

Alpha Phi Omega

International (Philippines), Incorporated
COMMISSION ON MEMBERSHIP

Unit 1, Landsdale Arcade Complex,
86 Timog Ave. cor. Mother Ignacia Ave., Quezon City
Tel No (632) 468-4575, Cell No. +63927-251-1981



EN BANC

BRO. DOMINADOR L. ESTRADA, JR.
AND BRO. ED B. GAYOS,
Complainants,

vs.

CoMe Case No. 2009-21

BRO. JOHN VERSOZA,
BRO. ROMMEL YBANEZ,
BRO. JESS MENES,
BRO. GARY HILARIO,
BRO. ERIK CAGUITTA,
BRO. RIZ VIRAY,
SIS. CHERYL PANTALEON,
BRO. CHRISTIAN CARRIASO
AND BRO. ONASIS DALOG,
Respondents.

Present:
Lopez, *Chairman*
Salting, *Deputy Chairman*
Reyes, *Commissioner*
Palon, *Commissioner*
Barrios, *Commissioner*
Basar, *Commissioner Rep.*

Promulgated: 18 September 2009

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Per Curiam.:

RESOLUTION

This resolves to the complaint of Brother Dominador L. Estrada, Jr. of Upsilon Alumni Association.

In the complaint form that was filled up and filed before this Commission (attached herein as Annex – “A”), the complainant checked all the grounds relative to the suspension and/or revocation of membership with the prayer for the immediate recall of all petitioning IDs that were issued to members who were initiated at Manila Law College.

Appended to the pro-forma complaint is a letter complaint stating the allegations in support of his prayer for the revocation of membership, suspension of membership and recall of petitioning IDs.

The complainant was represented by counsel Brother Atty. Ed Gayos, of Upsilon who also acted in his own behalf. The email of Brother Atty. Ed Gayos to this Commission through the Chairman (attached herein as Annex – “B”), elucidated the true nature and purpose of the complaint.

A perusal of the allegations in the letter complaint of Brother Dominador Estrada reveals the following:

1. The complaint is lacking in material particular considering that the allegations are not actually based on facts known personally to the complainant but on hearsay.

2. There are two (2) persons whose membership are apparently in question, namely: John Versoza allegedly of Alpha Theta and Rommel Ybanez for being an alleged un-ritualized brother;
3. As regards the rest of the persons named in the letter-complaint found in paragraph 13, it is not clear whether their memberships are in question. The letter complaint simply stated that they are seeking membership in Alpha Phi Omega in the “National Council and/or Commission on Membership”. Neither of the two has the jurisdiction to confer membership on a pledge. It is the chapter or petitioning chapter that confers membership to a pledge. At most, the National Council exercises supervision over the recruitment of members i.e., compliance with the APO Pledge Program.

The Commission on Membership is mandated to conduct preliminary investigation on issues regarding suspension and revocation of membership Art. VII (B), Section 7, sub-paragraph (e), CBL.

The letter-complaint is primarily a request for the recall of all petitioning IDs issued to Manila Law College alleged applicants for chartering and denial of Manila Law College Applicants’ request for chartering before the National Council and the Commission on Membership. As stated earlier, this was made crystal clear in the attached email of co-complainant and counsel Brother Atty. Ed Gayos.

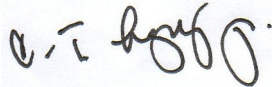
The issue being raised is the founding of a chapter within the same campus. Although Brother Atty. Ed Gayos aptly argued that there should be no two charters within the same campus, the fact remains that the issue being raised at this point is not an issue of membership.

With these in view, this Commission is of the opinion that:

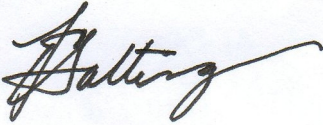
1. As regards John Versoza, verification from the data base reveals that he is a member initiated at Alpha Theta, Batch 1997, ID# 25953 while Rommel Ybanez is a member initiated at Alpha Omicron, Batch 1987, ID# 36060. Thus, unless there are evidence to the contrary, their membership remains as such;
2. With respect to the recall of all petitioning IDs issued to members from Manila Law College, since this matter does not involved the suspension, revocation or determination of membership, this Commission has no jurisdiction to resolve the same; and
3. In so far as the prayer for the denial of Manila Law College Applicants’ request for chartering, considering that there is no actual application yet that is pending before this Commission, the same is pre-mature. Moreover, assuming that there is a pending application before this Commission, its duty is purely administrative i.e., to see to it that all the requirements for charter application have been complied with. If the requirements are incomplete, the application is sent back to the applicant for further compliance. Upon the other hand, if there has been full compliance, based on the Commission’s deliberation, the application is forwarded to the Board together with its recommendation. The Board then deliberates and approves or disapproves the application. Thus, in the absence of any factual allegation duly supported by evidence involving membership issues, this Commission has no jurisdiction on the matter.

WHEREFORE, premises considered, the complaint is hereby dismissed without

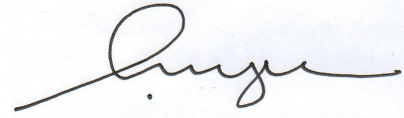
prejudice to the filing of the proper complaint.



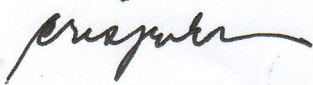
BRO. CONSTANTINO T. LOPEZ, JR.
Chairman



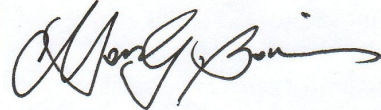
BRO. ERNESTO SALTING
Deputy Chairman




BRO. ORLANDO REYES
Commissioner



SIS. CRISANTA PALON
Commissioner



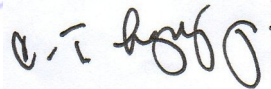
BRO. MARIANO BARRIOS
Commissioner



BRO. ANTONIO BASAR
Commissioner Rep

CERTIFICATION

Pursuant to the Rules of Commission on Membership, it is hereby certified that the conclusions in the above Resolution were reached in consultation before the case was assigned to the writer of the opinion of the Commission.



BRO. CONSTANTINO T. LOPEZ, JR.
Chairman

CC: NP
BOD
RAC/SAC
NED