



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 55TH REGULAR SESSION OF THE 17TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON WEDNESDAY, JULY 19, 2023 AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Hon. Daud V. Linsag

SP Member, District II – OIC Vice Governor
Temporary Presiding Officer

Regular Members:

District I

Hon. Anna Cheryl N. Castro
Hon. Marietta D. Palmera
Hon. Andy A. Monday

District II

Hon. Shella Marie S. Go
Hon. Harold A. Montes
Hon. Stephen Paul L. Uy

Ex-Officio Members:

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

ABSENT:

Hon. Nelson R. Dayanghirang, Jr..

Vice Governor – Special Privilege Leave

Hon. Rotchie M. Ravelo

SP Member, District II – OB - City of Mati

Hon. Art Benjie C. Bulaong

SP Member, District I

Hon. Eleuterio C. Manaytay

Indigenous Peoples Mandatory

Representative (IPMR) – OB - Manila

Hon. Ronald T. Lara, Jr.

Sangguniang Kabataan Provincial
Federation President (SKPFP)

RESOLUTION NO. 17-561-07-2023

Author : Hon. Joselito B. Villademoso

Sponsor : Hon. Joselito B. Villademoso

A RESOLUTION RETURNING TO HON. XENNA PRINCESS D. CAMPOS, CITY COUNCILOR, CITY OF MATI, DAVAO ORIENTAL, THROUGH HER LEGAL COUNSEL, THE HEREIN APPEAL TOGETHER WITH ALL ITS PERTINENT DOCUMENTS, WITH THE INFORMATION THAT THIS SANGGUNIANG PANLALAWIGAN CANNOT PROCEED TO CONDUCT APPROPRIATE ADMINISTRATIVE APPEAL ACTION, CONSIDERING THAT THE SAME IS IMMATERIAL IN VIEW OF SECTIONS 61(C) AND 67(A) OF THE LOCAL GOVERNMENT CODE OF 1991.

WHEREAS, Hon. Xenna Princess D. Campos, City Councilor of the City of Mati, Davao Oriental, through her legal counsel, has filed the following:

- a) Notice of Appeal With Motion for the Allowance of Time to Submit Necessary Pleadings, on the adverse decision of the Sangguniang Panlungsod of the City of Mati, dated March 14, 2023, the same being contrary to the facts and the law.


Enplaza

- b) Appeal Memorandum with a Prayer that Resolution, dated March 14, 2023, be Set Aside and Nullified, Clearing the Appellant with the Charges Against Her.
- c) Motion for Reconsideration from Councilor Xenna Princess Campos, with a Prayer that Committee Report No. 28, s. 2023 (SP Mati) be Set Aside and a New One be Entered Granting Her Notice of Appeal.
- d) Motion for Additional Time to File Appeal Memorandum from Councilor Xenna Princess Campos, with a Prayer that said motion be Granted.

WHEREAS, Hon. Campos averred that the City Council has rendered an illegal and unjust decision to suspend her without factual and legal basis, the same being in contrary to the law;



WHEREAS, the Sangguniang Panlungsod Secretary Juvy L. Mabini, in his letter dated March 16, 2023, has furnished this august body a copy of Resolution No. 42, series of 2023, entitled: *“A resolution adopting the decision submitted by the Committee on Rules and Privileges and the Committee on Good Government, Public Ethics and Accountabilities for Disorderly Behaviour committed by Hon. Xenna Princess D. Campos during the Coordination Meeting on February 3, 2023 and for Refusal Without Valid Excuse to Perform a Task Assigned to Her – Refusal to Sign the Corrected Resolutions duly approved by the Sanggunian with her as the Temporary Presiding Officer and requesting Hon. Michelle N. Rabat, City Mayor, to implement the Fifteen (15) Days Suspension Order Without Remuneration and Forfeiture of Benefits previously enjoyed by the Respondent dated March 14, 2023”*, for perusal;

WHEREAS, enclosed in the said letter is the Fact-Finding Resolution jointly submitted by the Committee on Rules and Privileges and the Committee on Good Government, Public Ethics and Accountabilities, and the Order of Implementation For The Suspension signed by City Mayor Michelle N. Rabat;

WHEREAS, the Sangguniang Panlalawigan is in cognizance on the following details:

- a. Hon. Campos has appealed before this Sangguniang Panlalawigan, in view of Section 67 of RA 7160.
- b. There is no verified complaint filed in view of Section 61 of the LGC.
- c. The said Decision as a result from the Fact-Finding Investigation is based on Rule XVIII, Section 1, paragraphs 1 and 8, of the Internal Rules of Procedure of the 7th City Council of the City of Mati, which provides for the penalty of Reprimand and Suspension for violating the foregoing rules thereof, respectively.

WHEREAS, the Sangguniang Panlalawigan has the authority to review decisions of sangguniang panlungsod/bayan through appropriate administrative appeals process. As specifically provided under Section 67(a) of RA 7160, only the decisions in administrative cases of the sangguniang panlungsod of component cities and sangguniang bayan may be appealed to the sangguniang panlalawigan, in connection with Section 61(c) of RA 7160, which states that: *“A complaint against any elective barangay official shall be filed before the sangguniang panlungsod or bayan concerned xxx”*;

WHEREAS, considering that the decision being appealed to be based on the Internal Rules of Procedures of the City Council, the Sangguniang Panlalawigan may not have the powers to intervene on the latter's authority to discipline its members, since the same is governed by their own Internal Rules of Procedures pursuant to Section 50(b) of the Code;

WHEREAS, after thorough review, deliberations and in consultation with appropriate agencies relative to the subject Appeal, this August Body finds that this Sangguniang Panlalawigan cannot proceed into taking appropriate administrative appeal action over the filed appeal memorandum due to the limitations as set forth pursuant to the aforementioned provisions of the Local Government Code. This sanggunian is prohibited to exercise its powers and functions beyond with what was conferred because such action is clearly in contrary to the law;

WHEREFORE, on motion of SP Member Joselito B. Villademosa, duly and jointly seconded by SP Members Stephen Paul L. Uy, Harold A. Montes, Shella Marie S. Go, Anna Cheryl N. Castro, and Marietta D. Palmera, it was

RESOLVED, as it is hereby resolved, **RETURNING TO HON. XENNA PRINCESS D. CAMPOS, CITY COUNCILOR, CITY OF MATI, DAVAO ORIENTAL, THROUGH HER LEGAL COUNSEL, THE HEREIN APPEAL TOGETHER WITH ALL ITS PERTINENT DOCUMENTS, WITH THE INFORMATION THAT THIS SANGGUNIANG PANLALAWIGAN CANNOT PROCEED TO CONDUCT APPROPRIATE ADMINISTRATIVE APPEAL ACTION, CONSIDERING THAT THE SAME IS IMMATERIAL IN VIEW OF SECTIONS 61(C) AND 67(A) OF THE LOCAL GOVERNMENT CODE OF 1991;**

RESOLVED, FINALLY, That copies of this resolution be furnished: Atty. Castelo Banlaygas, Lilagan Law Office, Lot 13-A, Block 2, Natividad Street, Natividad Subdivision, Sta. Lucia, Novaliches, Quezon City; and Honorable Councilor Xenna Princess Campos, for their information and guidance.

CARRIED AND APPROVED.

*

*

*

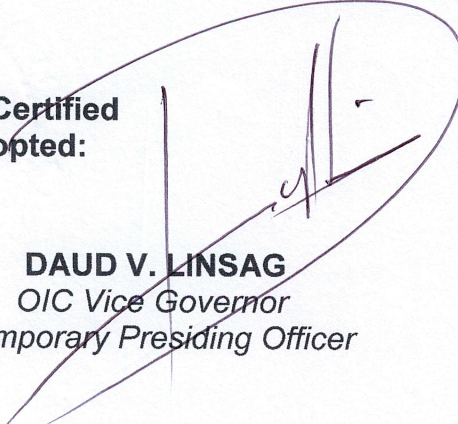
**I hereby Certify to the Correctness
of the foregoing Resolution.**



EVANGELINE UY-PLAZA

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

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



DAUD V. LINSAG
*OIC Vice Governor
Temporary Presiding Officer*