



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 52ND REGULAR SESSION OF THE 17TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON TUESDAY, JUNE 27, 2023 AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Hon. Nelson R. Dayanghirang, Jr. SP Member, District I – Acting Vice
Governor
Temporary 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. 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. Eleuterio C. Manaytay | Indigenous Peoples Mandatory Representative (IPMR) |
| Hon. Ronald T. Lara, Jr. | Sangguniang Kabataan Provincial Federation President (SKPFP) |

ABSENT:

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| Hon. Niño Sotero L. Uy, Jr. | Vice Governor – Acting Governor |
| Hon. Shella Marie S. Go | SP Member, District II – Sick Leave |
| Hon. Rustan R. Castillones | President, Liga Ng Mga Barangay (LNB) - Davao Oriental Chapter |

RESOLUTION NO. 17-534-06-2023

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

A RESOLUTION RETURNING TO THE OFFICE OF THE OMBUDSMAN FOR MINDANAO, THROUGH ATTY. ANDERSON A. LO, DEPUTY OMBUDSMAN FOR MINDANAO, 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, WITH THE INFORMATION THAT THIS SANGGUNIANG PANLALAWIGAN CANNOT PROCEED WITH THE APPROPRIATE ADMINISTRATIVE INVESTIGATION FOR LACK OF JURISDICTION AND AUTHORITY CONSIDERING THAT THE RESPONDENT IS NOW AN INCUMBENT PROVINCIAL BOARD MEMBER OF THE 1ST DISTRICT OF THIS PROVINCE, IN VIEW OF SECTION 61(a) OF RA 7160 AND ADMINISTRATIVE ORDER NO. 23, S. 1992, RESPECTIVELY.

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*;

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. The same was received by the Sangguniang Panlalawigan on February 23, 2023;

WHEREAS, the Respondent is an incumbent Provincial Board Member of the 1st District of this province after having been elected during the National and Local Elections on May 9, 2022;

WHEREAS, this august body finds that Section 61(b) of RA 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 is no longer applicable, insofar as the position of the respondent is concerned;

WHEREAS, Section 61(a) of the Local Government Code of 1991 provides that a complaint against any **elective official of a province** xxx shall be filed before the Office of the President;

WHEREAS, Sections 1-2, Rule 1, Administrative Order No. 23, s. 1992, provides that:

*“Section 1. Coverage - These rules and procedures shall apply to administrative disciplinary cases filed against: (a) governors, and **members of the sangguniang panlalawigan**; (b) the mayors, and members of the sangguniang panlungsod of highly urbanized cities, independent component cities; and (c) the mayors, vice mayors, and members of the sangguniang panlungsod or bayan of cities or municipalities in Metropolitan Manila.”*

*“Section 2. Disciplining Authority- All administrative complaints, duly verified, against elective local officials mentioned in the preceding section **shall be acted upon by the President**. The President, who may act through the Executive Secretary, shall hereinafter be referred to as the Disciplining Authority.”*

WHEREAS, this Sangguniang Panlalawigan is prohibited from taking action on any administrative disciplinary cases or complaint filed before it, involving elective local officials described hereof, especially its own members, for lack of jurisdiction and authority;

WHEREFORE, on motion of SP Member Joselito B. Villademoso, duly and jointly seconded by SP Members Stephen Paul L. Uy, Daud V. Linsag, Marietta D. Palmera, Harold A. Montes, and Ronald T. Lara, Jr., it was

RESOLVED, as it is hereby resolved, **RETURNING TO THE OFFICE OF THE OMBUDSMAN FOR MINDANAO, THROUGH ATTY. ANDERSON A. LO, DEPUTY OMBUDSMAN FOR MINDANAO, 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*, WITH THE INFORMATION THAT THIS SANGGUNIANG PANLALAWIGAN CANNOT PROCEED WITH THE APPROPRIATE ADMINISTRATIVE INVESTIGATION FOR LACK OF JURISDICTION AND AUTHORITY CONSIDERING THAT THE RESPONDENT IS NOW AN INCUMBENT PROVINCIAL BOARD MEMBER OF THE 1ST DISTRICT OF THIS PROVINCE, IN VIEW OF SECTION 61(a) OF RA 7160 AND ADMINISTRATIVE ORDER NO. 23, S. 1992, RESPECTIVELY;

RESOLVED, FINALLY, That copies of this resolution be furnished: Atty. Anderson A. Lo, Deputy Ombudsman for Mindanao, corner of Earth and Libra Streets, GSIS Heights, Matina, Davao City; and Edelberto B. Abella, Barangay Sta. Felomina, Cateel, Davao Oriental, for their information and guidance.

CARRIED AND APPROVED.

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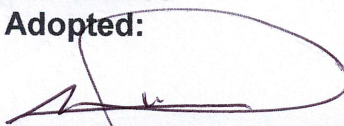
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**I hereby Certify to the Correctness
of the foregoing Resolution.**



MAXIMINO A. NAZARENO II
Secretary to the Sangguniang Panlalawigan

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



NELSON R. DAYANGHIRANG, JR.
*Acting Vice Governor
Temporary Presiding Officer*