



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 91<sup>ST</sup> REGULAR SESSION OF THE 17<sup>TH</sup> SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON TUESDAY, MARCH 26, 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 - via virtual  
Hon. Marietta D. Palmera  
Hon. Andy A. Monday  
Hon. Michelle M. Centeno

**District II**

Hon. Harold A. Montes  
Hon. Rotchie M. Ravelo – via virtual  
Hon. Daud V. Linsag

**Ex-Officio Members:**

Hon. Joselito B. Villademosa	President, Philippine Councilors League (PCL) - Davao Oriental Chapter – via virtual
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) – via virtual

**ABSENT:**

Hon. Shella Marie S. Go	SP Member, District II – Special Privilege Leave
Hon. Stephen Paul L. Uy	SP Member, District II – Sick Leave

**RESOLUTION NO. 17-900-03-2024**

Author : Hon. Andy A. Monday  
Co-Author : Hon. Harold A. Montes  
Hon. Art Benjie C. Bulaong  
Sponsor : Hon. Andy A. Monday

**A RESOLUTION OVERRIDING THE VETO OF THE HONORABLE GOVERNOR NIÑO SOTERO L. UY, JR., ON PROVINCIAL ORDINANCE NO. 17-33-02-2024, ENTITLED: “AN ORDINANCE GRANTING AUTHORITY TO THE VICE GOVERNOR TO NEGOTIATE AND ENTER INTO MEMORANDUM OF AGREEMENT /UNDERSTANDING OR A CONTRACT FOR CONSULTANCY AND SUPPORT SERVICES IN THE OFFICE OF THE VICE GOVERNOR, SANGGUNIANG PANLALAWIGAN MEMBERS, AND SANGGUNIAN SECRETARIAT TASKED TO FUNCTION IN THEIR RESPECTIVE AREAS OF CONCERN, FOR AND ON BEHALF OF THE LEGISLATIVE DEPARTMENT OF THE PROVINCE OF DAVAO ORIENTAL”.**

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**WHEREAS**, submitted before this August Body is the **Veto Message** of the Honorable Governor Niño Sotero L. Uy, Jr., dated March 5, 2024, on Provincial Ordinance No. 17-33-02-2024;

**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 Provincial Ordinance is prejudicial to public welfare;

**WHEREAS**, this Honorable Sanggunian respects and acknowledges the Honorable Governor for exercising his power to veto the said Provincial Ordinance in question pursuant to Section 55 of the Local Government Code;

**WHEREAS**, pursuant to Section 55 (c) of the same Code, this Sanggunian hereby **OVERRIDES** the veto on **PROVINCIAL ORDINANCE NO. 17-33-02-2024**, thereby making the Provincial Ordinance valid and effective for all its legal intent and purposes, even without the approval of the local chief executive.

**WHEREAS**, it is specifically stated thereof 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 entire Provincial Local Government Unit which authority belongs to the Local Chief Executive;

**WHEREAS**, emphasizing hereof one of the preamble of the Ordinance, the Atienza V. Villarosa case (G.R. No. 161081, May 10, 2005) which reads:

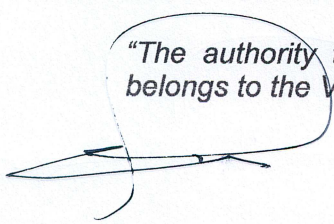
*“while the Governor has the authority to appoint officials and employees whose salaries are paid out of the provincial funds, this does not extend to the officials and employees of the Sangguniang Panlalawigan because such authority is lodged with the Vice-Governor. In the same manner, the authority to appoint casual and job order employees of the Sangguniang Panlalawigan belongs to the Vice-Governor.” xxx “The authority of the Vice-Governor to appoint the officials and employees of the Sangguniang Panlalawigan is anchored on the fact that the salaries of these employees are derived from the appropriation specifically for the said local legislative body. Indeed, the budget source of their salaries is what sets the employees and officials of the Sangguniang Panlalawigan apart from the other employees and officials of the province.”*

**WHEREAS**, DILG Advisory, dated February 08, 2024, signed by Undersecretary Juan Victor R. Llamas clarified the matter relative to the Authority to Hire Contract of Service and Job Order Employees, per DBM letter, dated November 16, 2023, which cited that the SC also discussed the legislative intent behind the Local Government Code, to wit:

*“The avowed intent of Rep. Act. No. 7160, therefore, is to vest on the Sangguniang Panlalawigan independence in the exercise of its legislative functions vis-a-vis the discharge by the Governor of the executive functions. The Memoranda dated June 25, 2002 and July 1, 2002 of the respondent Governor, which effectively excluded the petitioner Vice-Governor, the presiding officer of the Sangguniang Panlalawigan, xxx from appointing its casual and job order employees, constituted undue interference with the latter's functions. The assailed memoranda are clearly not in keeping with the intent of Rep. Act No. 7160 and their implementation should thus be permanently enjoined.”*

**WHEREAS**, in addition to the above cited provisions, it is also provided in the Frequently Asked Questions of the Budget Operations Manual (BOM) for LGUs, 2023 Edition, as to the proper authority for the hiring of casual and Job Order workers in the Office of the Vice Mayor/Vice Governor and the local sanggunian, to wit:

*“The authority to appoint casual and job order employees of the local Sanggunian belongs to the Vice Mayor / Vice Governor. The authority (sic) is anchored on the fact*



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*that the salaries of these employees are derived from the appropriation specifically for the said legislative body.”*

**WHEREAS**, this Sanggunian strongly believe in the legality and appropriateness of the foregoing Provincial Ordinance based on Supreme Court rulings, DILG, and DBM Memorandum, and previous practices which has been exercised even by the very person who vetoed the Ordinance;

**WHEREFORE**, on motion of SP Member Andy A. Monday, duly and jointly seconded by SP Members Harold A. Montes, Anna Cheryl N. Castro, Jossone Michael G. Dayanghirang, Daud V. Linsag, Eleuterio C. Manaytay, Rotchie M. Ravelo, Art Benjie C. Bulaong, Shanine C. Lintogonan, and Joselito B. Villademoso, it was

**RESOLVED**, as it is hereby resolved, **OVERRIDING THE VETO OF THE HONORABLE GOVERNOR NIÑO SOTERO L. UY, JR., ON PROVINCIAL ORDINANCE NO. 17-33-02-2024, ENTITLED: “AN ORDINANCE GRANTING AUTHORITY TO THE VICE GOVERNOR TO NEGOTIATE AND ENTER INTO MEMORANDUM OF AGREEMENT /UNDERSTANDING OR A CONTRACT FOR CONSULTANCY AND SUPPORT SERVICES IN THE OFFICE OF THE VICE GOVERNOR, SANGGUNIANG PANLALAWIGAN MEMBERS, AND SANGGUNIAN SECRETARIAT TASKED TO FUNCTION IN THEIR RESPECTIVE AREAS OF CONCERN, FOR AND ON BEHALF OF THE LEGISLATIVE DEPARTMENT OF THE PROVINCE OF DAVAO ORIENTAL”;**

**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 guidance.

**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; two (2) negative votes of SP Members Marietta D. Palmera, and Michelle M. Centeno; and abstention - none.

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

*Evangelina Uy-Plaza*

**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*