

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 41ST REGULAR SESSION OF THE 17TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON WEDNESDAY, APRIL 12, 2023 AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

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

Regular Members:

District I

Hon. Nelson R. Dayanghirang, Jr.
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:

Hon. Joselito B. Villademosas President, Philippine Councilors League (PCL) - Davao Oriental Chapter
Hon. Eleuterio C. Manaytay Indigenous Peoples Mandatory Representative (IPMR)
Hon. Ronald T. Lara, Jr. Sangguniang Kabataan Provincial Federation President (SKPFP)

ABSENT:

Hon. Rustan R. Castellones President, Liga Ng Mga Barangay (LNB) - Davao Oriental Chapter - Special Privilege Leave

RESOLUTION NO. 17-411-04-2023

Author : Hon. Joselito B. Villademosas
Sponsor : Hon. Joselito B. Villademosas

A RESOLUTION INFORMING MR. SERGS P. IGNACIO THAT THIS SANGGUNIANG PANLALAWIGAN CANNOT ASSUME JURISDICTION ON THE COMPLAINT AGAINST RESPONDENT, FORMER MUNICIPAL MAYOR ARTURO C. MONDAY, CONSIDERING THAT THE RESPONDENT IS NO LONGER A LOCAL ELECTIVE OFFICIAL, IN VIEW OF SECTION 61(B) OF RA 7160, SINCE HIS TERM ENDED ON JUNE 30, 2022.

WHEREAS, Deputy Ombudsman, Atty. Anderson A. Lo, in his letter, dated December 5, 2022, forwarded the First Indorsement, dated February 24, 2022, signed by the Assistant Ombudsman, Ms. Maria Iluminada S. Lapid-Viva, to the Honorable Vice Governor Niño Sotero L. Uy, Jr., requesting for any information on the status of the referred complaint for administrative adjudication;

WHEREAS, on January 3, 2023, the Sangguniang Panlalawigan sent personnel to confer the matter with the Ombudsman, after which the aforementioned Indorsement was officially received. The same was referred to this Committee on January 4, 2023;

[Handwritten Signature]

[Handwritten Signature]

WHEREAS, in order to respond and act on the referral made by the Office of the Ombudsman-Mindanao, this Sangguniang Panlalawigan passed and approved Resolution 17-320-01-2023, dated January 25, 2023, requesting the Complainant to provide the Sangguniang Panlalawigan a copy of his verified complaint, for perusal and appropriate action;

WHEREAS, a copy of Verified Complaint filed before the Office of the Ombudsman-Mindanao with reference code IC-OM-20-0533, by Mr. Sergs P. Ignacio (*Complainant*) on October 13, 2020, against Municipal Treasurer, Mrs. Norma B. Morales and Former Mayor Arturo C. Monday (*Respondents*), all of the Municipality of Baganga, Davao Oriental, **for Robbery**, was received by the SPSSO on February 9, 2023, docketed as Communication No. 17-319-2023, and the same was referred to the Committee on Good Government, Ethics, Accountabilities, and Human Rights on February 15, 2023 Regular Session of this Sangguniang Panlalawigan, for appropriate action;

WHEREAS, the concerned Committee has furnished a copy of the Verified Complaint to the Respondents, dated March 16, 2023, likewise requesting them to submit their respective verified answer;

WHEREAS, on March 22, 2023, the Committee invited the Complainant, Mr. Sergs P. Ignacio, for a conference, together with Atty. Ma. Lady Hope J. Macayra, Provincial Legal Officer, to discuss legal matters relative to his complaint. Mr. Ignacio also expressed his appreciation to the Committee for listening to his sentiments, and further requested that his complaint be furnished to appropriate agencies, for their information and appropriate action;


WHEREAS, the Complainant averred that Mrs. Norma B. Morales, as principal suspect, and Former Mayor Arturo C. Monday, as planner and conspirator of the robbery incident at the Office of the Municipal Treasurer in Baganga, on November 10, 2014. The Respondents vehemently denied the commission of the crime purported against them, thru their Joint Verified Answer which was submitted to the Sangguniang Panlalawigan Support Services Office on March 23, 2022;

WHEREAS, Republic Act 7160 or the Local Government Code of 1991 specifically provides under Section 61 (Form and Filing of Administrative Complaints) - *A verified complaint against any erring local elective official shall be prepared as follows: xxx (b) 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;*

WHEREAS, Respondent, Former Mayor Arturo C. Monday, is no longer an elective official since his term as Municipal Mayor of Baganga ended on June 30, 2022, therefore, any disciplinary action provided under Section 60 and Article 124 of the IRR of RA 7160, can no longer be imposed to the said Respondent, if ever proven guilty of such complaint;

WHEREAS, premises considered, this Sangguniang Panlalawigan has no jurisdiction over the subject Complaint against the Former Mayor Arturo C. Monday, in view of Section 61(b) of RA 7160;

WHEREFORE, on motion of SP Member Joselito B. Villademosa, duly and jointly seconded by SP Members Anna Cheryl N. Castro, Ronald T. Lara, Jr., Shella Marie S.



Go, Daud V. Linsag, Stephen Paul L. Uy, Eleuterio C. Manaytay, Harold A. Montes, and Rotchie M. Ravelo, it was

RESOLVED, as it is hereby resolved, **INFORMING MR. SERGS P. IGNACIO THAT THIS SANGGUNIANG PANLALAWIGAN CANNOT ASSUME JURISDICTION ON THE COMPLAINT AGAINST RESPONDENT, FORMER MUNICIPAL MAYOR ARTURO C. MONDAY, CONSIDERING THAT THE RESPONDENT IS NO LONGER A LOCAL ELECTIVE OFFICIAL, IN VIEW OF SECTION 61(B) OF RA 7160, SINCE HIS TERM ENDED ON JUNE 30, 2022;**

RESOLVED, FINALLY, That a copy of this resolution be furnished: Mr. Sergs P. Ignacio, and Honorable Arturo C. Monday, former Municipal Mayor, Municipality of Baganga, Davao Oriental, for their information and guidance.

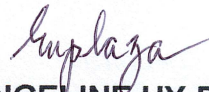
CARRIED AND APPROVED.

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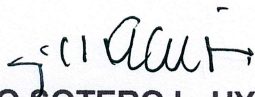
**I hereby Certify to the Correctness
of the foregoing Resolution.**



EVANGELINE UY-PLAZA

*Provincial Government Assistant Department Head
Assistant Secretary to the Sangguniang Panlalawigan
Acting Secretary*

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



NIÑO SOTERO L. UY, JR.

Vice Governor and Presiding Officer