to regulate cockfighting within the Municipality, thereby allowing the said corporation to benefit from and exercise a privilege that it otherwise could not in the absence of an authority from the Sangguniang Bayan.

CONTRARY TO LAW.

SB-14-CRM-0422
(Violation of Sec. 3[e] of R.A. No. 3019)

That on or about 14 April 2012, in Malinao, Albay, and within the jurisdiction of this Honorable Court, the above-named accused,

DECISION

People vs. Ceriola

SB-14-CRM-0420 to 0424

Page 3 of 51

x-----x

AVELINO C. CERIOLA, a public officer, being then the Municipal Mayor of Malinao, taking advantage of his official position and committing the crime in relation to his office, did then and there willfully, criminally, and with evident bad faith and manifest partiality, give unwarranted benefits, advantage or preference to New Malinao Cockpit Arena, Inc., a corporation in which he himself holds an interest, by unlawfully issuing a Mayor's Permit in favor of the said corporation for the operation of a "4 cock derby," contrary to the provisions of Section 447 (3) (v) of Republic Act No. 7160, which vests on the Sangguniang Bayan the exclusive power to authorize and license the establishment, operation and maintenance of cockpits and to regulate cockfighting within the Municipality, thereby allowing the said corporation to benefit from and exercise a privilege that it otherwise could not in the absence of an authority from the Sangguniang Bayan.

CONTRARY TO LAW.

SB-14-CRM-0423

(Violation of Sec. 3[h] of R.A. No. 3019)

That on or about 21 February 2012, in Malinao, Albay, and within the jurisdiction of this Honorable Court, the above-named accused, AVELINO C. CERIOLA, a public officer, being then the Municipal Mayor of Malinao, taking advantage of his official position and committing the crime in relation to his office, did then and there willfully, criminally and feloniously have a direct or indirect financial or pecuniary interest in Ceriola Property Holdings Corporation (doing business in the style of Malinao Cockpit Arena), by serving as its President and Chairman of the Board of Directors, as well as its majority stockholder owning at least 55% of its subscribed shares, such Corporation being an entity engaged in the operation of a cockpit arena and the holding of cockfights and/or derbies, thereby violating Section 89 (2) of Republic Act No. 7160 which prohibits local government officials from having such interests in a cockpit or other games licensed by a local government unit.

CONTRARY TO LAW.

SB-14-CRM-0424

(Violation of Sec. 89 [2] of R.A. No. 7160)

That on or about 21 February 2012, in Malinao, Albay, and within the jurisdiction of this Honorable Court, the above-named accused, AVELINO C. CERIOLA, a public officer, being then the Municipal Mayor of Malinao, taking advantage of his official position and committing the crime in relation to his office, did then and there willfully, criminally and feloniously have a direct or indirect financial or pecuniary interest in Ceriola Property Holdings Corporation (doing

DECISION

People vs. Ceriola

SB-14-CRM-0420 to 0424

Page 4 of 51

X-----X

business in the style of Malinao Cockpit Arena), by serving as its President and Chairman of the Board of Directors, as well as its majority stockholder owning at least 55% of its subscribed shares, such Corporation being an entity engaged in the operation of a cockpit arena and the holding of cockfights and/or derbies, thereby violating the provision of the law which prohibits local government officials from having such interests in a cockpit or other games licensed by a local government unit.

CONTRARY TO LAW.

When arraigned, the accused entered his separate pleas of "Not Guilty" to all charges.¹

During the Pre-trial,² the parties stipulated as follows:³

I. STATEMENT OF STIPULATIONS OF FACTS:

In the Joint Stipulation of Facts dated October 7, 2016, between the prosecution and accused Avelino C. Ceriola, the following facts were stipulated:

- a) Avelino C. Ceriola is the same Avelino C. Ceriola who is named as accused in the Informations in Criminal Case Numbers SB-14-CRM-0420 to 0424;
- b) Avelino C. Ceriola is a public officer being then the Mayor of the Municipality of Malinao, Albay from 2010 to 2013 and within the time material to these cases;
- c) The building or establishment depicted in those pictures marked as Exhibits "D," "D-1," and "D-2," which were also marked as Exhibits "5-a," "5-b," and "5-c" is the New Malinao Cockpit Arena;
- d) Avelino C. Ceriola ceased to be the Mayor of Malinao, Albay on 30 June 2013;
- e) The Malinao Cockpit Arena was constructed on December, 2011; [sic] and
- f) Despite the passage of Resolution Number 46, series of 2011, the Sangguniang Bayan of Malinao, Albay did not give any permit to operate the Malinao Cockpit Arena after it was constructed.

¹ Record, Vol. 1, p. 172

² Pre-trial Order dated February 15, 2017; Record, Vol. 1, pp. 388-400

³ Pre-trial Order dated February 15, 2017, pp. 1-2; Record, Vol. 1, pp. 388-389

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 5 of 51

x-----x

The following are the issues to be resolved, as proposed by the parties:⁴

II. ISSUES TO BE RESOLVED

For the prosecution:

1. Whether or not accused Avelino C. Ceriola gave unwarranted benefits, advantage or preference to Ceriola Property Holdings, Inc., in violation of Section 3(e) Republic Act No. 3019, when he issued an Annual Cockpit Permit in its favor;
2. Whether or not accused Avelino C. Ceriola gave unwarranted benefits, advantage or preference to New Malinao Cockpit Arena, Inc., in violation of Section 3(e) of Republic Act No. 3019, when he issued in its favor a Mayor's Permit for the operation of a "3-cock derby";
3. Whether or not accused Avelino C. Ceriola gave unwarranted benefits, advantage or preference to New Malinao Cockpit Arena, Inc. in violation of Section 3(e) of Republic Act No. 3019, when he issued in its favor a Mayor's Permit for the operation of a "4-cock derby"; and
4. Whether or not accused Avelino C. Ceriola had a direct or indirect financial or pecuniary interest in Ceriola Property Holdings, Inc. by serving as its President and Chairman of the Board of Directors and by being a majority stockholder by owning fifty-five (55%) of its subscribed shares.

For accused Avelino Ceriola:

1. Whether or not Avelino Ceriola should be held liable for violating the provisions of the Anti-Graft and Corrupt Practices Act or R.A. No. 3019; and
2. Whether or not Avelino Ceriola should be held liable as a holder of shares of stocks in their family corporation long before he became mayor of Malinao, Albay.



⁴ Pre-trial Order dated February 15, 2017, pp. 2-3; Record, Vol. 1, pp. 389-390

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 6 of 51

x -----x

EVIDENCE FOR THE PROSECUTION

The prosecution presented as witnesses **Grace N. Marbella**,⁵ **Ervin O. Fajut**,⁶ **Augusto M. Austero IV**,⁷ **Evelyn D. Peña**,⁸ **Djoanna V. Luyun**,⁹ and **Eunice G. Dalisay-Salazar**.¹⁰

In her *Judicial Affidavit* dated February 21, 2017, **Grace N. Marbella**, Municipal Engineer¹¹ of Malinao, Albay, identified certain documents,¹² and declared:

1. She has been the Municipal Engineer of Malinao, Albay since September 1, 2000.¹³
2. She issued the Notice of Illegal Construction dated September 2, 2011 (Exhibit C) to Avelino Ceriola because he constructed a building without notifying the Engineering Office, and without complying with the requirements for the issuance of a building permit.¹⁴
3. The illegally constructed building was a cockpit named New Malinao Cockpit Arena.¹⁵
4. She personally went to the construction site and handed said Notice of Illegal Construction dated September 2, 2011 to a certain Architect Vince Velarde, the representative of Mayor Ceriola.¹⁶
5. Velarde accepted the Notice but refused to acknowledge its receipt, so she asked him to accompany her to Mayor Ceriola.¹⁷

⁵ TSNs, March 1, 2017, March 27, 2017 and April 17, 2017; *Judicial Affidavit of Engr. Grace N. Marbella* dated February 21, 2017 (Record, Vol. 1, pp. 405-421)

⁶ TSNs, April 27, 2017 and May 15, 2017; *Judicial Affidavit* dated February 15, 2017 (Record, Vol. 1, pp. 451-516)

⁷ TSNs, May 30, 2017 and June 21, 2017; *Judicial Affidavit of Augusto M. Austero IV* dated May 23, 2017 (Record Vol. 2, pp. 50-64)

⁸ TSN, June 21, 2017, September 4, 2017 and November 7, 2017; *Judicial Affidavit of Evelyn D. Peña* dated June 9, 2017 (Record, Vol. 2, pp. 75-116)

⁹ TSN, October 4, 2017; *Judicial Affidavit of Djoanna V. Luyun* dated August 31, 2017 (Record, Vol. 2, pp. 195-224)

¹⁰ TSN, November 22, 2017; *Judicial Affidavit of Atty. Eunice G. Dalisay-Salazar* dated October 26, 2017 (Record, Vol. 2, pp. 252-329)

¹¹ R.A. No. 7160. Sec. 477. *Qualifications, Powers and Duties.* – (a) x x x. The appointment of an engineer shall be mandatory for the provincial, city and municipal governments. The city and municipal engineer shall also act as the local building official.

¹² Exhibits C, F to I

¹³ *Judicial Affidavit of Engr. Grace N. Marbella* dated February 21, 2017, p. 2 (Record, Vol. 1, p. 406)

¹⁴ *Judicial Affidavit of Engr. Grace N. Marbella* dated February 21, 2017, p. 3 (Record, Vol. 1, p. 407)

¹⁵ *Ibid.*

¹⁶ *Judicial Affidavit of Engr. Grace N. Marbella* dated February 21, 2017, p. 4 (Record, Vol. 1, p. 408)

¹⁷ *Judicial Affidavit of Engr. Grace N. Marbella* dated February 21, 2017, p. 5 (Record, Vol. 1, p. 409)

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 7 of 51

X-----X

6. After serving the Notice upon Mayor Ceriola, Velarde signed the Notice as Mayor Ceriola's representative.¹⁸
7. After the Notice was served upon him, Mayor Ceriola instructed Velarde to apply for a building permit.¹⁹
8. Velarde later submitted certain documents (Exhibits F to I) in connection with the application for a building permit.²⁰
9. She did not yet approve the application for a building permit because the fire safety clearance, one of the requirements for a building permit, was not among the documents submitted by Velarde.²¹
10. The application was eventually granted after payment of administrative fines, surcharges and penalties.²²
11. She released certified true copies of the documents submitted by Velarde to then Councilor Ervin Fajut, who officially requested for copies of the same.²³

She further testified:

1. She came to know the accused in 2006, when he was elected as Mayor for the first time.²⁴
2. Her relationship with the accused was purely professional.²⁵
3. She issued a building permit in favor of the accused.²⁶
4. She knew that Velarde was in charge of the construction of the cockpit because the accused introduced Velarde as such to her.²⁷
5. She knew that the Sangguniang Bayan granted a permit for the construction of the Malinao Cockpit.²⁸

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Judicial Affidavit of Engr. Grace N. Marbella* dated February 21, 2017, pp. 6-7 (Record, Vol. 1, pp. 410-411)

²¹ *Judicial Affidavit of Engr. Grace N. Marbella* dated February 21, 2017, p. 8 (Record, Vol. 1, p. 412)

²² *Ibid.*

²³ *Ibid.*

²⁴ TSN, March 1, 2017, p. 46

²⁵ *Ibid.*

²⁶ TSN, March 1, 2017, p. 47

²⁷ TSN, March 1, 2017, p. 48

²⁸ *Ibid.*

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 8 of 51

X-----X

6. The accused applied for a building permit through his representative. The accused never personally went to her office.²⁹
7. The accused signed the application form not as Mayor, but as the owner of the property and as an applicant.³⁰
8. Among the requirements for the issuance of a building permit is proof of ownership. The documents submitted in connection with the application were the Transfer Certificate of Title, Tax Declaration and Deed of Sale.³¹
9. Although the Tax Declaration was in the name of a certain Canilo Jose, the Deed of Sale proved that the property was owned by the accused.³² She did not bring a copy of said Deed of Sale because it was submitted to the HLURB for locational clearance.³³
10. Velarde did not present any proof that he was authorized to apply for a building permit for and in behalf of Mayor Ceriola.³⁴
11. She knows that there was a cockpit arena in Paraputo. She did not issue a notice of illegal construction against the owner, considering that it was constructed sometime in the 1980s or the 1990s.³⁵
12. A member of her staff received the application form and made the corresponding annotation in the logbook.³⁶ She reviewed the application after it was received by her staff.³⁷
13. She was not aware of the purpose for which Councilor Fajut requested copies of the documents involved in the application for a building permit. She only knew that it was in connection with the applicant's "request for operation."³⁸
14. Councilor Fajut personally handed to her the letter dated May 4, 2012 (Exhibit BB) requesting for copies of documents.³⁹ In response, she sent the letter dated May 16, 2012 (Exhibit CC).⁴⁰

²⁹ TSN, March 27, 2017, pp. 10-11

³⁰ TSN, April 17, 2017, p. 9

³¹ TSN, March 27, 2017, p. 24

³² TSN, March 27, 2017, p. 31

³³ TSN, March 27, 2017, pp. 26-27

³⁴ TSN, March 27, 2017, p. 28

³⁵ TSN, March 27, 2017, pp. 14-15

³⁶ TSN, March 27, 2017, pp. 19-20

³⁷ TSN, March 27, 2017, p. 25

³⁸ TSN, March 27, 2017, pp. 20-21

³⁹ TSN, April 17, 2017, p. 9

⁴⁰ TSN, April 17, 2017, pp. 9-10

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 9 of 51

X-----X

In his *Judicial Affidavit* dated February 15, 2017, **Ervin O. Fajut** identified certain documents⁴¹ and declared:

1. In 2012, he was a Councilor of the Municipality of Malinao, Province of Albay.⁴²
2. On May 18, 2012, he filed a Complaint (Exhibit A) against Avelino Ceriola with the Office of the Ombudsman.⁴³
3. In the Affidavit (Exhibit B) attached to the Complaint, he stated that sometime in December 2011, he observed that Ceriola Property Holdings Inc. (Ceriola Corporation) constructed a cockpit.⁴⁴
4. He filed the Complaint against the accused after finding out that the accused was the majority shareholder of Ceriola Corporation, and therefore, the owner of said cockpit.⁴⁵
5. He found out that the accused was the majority shareholder of said corporation after he examined the corporation's General Information Sheet (Exhibit K) and the Amended Articles of Incorporation (Exhibit T).⁴⁶
6. Sometime in 2012, in preparation for the filing of his Complaint, he took some photos of the cockpit using a DSLR camera (Exhibits D, D-1 and D-2).⁴⁷
7. He requested from the Municipal Engineer certain documents (Exhibits C, E to I) in connection with the application for a building permit submitted by Avelino C. Ceriola.⁴⁸
8. The accused' applications for various permits were not approved because the Municipal Engineer issued the Notice of Illegal Construction.⁴⁹
9. Councilor Noel B. Tuazon proposed a Resolution, authorizing Ceriola Property Holdings, Inc. to construct a new building for the Malinao Cockpit Arena.⁵⁰ He opposed such proposed Resolution because under P.D. No. 449, for municipalities with

⁴¹ Exhibits A to W

⁴² *Judicial Affidavit* dated February 15, 2017, p. 2 (Record, Vol. 1, p. 452)

⁴³ *Ibid.*

⁴⁴ *Judicial Affidavit* dated February 15, 2017, p. 3 (Record, Vol. 1, p. 453)

⁴⁵ *Ibid.*

⁴⁶ *Judicial Affidavit* dated February 15, 2017, p. 4 (Record, Vol. 1, p. 454)

⁴⁷ *Judicial Affidavit* dated February 15, 2017, p. 5 (Record, Vol. 1, p. 455)

⁴⁸ *Judicial Affidavit* dated February 15, 2017, p. 6 (Record, Vol. 1, p. 456)

⁴⁹ *Judicial Affidavit* dated February 15, 2017, p. 7 (Record, Vol. 1, p. 457)

⁵⁰ *Ibid.*

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 10 of 51

x-----x

a population of less than 100,000, only one cockpit is authorized. A cockpit was already operating within the municipality.⁵¹

10. Despite his objection, the Sangguniang Bayan, through Resolution No. 46, Series of 2011 (Exhibit J), authorized Ceriola Property Holdings, Inc. to construct a building for the Malinao Cockpit Arena. Said Resolution was approved by the accused.⁵²
11. Said Resolution authorized only the construction of a cockpit. No resolution permitting the operation of a cockpit was issued in favor of the Ceriola Corporation (Exhibit O). Nonetheless, cockfights were held in the New Malinao Cockpit Arena.⁵³
12. As a result, the Committee on Laws and Ethics of the Sangguniang Bayan wrote a letter to the accused and Ceriola Property Holdings (Exhibits M and N). In both letters, there is no signature above the name "Ailene C. Dela Cruz" because she is the daughter of the accused.⁵⁴
13. The accused responded in the letter dated May 14, 2012 (Exhibit S).⁵⁵
14. New Malinao Cockpit Arena, Inc. was not a corporation registered with the Securities and Exchange Commission (Exhibit P).⁵⁶
15. Ceriola Corporation applied for the Mayor's Permits (Exhibits U, V and W) and paid for the fees (Exhibits Q and R) in connection with the operation of the New Malinao Cockpit Arena.⁵⁷

He further testified:

1. He was elected as Councilor in 2016. However, he was removed from his position after he was found guilty of Grave Misconduct and Dishonesty in the Decision in OMB-L-A-15-0306 (Exhibit 42).⁵⁸
2. His wife, the sister of a certain Mayor Morales, replaced him as Councilor. Mayor Morales was a political rival of the accused.⁵⁹

⁵¹ Judicial Affidavit dated February 15, 2017, p. 8 (Record, Vol. 1, p. 458)

⁵² Ibid.

⁵³ Judicial Affidavit dated February 15, 2017, pp. 11-12 (Record, Vol. 1, pp. 461-462)

⁵⁴ Judicial Affidavit dated February 15, 2017, p. 11 (Record, Vol. 1, p. 461)

⁵⁵ Ibid.

⁵⁶ Judicial Affidavit dated February 15, 2017, p. 12-13 (Record, Vol. 1, p. 462-463)

⁵⁷ Judicial Affidavit dated February 15, 2017, p. 13 (Record, Vol. 1, p. 463)

⁵⁸ TSN, April 27, 2017, p. 22

⁵⁹ TSN, April 27, 2017, pp. 26-27

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 11 of 51

X-----X

3. He has no personal knowledge of the circumstances surrounding the issuance of the Notice of Illegal Construction against the accused.⁶⁰
4. At the time of the construction of the Malinao Cockpit Arena, the Paraputo cockpit was in operation. He did not investigate whether it had secured the necessary permits.⁶¹
5. He investigated the Malinao Cockpit Arena because at the time, the accused was the Mayor and his (the accused) family owned said cockpit arena.⁶²
6. He concluded that the Malinao Cockpit Arena was already in operation because sometime between late 2011 and early 2012, he observed that people, bringing cocks, went in and out of the arena.⁶³
7. The accused was the incumbent Mayor when he took some pictures of the Malinao Cockpit Arena in preparation for the filing of the complaint. At the time, his sister-in-law, Alicia Morales, was the Vice Mayor. She became the Mayor after the accused lost in the 2013 elections.⁶⁴
8. In the letter dated May 14, 2012, the accused informed the Committee on Laws and Ethics that he and his family had divested themselves of their shares in Ceriola Property Holdings, Inc.⁶⁵
9. He learned of the letter only after he filed the Complaint with the Office of the Ombudsman.⁶⁶
10. The Malinao Cockpit Arena was constructed sometime in the second quarter of 2011. He might have been confused about the dates when he stated in his Complaint that the construction of the Malinao Cockpit Arena started sometime in the latter part of 2012.⁶⁷
11. When he filed the Complaint in May 2012, the Malinao Cockpit Arena appeared to be finished or nearly finished.⁶⁸

⁶⁰ TSN, April 27, 2017, p. 32

⁶¹ TSN, April 27, 2017, pp. 40-41

⁶² TSN, April 27, 2017, p. 43

⁶³ TSN, April 27, 2017, pp. 50-52

⁶⁴ TSN, May 15, 2017, pp. 6-7

⁶⁵ TSN, May 15, 2017, pp. 20-21

⁶⁶ TSN, May 15, 2017, pp. 24-25

⁶⁷ TSN, May 15, 2017, pp. 30-31

⁶⁸ TSN, May 15, 2017, pp. 31-32

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 12 of 51

X-----X

12. During the deliberations in the Sangguniang Bayan, he asked his colleagues why the corporation was asking for a permit to construct. The Sanggunian may issue a resolution authorizing an entity to operate, but the Municipal Engineering Office was in charge of issuing permits to construct.⁶⁹

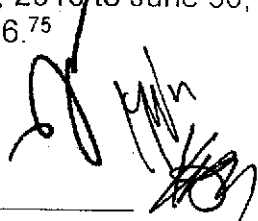
In his *Judicial Affidavit* dated May 23, 2017, **Augusto M. Austero IV**, Acting Secretary of the Sangguniang Bayan of Malinao, Albay, identified certain documents in his custody.⁷⁰

In her *Judicial Affidavit* dated June 9, 2017, **Evelyn D. Peña**, In-Charge-of-Office (ICO), Municipal Treasurer of Malinao, Albay, identified certain documents,⁷¹ and declared:

1. There is a typographical error in O.R. No. 1249882 dated February 3, 2012 (Exhibit R-10). It appears therein that there are two filing fees—the first in the amount of ₱200.00, and the second in the amount of ₱5,000.00. The first amount is the real filing fee, while the second amount pertains to the Annual Cockpit Permit Fee.⁷²
2. Art. H, Sec. 3H.02 of the Revenue Code of 2004 of Malinao provides that the application filing fee in the amount of ₱200.00, and the annual cockpit permit fee in the amount of ₱5,000.00, shall be collected from cockpit operators, owners or licensees. It is clear that the amounts of ₱200.00 and ₱5,000.00 in O.R. No. 1249882 pertain to the filing fee and the annual cockpit permit fee, respectively.⁷³

In her *Judicial Affidavit* dated August 31, 2017, **Djoanna V. Luyun**, Councilor of the Municipality of Malinao, identified certain documents,⁷⁴ and declared:

1. She has been a Councilor for three (3) terms. Her first term was from July 1, 2007 to June 30, 2010; her second term was from July 1, 2010 to June 30, 2013; and her third term was from July 1, 2016.⁷⁵



⁶⁹ TSN, May 15, 2017, p. 42

⁷⁰ Exhibits M to O, S, J

⁷¹ Exhibits R to R-10, Z, HH to KK

⁷² *Judicial Affidavit of Evelyn D. Peña* dated June 9, 2017, p. 16 (Record, Vol. 2, p. 90)

⁷³ *Judicial Affidavit of Evelyn D. Peña* dated June 9, 2017, p. 17 (Record, Vol. 2, p. 91)

⁷⁴ Exhibits D, D-1, D-2, J, J-1, K, M, N

⁷⁵ *Judicial Affidavit of Djoanna V. Luyun* dated August 31, 2017, pp. 2-3 (Record, Vol. 2, pp. 196-197)

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

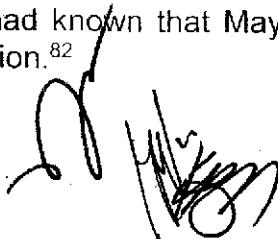
Page 13 of 51

x-----x

2. Councilor Noel B. Tuazon sponsored the proposed resolution authorizing Ceriola Property Holdings Co. Inc. to construct a building for the Malinao Cockpit Arena.⁷⁶
3. During the deliberations for said proposed resolution, Councilor Tuazon requested that the “committee as a whole”—meaning, all councilors, including those who are not members of the Committee on Infrastructure—be present, to address in advance the issues that would be raised in the formal deliberation during the regular session.⁷⁷
4. The Resolution (Exhibit J) was eventually approved. Thereafter, the building for the New Malinao Cockpit Arena was constructed.⁷⁸
5. After the construction of the cockpit, Ceriola Property Holdings Co. Inc. requested the Sanggunian to issue in its favor a resolution authorizing it to operate.⁷⁹
6. In one of the regular sessions held sometime in the last quarter of 2012 or the first quarter of 2013, the majority of the Sangguniang Bayan decided to send letters to Mayor Avelino Ceriola (Exhibit N) and to Ceriola Property Holdings Co. Inc. (Exhibit M).⁸⁰
7. The Sanggunian did not grant the request of Ceriola Property Holdings Co. Inc. because the councilors realized that there would be conflict of interest on the part of Mayor Avelino Ceriola. Under the Local Government Code, a local official cannot directly or indirectly have business interest in any cockpit or other games licensed by the local government.⁸¹

She further testified:

1. At the time Councilor Noel Tuazon sponsored Ceriola Property Holdings’ application for the construction of the Malinao Cockpit Arena, she had known that Mayor Ceriola was part owner of said corporation.⁸²



⁷⁶ *Judicial Affidavit of Djoanna V. Luyun* dated August 31, 2017, p. 7 (Record, Vol. 2, p. 201)

⁷⁷ *Ibid.*

⁷⁸ *Judicial Affidavit of Djoanna V. Luyun* dated August 31, 2017, p. 8 (Record, Vol. 2, p. 202)

⁷⁹ *Judicial Affidavit of Djoanna V. Luyun* dated August 31, 2017, p. 11 (Record, Vol. 2, p. 205)

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² TSN, October 4, 2017, p. 28

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 14 of 51

X-----X

2. When the matter was submitted to the committee as a whole, the issue of the propriety of then Mayor having an interest in the application for the Malinao Cockpit Arena was not raised.⁸³
3. Mayor Ceriola was informed that his interest in the Malinao Cockpit Arena was in violation of the Local Government Code only at the time of the request for a permit to operate.⁸⁴
4. The Malinao Cockpit Arena created revenue for the municipality.⁸⁵
5. She co-sponsored Resolution No. 46 because it pertained only to the construction of the building for the Malinao Cockpit Arena, and because it would generate income for the municipality.⁸⁶
6. Prior to Resolution No. 46, the Sanggunian issued two (2) resolutions authorizing the accused to seek permission or advice from Governor Salceda with regard to the establishment of a cockpit in Malinao, Albay. There was no response from the Governor.⁸⁷

In her *Judicial Affidavit* dated October 26, 2017, **Eunice G. Dalisay-Salazar**, Securities Counsel III, Company Registration and Monitoring Department (CRMD) of the Securities and Exchange Commission (SEC), identified certain documents.⁸⁸

The following documentary exhibits offered by the prosecution were admitted in evidence.⁸⁹

Exhibit	Document
A	Complaint dated May 18, 2012 of Ervin O. Fajut
B	Affidavit dated May 18, 2012 of Ervin O. Fajut
C	Notice of Illegal Construction No. 001-2011 dated September 2, 2011
D, D-1 and D-2	Photographs of the New Malinao Cockpit Arena building
E	Page of the logbook bearing the list of documents submitted in support of the application of building permit for Malinao Cockpit Arena
F	Building Permit Form for Application No. 0933-9-12-2011
G	Electrical Permit Application No. 0933

⁸³ TSN, October 4, 2017, p. 29

⁸⁴ TSN, October 4, 2017, pp. 31-32

⁸⁵ TSN, October 4, 2017, p. 33

⁸⁶ TSN, October 4, 2017, p. 40

⁸⁷ TSN, October 4, 2017, pp. 41-44

⁸⁸ Exhibits K, T, X

⁸⁹ Resolution dated January 22, 2018; Record, Vol. 2, pp. 493-494

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 15 of 51

X-----X

H	Sanitary/Plumbing Permit Application No. 0933
I	Site Development Plan
J	Sangguniang Bayan Resolution No. 46, s. 2011
K	General Information Sheet for the Year 2011 of Ceriola Property Holdings Co., Inc.
K-9	Official Receipt No. 5675002 dated April 10, 2012
L	Locational Clearance issued on February 9, 2012
M	Letter dated March 13, 2012 of the Office of the Sangguniang Bayan addressed to Ceriola Property Holdings Co., Inc.
N	Letter dated March 15, 2012 of the Office of the Sangguniang Bayan addressed to Avelino C. Ceriola
O	Certification dated April 12, 2012 issued by Ma. Teresita O. Alcala, Acting Secretary to the Sangguniang Bayan
P	Certification of Non-Registration of Company dated April 25, 2012 issued by the Company Registration and Monitoring Department of the Securities and Exchange Commission
Q	Undated Certification issued by the Office of the Municipal Treasurer
R	Letter dated May 16, 2012 of the Office of the Municipal Treasurer addressed to Ervin O. Fajut
R-2	Official Receipt No. 1249865 dated February 2, 2012
R-3	Official Receipt No. 1250416 dated February 21, 2012
R-4	Official Receipt No. 1252001 dated April 3, 2012
R-5	Official Receipt No. 1252514 dated April 19, 2012
R-6	Official Receipt No. 1252769 dated April 24, 2012
R-7	Official Receipt No. 1252513 dated April 19, 2012
R-8	Official Receipt No. 1250445 dated February 28, 2012
R-9	Official Receipt No. 1249900 dated February 7, 2012
R-10	Official Receipt No. 1249882 dated February 3, 2012
S	Letter dated May 14, 2012 of Avelino C. Ceriola addressed to Hon. Noel B. Tuazon
T to T-18	Certificate of Filing of Amended Articles of Incorporation dated May 7, 2012 of Ceriola Property Holdings Co., Inc. doing business and style of Malinao Cockpit Arena
U	Mayor's Permit No. 2012-097 dated February 3, 2012
V	Mayor's Permit No. 2012-116 dated February 21, 2012
W	Mayor's Permit No. 2012-212 dated April 14, 2012
X	General Information Sheet for the Year 2012 of Ceriola Property Holdings Co. Inc., doing business and style of Malinao Cockpit Arena
Z	Revenue Code of Malinao, Albay enacted on March 26, 2004
BB	Letter dated May 4, 2012 of Ervin O. Fajut addressed to Engr. Grace Marbella
CC	Letter dated May 16, 2012 of Grace N. Marbella addressed to Ervin O. Fajut
DD	Deed of Absolute Sale dated September 28, 2011 between Jose C. Canillo and Avelino C. Ceriola for Lot No. 2024-L
DD-2	Deed of Absolute Sale dated September 28, 2011 between Jose Canillo and Avelino C. Ceriola for Lot No. 2024-E

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 16 of 51

X-----X

DD-3	Deed of Absolute Sale dated September 28, 2011 between Jose Canillo and Avelino C. Ceriola for Lot No. 2023-A
GG	Special Order dated May 17, 2017
HH	Letter dated January 31, 2017 of Evelyn D. Peña, ICO-Municipal Treasurer
II	Indorsement dated January 27, 2017
JJ	Bureau of Local Government Finance Regional Special Personnel Order No. 40-2016 dated June 22, 2016
KK	Bureau of Local Government Finance Regional Special Personnel Order No. 93-2016 dated December 20, 2016
LL	Service Record of Peña Evelyn De Guzman
MM	Supplement to the Special Order dated May 17, 2017
NN	Authorization dated May 8, 2017 issued by Director Ferdinand B. Sales
NN-1	Authorization dated November 20, 2017 issued by Director Ferdinand B. Sales

EVIDENCE FOR THE DEFENSE

The defense presented as its witnesses **Jaime R. Belason**,⁹⁰ **Ofelia C. Bigata**,⁹¹ **Abner C. Cargullo**⁹² and accused **Avelino C. Ceriola**.⁹³

In his *Judicial Affidavit* dated February 2018, **Jaime R. Belason** declared:

1. He was the Barangay Captain of Brgy. Estancia, Malinao, Albay from 2010 to 2013.⁹⁴
2. He was born and raised in Malinao. He went to Manila to finish an auto mechanic vocational course, but after graduating in 1979, he returned to Malinao.⁹⁵
3. Before the New Malinao Cockpit Arena was built, the only source of income of the people in the municipality was farming. The construction of the New Malinao Cockpit Arena gave rise to the vibrant economic activity in the area.⁹⁶

⁹⁰ TSN, February 19, 2018; *Judicial Affidavit* dated February 2018 (Record, Vol. 2, pp. 499-508)

⁹¹ TSNs, April 16, 2018 and April 19, 2018; *Judicial Affidavit* dated February 22, 2018 (Record, Vol. 3, pp. 9-42); *Supplemental Judicial Affidavit* dated March 9, 2018 (Record, Vol. 3, pp. 47-66)

⁹² TSNs, April 23, 2018, April 26, 2018 and July 19, 2018; *Judicial Affidavit* dated April 21, 2018 (Record, Vol. 3, pp. 106-135)

⁹³ TSNs, August 30, 2018 and August 31, 2018; *Judicial Affidavit* dated August 24, 2018 (Record, Vol. 3, pp. 177-208)

⁹⁴ *Judicial Affidavit* dated February 2018, p. 3 (Record, Vol. 2, p. 501)

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 17 of 51

x-----x

4. Whenever there are cockfights, a lot of people—both from Malinao, and those from other municipalities—visit the place. There are also a lot of stalls and vendors inside and outside the cockpit.⁹⁷
5. Aside from the New Malinao Cockpit Arena, there were small cockpit arenas operating in Malinao. These were (1) "Paraputo" cockpit in Brgy. Estancia, (2) "LVC" in Brgy. Balading, and (3) the cockpit in the market beside the municipal hall.⁹⁸
6. The "Paraputo" cockpit stopped operating sometime around 2011.⁹⁹ He does not know when it conducted cockfights because the operators never secured permits from the barangay.¹⁰⁰
7. He does not remember when "LVC" was built, but he knows that it had been there even before the term of then Mayor Ceriola, and that it stopped operating after it was destroyed by typhoon "Juaning" in 2011. Like "Paraputo," it was a small cockpit which operated irregularly.¹⁰¹
8. He does not remember the name of the cockpit beside the municipal hall because there were no signages when it was still operating. It existed even before Mayor Ceriola's term in 2007, but it has not been in operation for a long time. It was another small cockpit that operated irregularly.¹⁰²

He further testified:

1. After finishing high school, he took a vocational course at the De Guzman Institute in Quiapo, Manila.¹⁰³
2. The New Malinao Cockpit Arena is owned by a corporation in the name of former Mayor Avelino Ceriola.¹⁰⁴
3. He has not seen any document that would prove former Mayor Ceriola's ownership of the New Malinao Cockpit Arena.¹⁰⁵
4. The New Malinao Cockpit Arena is located in Brgy. Balading.¹⁰⁶

⁹⁷ *Judicial Affidavit* dated February 2018, p. 4 (Record, Vol. 2, p. 502)

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ *Judicial Affidavit* dated February 2018, p. 5 (Record, Vol. 2, p. 503)

¹⁰¹ *Ibid.*

¹⁰² *Judicial Affidavit* dated February 2018, p. 6 (Record, Vol. 2, p. 504)

¹⁰³ TSN, February 19, 2018, p. 11

¹⁰⁴ TSN, February 19, 2018, pp. 13-14

¹⁰⁵ TSN, February 19, 2018, p. 14

¹⁰⁶ *Ibid.*

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 18 of 51

x-----x

In her *Judicial Affidavit* dated February 22, 2018, and *Supplemental Judicial Affidavit* dated March 9, 2018, **Ofelia C. Bigata**, Barangay Chairperson of Brgy. Balading, identified certain documents¹⁰⁷ and declared:

1. She has been the Barangay Chairperson of Brgy. Balading since 2007.¹⁰⁸
2. During her term as Liga ng mga Barangay (LB) President and Ex-Officio Member of the Sangguniang Bayan in 2011, she learned that the municipal councilors proposed to build a new cockpit arena that complied with all the legal requirements in Malinao.¹⁰⁹
3. The Sanggunian wanted a cockpit arena that operated legally, as opposed to the existing "fly-by-night" cockpits at the time.¹¹⁰
4. As far as she knew, there were three cockpits at the time (Exhibits 47 and 48). These were (1) "Paraputo" in Brgy. Estancia, (2) "LVC" in Brgy. Balading, and (3) the one in the market, beside the municipal hall. All three were small cockpits which held cockfights at different times.¹¹¹
5. When she was at the council, they discussed the matter of the failure of said three cockpits to pay taxes and to secure permits from the municipality.¹¹²
6. She was given a copy of Sangguniang Bayan Resolution No. 31, Series of 2007 (Exhibit 2), which shows that as early as 2007, the councilors had been pushing for the establishment of a new cockpit in Malinao.¹¹³
7. In 2011, after a series of committee hearings and public consultations, the Sangguniang Bayan issued Resolution No. 36, Series of 2011 (Exhibit 1), authorizing then Mayor Ceriola to request from then Governor Joey Salceda permission to implement the plan of the municipality.¹¹⁴
8. Back in 2011, Malinao only relied on the Internal Revenue Allotment (IRA) it received from the National Government. The

¹⁰⁷ Exhibits 1, 2, 3, 38, 47, 48, 67 and series

¹⁰⁸ *Judicial Affidavit* dated February 22, 2018, p. 3 (Record, Vol. 3, p. 11)

¹⁰⁹ *Ibid.*

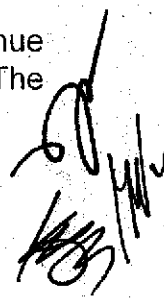
¹¹⁰ *Ibid.*

¹¹¹ *Judicial Affidavit* dated February 22, 2018, p. 4 (Record, Vol. 3, p. 12)

¹¹² *Ibid.*

¹¹³ *Judicial Affidavit* dated February 22, 2018, p. 5 (Record, Vol. 3, p. 13)

¹¹⁴ *Ibid.*



DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 19 of 51

x-----x

only business establishment at the time was a pulp/fiber company.¹¹⁵

9. Cockfighting stirred up economic activity because whenever cockfights were held in the municipality, people gathered in the municipal center, and farmers were able to sell their produce to them.¹¹⁶
10. Councilor Djoanna V. Luyun co-sponsored said Resolution (Exhibit 1). All Sanggunian members agreed that it was for the greater good.¹¹⁷
11. Alicia B. Morales was the Vice Mayor and the Presiding Officer of the Sanggunian at the time. She was a staunch political rival of former Mayor Ceriola. She did not oppose the new cockpit arena, and in fact, agreed that building said cockpit arena would be for the best interest of Malinao.¹¹⁸
12. After the Sanggunian passed Resolution No. 36, Series of 2011, Mayor Ceriola told the council that he phoned Governor Salceda, who said that he was not opposing the construction of the cockpit since it was within the municipality's power to do so.¹¹⁹
13. After typhoon "Juaning" destroyed the small cockpits, which were mostly made of wood, on July 26, 2011, there was an overwhelming sentiment from the Sanggunian members that it was the right time to build the new cockpit arena. The Sanggunian then passed Resolution No. 46, Series of 2011 (Exhibit 3), authorizing Ceriola Property Holdings to construct a new cockpit arena in Malinao.¹²⁰
14. Councilor Noel B. Tuazon, head of the Committee on Laws and Ethics, and of the Finance Committee, explained to the members of the Sanggunian that they pushed for Ceriola Property Holdings, Inc. to build the new cockpit arena because as early as 2007, they had the idea that former Mayor Ceriola, through his corporations, could build the structure for the cockpit arena.¹²¹
15. At the time, former Mayor Ceriola, through his family, built the only gas station in the municipality. They thought that he was

¹¹⁵ Judicial Affidavit dated February 22, 2018, p. 6 (Record, Vol. 3, p. 14)

¹¹⁶ Judicial Affidavit dated February 22, 2018, pp. 6-7 (Record, Vol. 3, p. 14-15)

¹¹⁷ Judicial Affidavit dated February 22, 2018, p. 7 (Record, Vol. 3, p. 15)

¹¹⁸ Judicial Affidavit dated February 22, 2018, pp. 7-8 (Record, Vol. 3, pp. 15-16)

¹¹⁹ Judicial Affidavit dated February 22, 2018, p. 8 (Record, Vol. 3, p. 16)

¹²⁰ Judicial Affidavit dated February 22, 2018, pp. 8-9 (Record, Vol. 3, pp. 16-17)

¹²¹ Judicial Affidavit dated February 22, 2018, p. 10 (Record, Vol. 3, p. 18)

DECISION

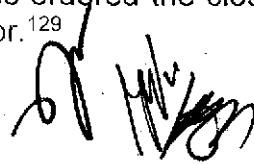
People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 20 of 51

X-----X

capable of building the proposed cockpit arena, which required considerable investment.¹²²

16. The Municipality of Malinao had no Legal Officer. They relied on the committee heads to study any matter presented before the Sanggunian.¹²³
17. Sometime in February 2012, in one of their sessions, Councilor Noel B. Tuazon brought up the issue of conflict of interest on the part of former Mayor Ceriola. Some members of the Sanggunian asked why the matter was not raised before they authorized the construction of the cockpit. In response, Councilor Tuazon only said that it is the law, so it must be followed.¹²⁴
18. At the time, it became known that Vice Mayor Alicia Morales would be running for the post of Mayor in the 2013 elections. Many of the members of the Sanggunian shifted allegiances and became allied with former Vice Mayor Morales. Former Mayor Ceriola's political opponents started discrediting him.¹²⁵
19. Sometime in May 2012, the Sanggunian received a copy of a letter (Exhibit 38) from former Mayor Ceriola, informing the Sanggunian that he and his family divested themselves of their interest in Ceriola Property Holdings, Inc. by selling their shares to a group engaged in the business of cockfighting operations and derby.¹²⁶
20. The new owners of Ceriola Property Holdings, Inc. tried to apply for a permit to operate from the Sangguniang Bayan. However, every time the matter was brought up during their sessions, Councilors Tuazon and Fajut would shut down the discussion and insist that it was prohibited by law.¹²⁷
21. After her term as LB President ended in 2013, she no longer received updates on the issue. All she knows is that the cockpit was not granted a permit to operate.¹²⁸
22. Former Vice Mayor Morales ordered the closure of the cockpit after she became the Mayor.¹²⁹



¹²² *Judicial Affidavit* dated February 22, 2018, p. 13 (Record, Vol. 3, p. 21)

¹²³ *Judicial Affidavit* dated February 22, 2018, p. 12 (Record, Vol. 3, p. 20)

¹²⁴ *Judicial Affidavit* dated February 22, 2018, pp. 13-14 (Record, Vol. 3, pp. 21-22)

¹²⁵ *Judicial Affidavit* dated February 22, 2018, p. 14 (Record, Vol. 3, p. 22)

¹²⁶ *Ibid.*

¹²⁷ *Judicial Affidavit* dated February 22, 2018, p. 15 (Record, Vol. 3, p. 23)

¹²⁸ *Judicial Affidavit* dated February 22, 2018, p. 16 (Record, Vol. 3, p. 24)

¹²⁹ *Ibid.*

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 21 of 51

X-----X

23. The cockpit was eventually reopened. She does not know the circumstances surrounding such reopening. All she heard was that there was a case, and that the cockpit was allowed to operate.¹³⁰
24. Different barangays conduct cockfights in the New Malinao Cockpit Arena (Exhibit 37).¹³¹
25. She issued the Barangay Business Clearance dated January 18, 2018 in favor of the Malinao Cockpit Arena.¹³²
26. The New Malinao Cockpit Arena has brought economic activity to the area.¹³³
27. On February 18, 2018, the barangay conducted a sanitary inspection in the cockpit to check if cleanliness was observed, considering that vendors sold different kinds of commercial, agricultural and food products in the cockpit whenever cockfights were held.¹³⁴
28. She was accompanied by a certain Kagawad Salvador Canusa, who was in charge of the Barangay Sanitation Committee of Barangay Balading. She asked him to take pictures of the on-going activities (Exhibits 67 and series).¹³⁵
29. During the inspection, she found that the cockpit was like a wet market whenever cockfights were held because fish products were being sold.¹³⁶

She further testified:

1. The Sangguniang Bayan of Malinao issued a permit to operate in favor of the Malinao Cockpit Arena sometime in 2012.¹³⁷
2. During her term as Ex-Officio Member of the Sangguniang Bayan, only Ceriola Property Holdings, Inc. applied for a permit to operate a cockpit.¹³⁸

¹³⁰ Judicial Affidavit dated February 22, 2018, pp. 16-17 (Record, Vol. 3, pp. 24-25)

¹³¹ Judicial Affidavit dated February 22, 2018, p. 17 (Record, Vol. 3, p. 25)

¹³² Supplemental Judicial Affidavit dated March 9, 2018, p. 3 (Record, Vol. 3, p. 49)

¹³³ Supplemental Judicial Affidavit dated March 9, 2018, p. 4 (Record, Vol. 3, p. 50)

¹³⁴ Supplemental Judicial Affidavit dated March 9, 2018, pp. 4-5 (Record, Vol. 3, pp. 50-51)

¹³⁵ Supplemental Judicial Affidavit dated March 9, 2018, pp. 4-5 (Record, Vol. 3, pp. 50-51)

¹³⁶ Supplemental Judicial Affidavit dated March 9, 2018, p. 5 (Record, Vol. 3, p. 51)

¹³⁷ TSN, April 16, 2018, pp. 17-18

¹³⁸ TSN, April 16, 2018, pp. 20-22

DECISION

People vs. Ceriola
SB-14-CRM-0420 to 0424

Page 22 of 51

X-----X

3. Mayor Ceriola and his family sold their interest and assets in Ceriola Property Holdings after he (accused Ceriola) became aware that as Mayor, he could not have such interest.¹³⁹
4. Mayor Ceriola and his family divested themselves of their interest in said corporation after the construction of the cockpit arena.¹⁴⁰
5. Sometime in 2012, her barangay wrote to Wainwright Berden, informing him that they would be holding a cockfight called "Ulutan to the Max" (Exhibit 37) for the purpose of generating income for the barangay.¹⁴¹
6. Wainwright Berden's name was mentioned in the resolution because according to a representative of Ceriola Property Holdings, Inc., the owner was Wainwright Berden.¹⁴²
7. A representative of Ceriola Property Holdings, Inc. presented a Deed of Assignment showing that on February 18, 2012, the Ceriola family transferred their shares in Ceriola Property Holdings. She does not remember when the Deed of Assignment was presented.¹⁴³
8. She signed the letter dated March 15, 2012 (Exhibit N) because Councilor Tuazon explained that Mayor Ceriola was prohibited by law from operating.¹⁴⁴

In his *Judicial Affidavit* dated April 21, 2018, **Abner C. Cargullo**, Municipal Councilor of Malinao, identified certain documents¹⁴⁵ and declared:

1. He was a Councilor of the Municipality of Malinao from 2004 to 2007. He then became the Vice Mayor of Malinao, and held the position from 2007 to 2010. He, again, became a Municipal Councilor in 2013, and has held the position until the present.¹⁴⁶
2. He was involved in the Sangguniang Bayan's previous efforts in connection with the construction of a cockpit arena in Malinao.¹⁴⁷

¹³⁹ TSN, April 16, 2018, pp. 24-25

¹⁴⁰ TSN, April 16, 2018, p. 26

¹⁴¹ TSN, April 19, 2018, p. 5

¹⁴² TSN, April 19, 2018, pp. 16-17

¹⁴³ TSN, April 19, 2018, pp. 18-19

¹⁴⁴ TSN, April 19, 2018, pp. 13-14

¹⁴⁵ Exhibits 38, 40 and 41

¹⁴⁶ *Judicial Affidavit* dated April 21, 2018, p. 4 (Record, Vol. 3, p. 109)

¹⁴⁷ *Judicial Affidavit* dated April 21, 2018, p. 3 (Record, Vol. 3, p. 108)