



Visayas State University

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Office of the President

3 January 2011

MEMORANDUM NO. 6
Series of 2011

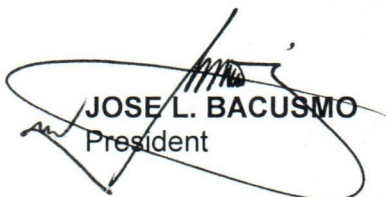
T O: Dr. Myrna M. Avila - Chairperson
Prof. Norma B. Mesorado - Member
Prof. Rosa Ophelia D. Velarde - Member
Dr. Candelario L. Calibo - Member
Dr. Arturo E. Pasa - Member

R E: Preliminary Investigation Committee on the Complaint of
Ms. Charmaine M. Guarte Against Mr. Gregg Manuel B. Albueria

With Dr. Myrna M. Avila as Chairperson and the rest as members, please constitute yourselves into a preliminary investigation committee on the complaint of Ms. Charmaine M. Guarte against Mr. Gregg Manuel B. Albueria. Attached are pertinent documents of the case for your reference. Also, please note that Mr. Albueria is the subject of a complaint of similar nature filed by Ms. Ivy Suzamen G. Red.

Kindly submit your report to this office on or before January 26, 2011.

Please be guided accordingly.


JOSE L. BACUSMO
President

cc: Prof. M. A. T. W. Tabada
USSO
Records
File

Visayas State University
ANTI-SEXUAL HARASSMENT OFFICE
Visca, Baybay, Leyte

7 December 2010

DR. JOSE L. BACUSMO
President
Visayas State University
Visca, Baybay, Leyte

Dear Pres. Bacusmo:

This is to inform you that **CHARMAINE M. GUARTE**, III- BS Nursing student has filed a complaint for sexual assault against **GREGGY MANUEL B. ALBUERA**, IV (IRREGULAR) BS HRTM student.

Since the complaint does not fall under the ASHO, I am forwarding the complaint to your office for appropriate action.

Please note, however, that a complaint of a similar nature had already been filed against Mr. Albuera last August 31, 2010 by Ms. Suzamen Ivy G. Red.

Attached are the affidavits of Ms. Guarte and a witness, Mr. Felix P. Añora.

Very truly yours,



MARIA AURORA TERESITA W. TABADA
Coordinator

cc: **Dr. EE Tulin**
Chair, CODI

Prof. MB Loreto, Jr.
Dean of Students

Alam,
Pls. try to get
the names and
addresses of the
parents.
Thanks.

Alam,
Pls. ask the opinion
of Atty Guinocor whether
we can now implement
preventive suspension
for Mr. Albuera as provided
by the VSU Student Handbook.
Thanks

Alam,
Let's organize another
preliminary investigation
team for this case.
Thanks.

Republic of the Philippines)
Province of Leyte)S.S.
City of Baybay)
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COMPLAINT - AFFIDAVIT

I, **CHARMAINE M. GUARTE**, 18 years old, single, Filipino, and a resident of Barangay Pangasugan, Baybay, Leyte, after having been sworn to an oath in accordance with law hereby depose and say:

That I am currently enrolled at the Visayas State University, Baybay City, Leyte as a third year student taking up Bachelor of Science in Nursing;

That I transferred to the boarding house in Brgy. Pangasugan in April 2010 where I live with my boyfriend, Felix P. Añora, II BSHRTM student also at VSU.

That on November 24, 2010 at around 9:00 PM while I was inside my room, I heard a knock at the door. I opened the door thinking it was my boyfriend but instead it was Greggry Albuera, also a resident of the boarding house, who was at the door;

That Greggry Albuera asked me if could load his cellphone since I am an e-load dealer;

That when I went to get my cellphone, he closed the door and came after me. He hugged me and held me tightly. He kissed me and fondled my breast and private part, pressing it against his own private part. He even tried to push me down on the bed, but I was able to resist by digging on my heels. He was inside the room for about 10 minutes and he finally left as soon as he heard someone coming toward the room;

That on the same night, he texted me saying that he was sorry for what he did and he promised not to do it again. I accepted his apology and hence, I did not tell my boyfriend about what Greggry Albuera did because I was afraid of what Felix might do to him;

That on December 2, 2010 at around 4 PM, Greggry Albuera went to the room again and asked if I could load his cellphone;

That I gave him my cellphone so that he could type his number but then he closed the door. He then held me tightly, kissed me and fondled my private parts. He succeeded in pushing me on the bed and that he was on top of me. The entire time, I kept turning to the side so I could stand up. I kicked him and because it seemed that he did not have the strength, I succeeded in getting up from the bed. All the time that he was doing this, I kept begging him to leave the room. When he heard that there was someone outside, he left the room;

That just after five minutes, he came back again. Thinking it was my boyfriend, I opened the door. However, it was Greggry Albuera who again pushed the door and since I was at the back of the door, I was pushed against the wall;

That when Greggry Albuera heard Felix coming, he became agitated and I also became confused that I found myself telling Greggry to hide in the bathroom inside the room. When Felix arrived, I told him that Greggry was inside the bathroom

and then Felix told Gregggy to leave the room. While he was leaving the room, Gregggy kept saying sorry to Felix;

That when we were alone, Felix asked me to explain what had happened. I told him what Gregggy Albuera had done since my first encounter with him on November 24, 2010;

That when we talked to the caretaker, Indat, she said that Gregggy Albuera had left the boarding house after the incident in the room. The caretaker added that she and the other boarders had observed that Mr. Albuera seemed to be interested in me and that she and the other boarders were watching him. It was only on that day that they failed to watch him;

That Felix Añora called our landlady, Jocelyn Nuñez, and asked her to come to the boarding house. When Ms. Nuñez arrived, Felix informed her about what happened;

That Ms. Nuñez fetched Mr. Albuera from a nearby boarding house and brought him to our room;

That during the confrontation in our room in the presence of our landlady, Ms. Nuñez, Gregggy Albuera kept saying that he was sorry for what he did and that he did not know what he was doing. Ms. Nuñez told Gregggy Albuera that he should leave the boarding house;

That I am formally filing a complaint against Gregggy Manuel Albuera, III BS HRTM (Irregular) student for sexual assault;

That I am executing this complaint-affidavit to attest to the truth of the foregoing statements in support of my complaint against Mr. Albuera;

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of December 2010 at VSU, Baybay City, Leyte, Philippines.

Guarte
CHARMAINE M. GUARTE
 Affiant
 VSU ID No. 08-1-00155

SUBSCRIBED AND SWORN to before me this _____ day of December 2010 at VSU, Baybay City, Leyte, Philippines and I personally examined the affiant and I am fully satisfied that she has voluntarily executed and understood the contents of her complaint-affidavit.

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Republic of the Philippines)
Province of Leyte)S.S.
City of Baybay)
X-----X

AFFIDAVIT

I, **FELIX P. AÑORA**, 19 years old, single, Filipino, and a resident of Barangay Pangasugan, Baybay, Leyte, after having been sworn to an oath in accordance with law hereby depose and say:

That I am currently enrolled at the Visayas State University, Baybay City, Leyte as a second year (Irregular) student taking up Bachelor of Science in Hotel, Restaurant and Tourism Management;

That I live in Brgy. Pangasugan since April 2010 with my girlfriend, Charmaine M. Guarte, III – BS Nursing at VSU. We were the first student boarders in the boarding house of owned by Ms. Jocelyn Nuñez. Gregggy Albuera transferred to the house only in June 2010;

That on December 2 at about past 5 PM, I arrived at the boarding house from my Asian Cuisine laboratory class and was told by Charmaine that Gregggy Albuera was in the comfort room. I went inside and told Gregggy to leave. I noticed at that time that his eyes were red;

That Gregggy did leave but he kept sorry and that he did not know what he was doing;

That after Gregggy left, I asked Charmaine what had happened. It was only then that she told me about what had happened on November 24 and the events that transpired earlier;

That I decided to call our landlady, Ms. Nuñez, right away to inform her of what happened;

That when Ms Nuñez came, she asked if we wanted to talk with Gregggy about the matter and she brought him back;

That while Gregggy was in the room, he kept saying sorry for what he had done;

That our landlady told Gregggy Albuera to leave the boarding house. She also told us to just keep quiet about the incident since it can put Charmaine in a bad light. She also added that she felt sorry for Gregggy's parents and that we should feel sorry for Gregggy since he might not be able to graduate;

That I am concerned about my girlfriend's rights, and our dignity;

That I am afraid that Charmaine will not be able to recover from this trauma and if her parents learn about it, they might blame me for not protecting her;

That I not only want justice for Charmaine but I also believe that Gregggy Albuera should be punished for what he did;

That on December 7, 2010, at around 7:30 AM, Gregggy Albuera was waiting for me outside our boarding house. He promised that he would leave VSU on condition that we withdraw our complaint;

That I am making this affidavit to support Ms. Guarte's complaint;

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of December 2010 at VSU, Baybay City, Leyte, Philippines.



FELIX P. AÑORA

Affiant

VSU ID No. 09-1-01636

SUBSCRIBED AND SWORN to before me this 7th day of December 2010 at VSU, Baybay City, Leyte, Philippines and I personally examined the affiant and I am fully satisfied that she has voluntarily executed and understood the contents of her complaint-affidavit.

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