



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 68<sup>TH</sup> REGULAR SESSION OF THE 17<sup>TH</sup> SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON WEDNESDAY, OCTOBER 18, 2023 AT THE CITY OF MATI, THIS PROVINCE.

**PRESENT:**

Hon. Nelson R. Dayanghirang, Jr.. Vice Governor – Presiding Officer

**Regular Members:**

District I	District II
Hon. Anna Cheryl N. Castro	Hon. Shella Marie S. Go
Hon. Art Benjie C. Bulaong	Hon. Harold A. Montes
Hon. Marietta D. Palmera	Hon. Rotchie M. Ravelo
Hon. Andy A. Monday	Hon. Daud V. Linsag

**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 (SKPPF)

**ABSENT:**

Hon. Stephen Paul L. Uy	SP Member, District II – Special Privilege Leave
Hon. Rustan R. Castellones	President, Liga Ng Mga Barangay (LNB) - Davao Oriental Chapter

**RESOLUTION NO. 17-685-10-2023**

Author : Hon. Rotchie M. Ravelo  
Sponsor : Hon. Rotchie M. Ravelo

**A RESOLUTION DECLARING MUNICIPAL ORDINANCE NOS. 16, 18, AND 19, ALL SERIES OF 2023, OF THE SANGGUNIANG BAYAN OF BAGANGA, DAVAO ORIENTAL, INVALID, CONSIDERING THAT THE SAME LACK THE REQUIRED MAJORITY VOTE OR CONCURRENCE OF ALL THE MEMBERS OF THE SANGGUNIANG BAYAN, PURSUANT TO SECTION 447(a)(2)(iii) OF RA 7160, ARTICLE 107(g) AND ARTICLE 395(d) OF ITS IRR.**

**WHEREAS**, the subject Municipal Ordinances were submitted to this Sanggunian on September 26, 2023 and the same were referred to the Committee on Finance, Budget & Appropriations and Ways & Means on October 11, 2023 regular session;

**WHEREAS**, Municipal Ordinance No. 16, series of 2023, entitled: "AN ORDINANCE AUTHORIZING THE PROPOSED BORROWING OF THE MUNICIPAL GOVERNMENT OF BAGANGA, DAVAO ORIENTAL, REPRESENTED BY MUNICIPAL MAYOR RONALD V. LARA, TO THE LAND BANK OF THE PHILIPPINES (LBP) –



DAVAO DEL NORTE LENDING CENTER, THE AMOUNT OF TWO HUNDRED FIFTY-ONE MILLION TWO HUNDRED THOUSAND PESOS ONLY (PHP 251,200,000.00) TO FUND THE ACQUISITION OF HEAVY EQUIPMENT (USABLE AS LC)". The same was enacted by the Sangguniang Bayan on June 14, 2023;

**WHEREAS**, on August 30, 2023, the Sangguniang Bayan enacted Municipal Ordinance No. 18, series of 2023, entitled: "AN ORDINANCE RATIFYING THE TERMS AND CONDITIONS OF THE APPROVED LOAN WITH THE LAND BANK OF THE PHILIPPINES IN THE AMOUNT OF **TWO HUNDRED FIFTY-ONE MILLION TWO HUNDRED THOUSAND PESOS ONLY (PHP 251,200,000.00)** TO FINANCE ACQUISITION OF HEAVY EQUIPMENT, USABLE AS LC; GRANTING THE LOCAL CHIEF EXECUTIVE, HON. RONALD V. LARA, THE FULL POWER AND AUTHORITY TO REPRESENT THE MUNICIPALITY OF BAGANGA, PROVINCE OF DAVAO ORIENTAL TO SIGN AND EXECUTE DOCUMENTS RELATED TO THE BORROWING INCLUDING THE ASSIGNMENT OF 20% OF NATIONAL TAX ALLOTMENT AS SECURITY TO THE LOAN; AND APPROVING THE TERMS AND CONDITIONS SET FORTH BY THE LENDING INSTITUTION";

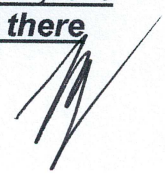
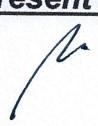
**WHEREAS**, on September 25, 2023, the Sangguniang Bayan enacted Municipal Ordinance No. 19, series of 2023, amending Municipal Ordinance No. 18, series of 2023, by deleting some provisions and inserting thereof the lacking information to terms and conditions of the approved loan, as required by the lending institution;

**WHEREAS**, all of the subject Ordinances were enacted with only six (6) affirmative votes and five (5) negative votes of the Sangguniang Bayan members;

**WHEREAS**, Section 468(a)(1)(i) of RA 7160 provides for the powers of the Sangguniang Panlalawigan to review, among others, all ordinances approved by the sanggunians of component cities and municipalities to determine whether these are within the scope of the prescribed powers of the sanggunian;

**WHEREAS**, after a careful review and deliberation, it was found that Municipal Ordinance Nos. 16, 18, and 19, all series of 2023, lack the majority vote or concurrence of **all the members of the sangguniang bayan** for its passage, as required pursuant to Article 107(g) of the IRR of RA 7160, which provides that any ordinance or resolution authorizing or directing payment of money or **creating liability, shall require the affirmative votes of a majority of all the sanggunian members for its passage.** Furthermore, Section 447(a)(2)(iii) and Rule XXXIII Article 395(d) of RA 7160 and its IRR, respectively, also provides that the Sangguniang Bayan shall, **upon the majority vote of all the members of sangguniang bayan**, authorize the municipal mayor to negotiate and contract loans and other forms of indebtedness;

**WHEREAS**, in DILG Opinion No. 13 s. 2010, dated 09 February 2010, signed by the DILG-Undersecretary for Local Government, Hon. Austere A. Panadero, the terms "simple majority", and "qualified majority", among others, were discussed, to wit: "*For the sanggunian to officially transact business, there should be a quorum. xxx Relative thereto, generally, ordinary measures require for its enactment only the approval of a simple majority of the sanggunian members present, there being a quorum. These pertain to the normal transactions of the sanggunian which are approved by the sanggunian through a vote of simple majority of those present. On the other hand, there are certain measures where the Local Government requires for its approval the vote of majority of all members who were duly elected and qualified. This is what we call approval by the qualified majority of the sanggunian. In this case, the approval is to be voted not just by the majority of those present in session there*





**being a quorum but BY THE MAJORITY OF ALL MEMBERS OF THE SANGGUNIANG DULY ELECTED AND QUALIFIED regardless of whether all of them were present or not in a particular session, there being a quorum.** (Emphasis supplied);

**WHEREAS**, enactment of the subject Municipal Ordinances are beyond the scope of the prescribed powers of the Sangguniang Bayan pursuant to applicable provisions of the Local Government Code of 1991 and its IRR;

**WHEREFORE**, on motion of SP Member Rotchie M. Ravelo, duly and jointly seconded by SP Members Harold A. Montes, Eleuterio C. Manaytay, Daud V. Linsag, Andy A. Monday, Ronald T. Lara, Jr., and Art Benjie C. Bulaong, it was

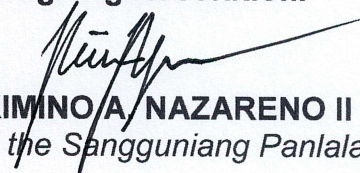
**RESOLVED**, as it is hereby resolved, **DECLARING MUNICIPAL ORDINANCE NOS. 16, 18, AND 19, ALL SERIES OF 2023, OF THE SANGGUNIANG BAYAN OF BAGANGA, DAVAO ORIENTAL, INVALID, CONSIDERING THAT THE SAME LACK THE REQUIRED MAJORITY VOTE OR CONCURRENCE OF ALL THE MEMBERS OF THE SANGGUNIANG BAYAN, PURSUANT TO SECTION 447(a)(2)(iii) OF RA 7160, ARTICLE 107(g) AND ARTICLE 395(d) OF ITS IRR;**

**RESOLVED, FINALLY**, That copies of this resolution be furnished: The Honorable Municipal Mayor and the Honorable Sangguniang Bayan Members thru its Presiding Officer of Baganga, Davao Oriental, for their information and guidance.

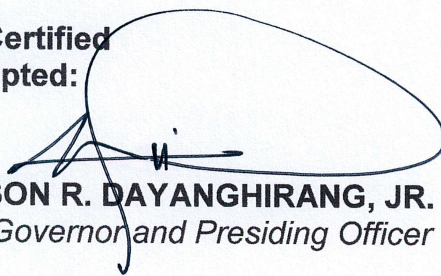
**CARRIED**, by seven (7) affirmative votes of SP Members Harold A. Montes, Rotchie M. Ravelo, Art Benjie C. Bulaong, Daud V. Linsag, Andy A. Monday, Joselito B. Villademoso, and Eleuterio C. Manaytay; four (4) negative votes – Shella Marie S. Go, Anna Cheryl N. Castro, Marietta D. Palmera, and Ronald T. Lara, Jr.; and abstention - none.

\* \* \*

**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.**  
*Vice Governor and Presiding Officer*