



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 86TH REGULAR SESSION OF THE 17TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON WEDNESDAY, FEBRUARY 21, 2024 AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

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

Regular Members:

District I

Hon. Anna Cheryl N. Castro
Hon. Art Benjie C. Bulaong
Hon. Marietta D. Palmera
Hon. Andy A. Monday
Hon. Michelle M. Centeno

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. Jossone Michael G. Dayanghirang	President, Liga Ng Mga Barangay (LNB) - Davao Oriental Chapter
Hon. Eleuterio C. Manaytay	Indigenous Peoples Mandatory Representative (IPMR)
Hon. Shanine C. Lintogonan	Sangguniang Kabataan Provincial Federation President (SKPFP)

ABSENT:

None

RESOLUTION NO. 17-846-02-2024

Author : Hon. Rotchie M. Ravelo
Co-Author: Hon. Andy A. Monday
Hon. Harold A. Montes
Hon. Art Benjie C. Bulaong
Hon. Joselito B. Villademoso
Sponsor : Hon. Rotchie M. Ravelo

A RESOLUTION OVERRIDING THE VETO OF THE HONORABLE GOVERNOR NIÑO SOTERO L. UY, JR., ON APPROPRIATION ORDINANCE NO. 17-11-01-2024.

WHEREAS, submitted before this Sangguniang Panlalawigan is the **Veto Message** of the Honorable Governor Niño Sotero L. Uy, Jr., dated February 12, 2024, on the Appropriation Ordinance No. 17-11-01-2024 authorizing the FY 2024 General Fund Annual Budget of the Province of Davao Oriental, involving the amount of P2,607,985,511.00;

WHEREAS, the Local Chief Executive exercised his Veto power pursuant to Section 55 of RA 7160 or the Local Government Code of 1991, on the grounds that this

Sangguniang Panlalawigan acted ultra vires, and that the entire Appropriation Ordinance is prejudicial to public welfare;

WHEREAS, this Honorable Sanggunian respects and acknowledges the Honorable Governor for exercising his powers to veto the appropriation ordinance in question pursuant to Section 55 of the Local Government Code and likewise expresses their appreciation for his consideration by returning the same with his constructive inputs;

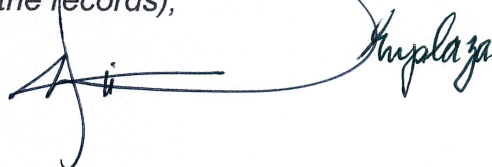
WHEREAS, pursuant to Section 55(c) of the same Code, this Sanggunian hereby OVERRIDES the veto on Appropriation Ordinance No. 17-11-01-2024, thereby enacting the Appropriation Ordinance into law;

WHEREAS, this Sanggunian has authorized the FY 2024 General Fund Annual Budget of the Province of Davao Oriental, in accordance with the prescribed powers vested upon it pursuant to Section 468(2)(i) *"...Enact the annual and supplemental appropriations of the provincial government and appropriate funds for specific programs, projects, services and activities of the province or for other purposes not contrary to law, in order to promote the general welfare of the province and its inhabitants"*;

WHEREAS, this Sanggunian passed and approved SP Resolution No. 17-763-12-2023, entitled: ***"A RESOLUTION CONFIRMING THE APPROVAL ON THE PASSAGE OF PDC-EXCOM RESOLUTION NO. 21, SERIES OF 2023, ENTITLED: "A RESOLUTION APPROVING AND ENDORSING THE AMENDMENT OF CY 2024 ANNUAL INVESTMENT PROGRAM (AIP) OF DAVAO ORIENTAL FOR INCLUSION AND MODIFICATION OF PRIORITY PROGRAMS, PROJECTS AND ACTIVITIES (PPAs) TO THE SANGGUNIANG PANLALAWIGAN (SP) FOR APPROPRIATE ACTION", CONSIDERING THAT THE SAME IS IN ACCORDANCE WITH LAW"***, on December 29, 2023, during its 3rd Special Session;

WHEREAS, on January 10, 2024 during its 80th Regular Session, the Appropriation Ordinance No. 17-11-01-2024 authorizing the FY 2024 General Fund Annual Budget of the Province of Davao Oriental, involving the amount of P2,607,985,511.00, was enacted by this Honorable August Body. This is consistent with provisions in the Budget Operations Manual for LGUs 2023 Edition, *that the Annual Investment Plan (Amended AIP) is duly approved/adopted by the Sanggunian prior to the enactment of the Appropriation Ordinance for Annual Budget pursuant to Section 305 (i) of the LGC, which states that, "local budgets shall operationalize approved local development plans"*;

WHEREAS, upon further scrutiny on the records, it was discovered the signed SP Resolution No. 17-763-12-2023 (Amended AIP 2024) was among the excerpts returned to the SP Support Services Offices from the Provincial Governor's Office on January 8, 2024, however, there was no date of signed by the Governor reflected therein. After receiving the remaining transmitted excerpts from the Provincial Governor's Office on January 15, 2024, all signed and undated excerpts were filled-in with January 22, 2024 as the date of approval by the Governor. The same was filled-in by Ms. Amalia T. Rebuyon, Administrative Officer III of the SP Support Services Offices, with the knowledge and consent of Mr. Maximino A. Nazareno II, Secretary to the Sangguniang Panlalawigan, as a means of ensuring the consistency of all the excerpts passed by this Sanggunian on December 29, 2023. *(Attached herewith is the Affidavit of Ms. Amalia T. Rebuyon, establishing the timeline of the records)*;



WHEREAS, the funded items Maintenance and Other Operating Expenses and Personnel Services of the Offices of the Secretary to the Sanggunian (SPSSO), Sangguniang Panlalawigan Members and the Vice Governor with the combined total amount of P209,361,925.46, are existing item of expenditures/PPAs present in the Amended AIP. The increase of appropriations doesn't necessarily mean as "*inclusion of new items*" in view of Article 415 (a) paragraph 6 of the IRR of the Local Government Code, which states that: "*The local sanggunian may not increase the proposed amount in the executive budget nor include new items except to provide for statutory and contractual obligations but in no case shall it exceed the total appropriations in the executive budget;*

WHEREAS, provided further in the Budget Operations Manual for LGUs (2023 Edition) that the Sanggunian can increase items of appropriations in the executive budget, "*provided that the aggregate increase does not result to an excess over the total proposed amount in the executive budget pursuant to Article 415 (a) of the IRR of the Local Government Code*";

WHEREAS, the Aid to Component Barangays in the total amount of P54,900,000.00 or P300,000.00 per barangay from the proposed P183,000.00 or P1,000.00 per barangay is consistent with the provisions under Section 324 (c) of RA 7160 which provides that the said aid shall be provided of "*not less than P1,000.00 per barangay.*" Clearly, there is no prescribed/mandatory maximum amount to be allocated for the said item. And to strictly implement the same, an Ordinance prescribing the rules and regulations relative thereto was enacted by this Sanggunian, consistent with relevant budgeting, accounting and auditing procedures set by law;

WHEREAS, this Sanggunian believes that the significant increase, across the board, would ensure that the local communities receive the support they need for infrastructure development, social services, and community projects. Strengthening barangays is a direct way to improve the quality of life for constituents, addressing their specific needs and promoting grassroots development especially those classified as GIDA;

WHEREAS, the appropriation for the Health Services Program (Provincial Health Office, DOPMC, 4 District Hospitals) involving the total combined amount of P771,696,235.30 with a large sum of P96,900,000.00 intended for the General Services, from the proposed P601,696,235.30. Considering that there is no new item/s of appropriation included in the budget and all items are found in the Amended AIP (PS, MOOE and CO), reiterating hereof that the increase of appropriations doesn't represent as "*inclusion of new items*" in view of Article 415 (a) paragraph 6 of the IRR of the Local Government Code;

WHEREAS, the Tourism Development Program – Local Economic Projects, despite that this specific item listed under the Local Government Development Fund is unfunded in the proposed executive budget, the same is found in the Amended AIP. This Sanggunian believes that funding the same in the amount of P8,000,000.00 is consistent to the promotion of a vibrant tourism sector, which not only boosts the local economy but also creates job opportunities for constituents in the hospitality and service industries;

WHEREAS, the reduction of the Confidential Expenses from P150,000,000.00 and Other Locally Funded Peace and Order PPAs from P433,000,000.00, to P12,000,000.00 and P262,435,794, respectively, doesn't violate the provisions of the COA-DBM-DILG-GCG-DND Joint Circular No. 2015-01, dated January 8, 2015. The



total amount of Confidential Fund as authorized by this Sanggunian is within the limitation of not more than thirty percent (30%) of the total annual amount allocated for the Peace and Order Program. All proposed PPAs for the Peace and Order Program listed under the Other Locally Funded PPAs are duly allocated;

WHEREAS, it is specifically provided in **Section 43 under the Administrative Procedures of the General and Special Provisions of the Appropriation Ordinance No. 17-11-01-2024** that the Provincial Vice Governor is granted an authority to negotiate, appoint and enter into contracts of service, consultancy, support services and job order employment in the **Office of the Vice Governor and the Sangguniang Panlalawigan**, and not on behalf of the Provincial Local Government Unit which authority belongs to the Local Chief Executive;

WHEREAS, a Provincial Ordinance granting the Provincial Vice Governor such authority was enacted by this Honorable August Body prior to undertaking / entering such activities, pursuant to Section 466(a)(5) of RA 7160, together with ruling on the case of Ramon M. Atienza V. Jose T. Villarosa in GR No. 161081, as reference and guidance;

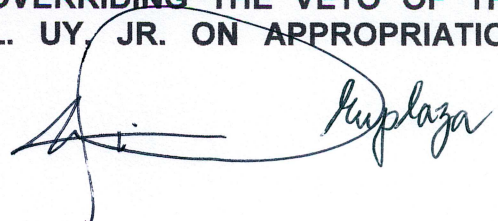
WHEREAS, while this Sanggunian had intended to prioritize environmental conservation initiatives through reforestation projects, waste management programs, and efforts to combat climate change, regrettably, it failed to notice that the Amended AIP does not include the Environmental Related Programs under the Natural Resources Management Program, even though this unfunded item is reflected in the proposed executive budget. Thus, the same was funded in the amount of P5,000,000.00 without basis and considered as a "new item" in the executive budget;

WHEREAS, from the proposed P56,450,000.00 and P74,000,000.00 (by attribution), the approved Gender and Development Funds has the total sum of P124,450,000.00 (P50,450,000.00 plus P74,000,000.00) or only 4.77% of the total appropriations. Therefore, there was an insufficient provision for the said budgetary requirement under Section 324(b) of RA 7160, which requires at least five percent (5%) or P130,450,000.00 of the local government unit's total budget appropriations;

WHEREAS, this Honorable Sanggunian agrees to submit to the proper reviewing authority, in this case, the Department of Budget and Management, for its sound review, discretion, and appropriate recommendations thereof. Unless the Appropriation Ordinance No. 17-11-01-2024 is declared inoperative and disallowed by the proper reviewing authority, this Appropriation Ordinance, by virtue of overriding the veto pursuant to Section 55(c) of RA 7160, shall be presumed valid and therefore, effective for all its legal intent and purposes;

WHEREFORE, in view of the foregoing and on motion by SP Member Rotchie M. Ravelo, duly and jointly seconded by SP Members Harold A. Montes, Daud V. Linsag, Andy A. Monday, Anna Cheryl N. Castro, Art Benjie C. Bulaong, Shanine C. Lintogonan, Jossone Michael G. Dayanghirang, Eleuterio C. Manaytay, and Joselito B. Villademoso, and duly voted by two-thirds (2/3) of all the members of the Sanggunian Panlalawigan of Davao Oriental, therefore, it was

RESOLVED, as it is hereby resolved, **OVERRIDING THE VETO OF THE HONORABLE GOVERNOR NIÑO SOTERO L. UY JR. ON APPROPRIATION ORDINANCE NO. 17-11-01-2024;**



RESOLVED, FINALLY, That copies of this resolution be furnished: The Provincial Governor, Provincial Treasurer, Provincial Accountant, Provincial Budget Officer, Provincial Auditor, and Provincial Planning & Development Coordinator, all of Davao Oriental, for their information and appropriate action.

CARRIED, by ten (10) affirmative votes of SP Members Anna Cheryl N. Castro, Harold A. Montes, Rotchie M. Ravelo, Art Benjie C. Bulaong, Daud V. Linsag, Andy A. Monday, Joselito B. Villademoso, Jossone Michael G. Dayanghirang, Eleuterio C. Manaytay, and Shanine C. Lintogonan; four (4) negative votes of SP Members Shella Marie S. Go, Stephen Paul L. Uy, Marietta D. Palmera, and Michelle M. Centeno; and abstention - none.

*

*

*

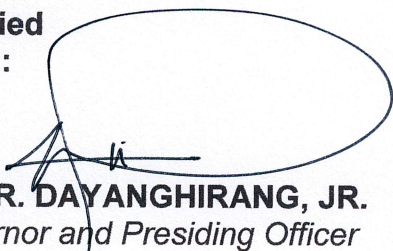
**I hereby Certify to the Correctness
of the foregoing Resolution.**



EVANGELINE UY-PLAZA

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

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



NELSON R. DAYANGHIRANG, JR.
Vice Governor and Presiding Officer