



Republic of the Philippines
Province of Davao Oriental
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
SP Complex, Government Center, Dahican
CITY OF MATI



EXCERPTS FROM THE MINUTES OF THE 23RD REGULAR SESSION OF THE 17TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON WEDNESDAY, DECEMBER 7, 2022 AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Hon. Niño Sotero L. Uy, Jr. Vice Governor – Presiding Officer

Regular Members:

District I

Hon. Anna Cheryl N. Castro
Hon. Art Benjie C. Bulaong
Hon. Marietta D. Palmera
Hon. Andy A. Monday

District II

Hon. Shella Marie S. Go
Hon. Harold A. Montes
Hon. Rotchie M. Ravelo
Hon. Daud V. Linsag
Hon. Stephen Paul L. Uy

Ex-Officio Members:

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| Hon. Joselito B. Villademoso | President, Philippine Councilors League (PCL) - Davao Oriental Chapter |
| Hon. Rustan R. Castellones | President, Liga Ng Mga Barangay (LNB) - Davao Oriental Chapter |
| Hon. Eleuterio C. Manaytay | Indigenous Peoples Mandatory Representative (IPMR) |

ABSENT:

Hon. Ronald T. Lara, Jr. Sangguniang Kabataan Provincial Federation President (SKPFP)

RESOLUTION NO. 17-258-12-2022

Author : Hon. Joselito B. Villademoso
Sponsor : Hon. Joselito B. Villademoso

A RESOLUTION INFORMING FORMER MUNICIPAL COUNCILOR ANA SHEIRA MAE ALMACIN-JALON, COMPLAINANT ON THE SP ADMINISTRATIVE CASE NO. 16-01-2021: JALON VS. ORENCIA, ET. AL., FOR GRAVE MISCONDUCT AND ABUSE OF AUTHORITY, THAT THIS SANGGUNIANG PANLALAWIGAN CANNOT ASSUME OR EXERCISE JURISDICTION OVER HER MOTION FOR RECONSIDERATION, CONSIDERING THERE ARE NO RULES PROVIDED RELATIVE THERETO UNDER REPUBLIC ACT NO. 7160 AND SP RESOLUTION NO. 33-2001, RESPECTIVELY.

WHEREAS, the Sangguniang Panlalawigan is vested with the powers to investigate, hear and decide administrative disciplinary cases against erring local elective officials of component city or municipalities in the province pursuant to Section 60 to 66 of RA 7160 otherwise known as the Local Government Code of 1991 in relation to Rule XIX, Article 124 to 130 of its Implementing Rules and Regulations (IRR);

WHEREAS, a Motion for Reconsideration was filed by Complainant, former Municipal Councilor Ana Sheira Mae Almacin-Jalon, re: Decision on SP Admin. Case No. 16-01-2021, JALON VS ORENCIA, ET.AL, FOR GRAVE MISCONDUCT AND ABUSE OF

Joselito B. Villademoso

[Signature]

AUTHORITY. The same was forwarded to the DILG Provincial Office and Provincial Legal Office, through SP Resolution No. 17-94-08-2022, seeking legal opinion as to the jurisdiction of this august body to assume over the subject Motion for Reconsideration, in view of Section 67 (b) of RA 7160;

WHEREAS, taking into consideration the following as expressed and opined by the Office of DILG-Davao Oriental and Provincial Legal Officer, among others:

- a. The DILG suggested revisiting the Body's respective Internal Rules of Procedures as to how Motions for Reconsideration shall be treated;
- b. The Provincial Legal Officer opined that a Motion for Reconsideration may be filed before the same body which rendered the decision one sought to be reconsidered;
- c. Both offices find that the Motion for Reconsideration cannot be considered an APPEAL in view of Section 67 (b) of the Local Government Code of 1991.

WHEREAS, SP Resolution No. 33-2001 which provides for the Rules of Procedure in the conduct of Administrative Investigation by the Sangguniang Panlalawigan of Davao Oriental, has adopted provisions of the Republic Act No. 7160. Provided therein is Rule X Administrative Appeals which follows Section 67 of the Local Government Code of 1991;

WHEREAS, to state specifically, Section 61 (b) of the same Code states that "A complaint against any elective official of a municipality shall be filed before the sangguniang panlalawigan whose decision may be appealed to the Office of the President.". And, Section 67 (b) provides that "xxx Decisions in administrative cases may, within thirty (30) days from receipt thereof, be appealed to the xxx (b) The Office of the President, in the case of decisions of the Sangguniang Panlalawigan xxx Decisions of the Office of the President shall be final and executory." Thus, there is no ruling on Motion for Reconsideration in an administrative case provided relative thereto.

WHEREFORE, on motion of SP Member Joselito B. Villademoso, duly and jointly seconded by SP Members Andy A. Monday, Marietta D. Palmera, Shella Marie S. Go, Anna Cheryl N. Castro, Art Benjie C. Bulaong, Rotchie M. Ravelo, Stephen Paul L. Uy, Harold A. Montes, and Daud V. Linsag, it was

RESOLVED, as it is hereby resolved, **INFORMING THE FORMER COUNCILOR ANA SHEIRA ALMACIN-JALON, COMPLAINANT, ON ADMINISTRATIVE CASE NO. 16-01-2021: JALON VS. ORENCIA, ET. AL., FOR GRAVE MISCONDUCT AND ABUSE OF AUTHORITY, THAT THIS SANGGUNIANG PANLALAWIGAN CANNOT ASSUME OR EXERCISE JURISDICTION OVER HER MOTION FOR RECONSIDERATION, CONSIDERING THERE ARE NO RULES PROVIDED RELATIVE THERETO UNDER REPUBLIC ACT NO. 7160 AND SP RESOLUTION NO. 33-2001, RESPECTIVELY;**

RESOLVED, FINALLY, That copies of this resolution be furnished: Honorable Katrina Joy H. Orencia, Municipal Vice Mayor; Honorable Vicente D. Orencia, former Municipal Vice Mayor; and Honorable Ana Sheira Mae Almacin-Jalon, former Municipal Councilor, all of the Municipality of Governor Generoso, Davao Oriental, for their information and guidance.

CARRIED AND APPROVED.

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JUAN

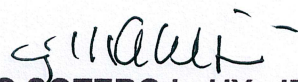


**I hereby Certify to the Correctness
of the foregoing Resolution.**



MAXIMINO A. NAZARENO II
Secretary to the Sangguniang Panlalawigan

**Attested and Certified
to be duly Adopted:**



NIÑO SOTERO L. UY, JR.
Vice Governor and Presiding Officer