



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 41<sup>ST</sup> REGULAR SESSION OF THE 17<sup>TH</sup> 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. Villademoso	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
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**RESOLUTION NO. 17-413-04-2023**

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

**A RESOLUTION FORWARDING TO THE PROVINCIAL LEGAL OFFICER THE HEREIN AFFIDAVIT-COMPLAINT FILED BY EDELBERTO B. ABELLA, COMPLAINANT, AGAINST HON. ANNA CHERYL N. CASTRO, FORMER MUNICIPAL COUNCILOR OF CATEEL, DAVAO ORIENTAL, FOR CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE and USURPATION OF AUTHORITY UNDER ARTICLE 177 OF THE REVISED PENAL CODE, FOR THEIR LEGAL OPINION ON WHETHER THIS SANGGUNIANG PANLALAWIGAN HAS A JURISDICTION TO ASSUME OVER THE SUBJECT COMPLAINT, IN VIEW OF SECTION 61 (B) OF REPUBLIC ACT 7160 OR THE LOCAL GOVERNMENT CODE OF 1991.**

**WHEREAS, Mr. Edelberto B. Abella, a resident of Brgy. Sta. Filomena, Municipality of Cateel, Davao Oriental, has filed a complaint against Municipal Councilor Anna Cheryl N. Castro, at the Office of Ombudsman for Mindanao dated April 22, 2022, for CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE and USURPATION OF AUTHORITY UNDER ARTICLE 177 OF THE REVISED PENAL CODE;**

*gualita*

*Ruplaza*



**WHEREAS**, Atty. Anderson A. Lo, Deputy Ombudsman for Mindanao, has forwarded to the Vice Governor Niño Sotero L. Uy, Jr, the said Affidavit-Complaint with reference code IC-OM-22-0327, for appropriate action with respect to the administrative aspect of the same, through a First Indorsement dated January 30, 2023;

**WHEREAS**, Section 61 (b) of RA 7160 provides 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;

**WHEREAS**, the herein Respondent, Hon. Anna Cheryl N. Castro, is a duly elected Provincial Board Member in the 1<sup>st</sup> District of this Province in the 2022 Local Elections;

**WHEREAS**, taking into account that the Respondent is no longer an elected official of the Municipality of Cateel, the august body considers it necessary to seek legal opinion from the Provincial Legal Officer on the jurisdiction of this Sanggunian over the Complaint, in view of Section 61(b) of Republic 7160, which provides 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;

**WHEREFORE**, on motion of SP Member Joselito B. Villademoso, 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, **FORWARDING TO THE PROVINCIAL LEGAL OFFICER THE HEREIN AFFIDAVIT-COMPLAINT FILED BY EDELBERTO B. ABELLA, COMPLAINANT, AGAINST HON. ANNA CHERYL N. CASTRO, FORMER MUNICIPAL COUNCILOR OF CATEEL, DAVAO ORIENTAL, FOR CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE and USURPATION OF AUTHORITY UNDER ARTICLE 177 OF THE REVISED PENAL CODE, FOR THEIR LEGAL OPINION ON WHETHER THIS SANGGUNIANG PANLALAWIGAN HAS A JURISDICTION TO ASSUME OVER THE SUBJECT COMPLAINT, IN VIEW OF SECTION 61(B) OF REPUBLIC ACT 7160 OR THE LOCAL GOVERNMENT CODE OF 1991;**

**RESOLVED, FINALLY**, That a copy of this resolution be furnished: Atty. Maria Lady Hope J. Macayra, for her information and appropriate action; and Mr. Edelberto B. Abella, for his information and guidance.

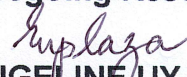
**CARRIED AND APPROVED.**

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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*