

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 102ND REGULAR SESSION OF THE 17TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON THURSDAY, JUNE 13, 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. Andy A. Monday

District II

Hon. Harold A. Montes
Hon. Rotchie M. Ravelo – via Virtual
Hon. Daud V. Linsag
Hon. Stephen Paul L. Uy

Ex-Officio Member:

Hon. Jossone Michael G. Dayanghirang President, Liga Ng Mga Barangay (LNB)
Davao Oriental Chapter

ABSENT:

Hon. Shella Marie S. Go	SP Member, District II
Hon. Marietta D. Palmera	SP Member, District I
Hon. Michelle M. Centeno	SP Member, District I – Vacation Leave
Hon. Joselito B. Villademoso	President, Philippine Councilors League (PCL) - Davao Oriental Chapter
Hon. Eleuterio C. Manaytay	Indigenous Peoples Mandatory Representative (IPMR)
Hon. Shanine C. Lintogonan	Sangguniang Kabataan Provincial Federation President (SKPPF)

RESOLUTION NO. 17-995-06-2024

Author : Hon. Harold A. Montes
Co-Author : Hon. Rotchie M. Ravelo
Hon. Andy A. Monday
Sponsor : Hon. Harold A. Montes

A RESOLUTION ADOPTING THE RULES OF PROCEDURES GOVERNING APPEALS TO THE SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL PURSUANT TO SECTION 67(A) OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991.

Section 1. Scope and Application. These rules shall govern the procedure for filing and resolving appeals to the Sangguniang Panlalawigan from decisions of the Sangguniang Bayan or Sangguniang Panlungsod in cases of administrative disciplinary actions against elective barangay officials.

Section 2. Who May Appeal. Any elective barangay official who has been administratively disciplined by the Sangguniang Bayan or Sangguniang Panlungsod may appeal to the Sangguniang Panlalawigan.

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Section 3. Period to appeal. The party who is not satisfied with the decision of the Sangguniang Bayan or Sangguniang Panlungsod may file an appeal to this Sangguniang Panlalawigan within thirty (30) days from receipt thereof (*Section 67(a), RA 7160*)

Failure to file an appeal within the prescribed period shall render the decision final and executory.

Section 4. Filing of the Appeal. The appeal is taken by filing a *Notice of Appeal* with the Office of the Sangguniang Panlalawigan, with proof of service of a copy thereof to the Sanggunian concerned who rendered the decision or final order appealed from. The notice of appeal shall indicate the parties to the appeal, the decision or final order appealed from, and states the materials dates showing the timeliness of the appeal. A copy of the Notice of Appeal shall likewise be furnished to the affected party or appellee.

Section 5. Order of Transmittal of Record. Within fifteen (15) working days from receipt of a copy of the Notice of Appeal, the Sangguniang Panlalawigan, thru its Presiding Officer shall direct the Sanggunian whose decision or final order has been appealed to transmit to the sangguniang panlalawigan the complete original record of the case with each page consecutively numbered and initialed by the custodian of the records, together with the exhibits and transcripts, which shall be certified by such custodian as complete, within fifteen working days upon receipt. A copy of the letter of transmittal of the records to the sangguniang panlalawigan shall be furnished to the parties.

Section 6. Notice of Receipt of Record. Upon receiving the records of the case, the Secretary to the Sangguniang Panlalawigan shall immediately cause a Notice of Receipt of Record and shall be served to the concerned parties. It shall likewise require the Appellant to reproduce twenty (20) copies of the records of the case.

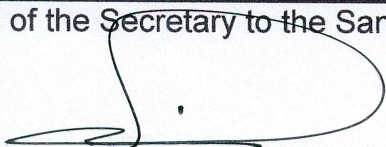
Section 7. Appeal Memorandum. The appeal memorandum shall be filed within thirty (30) days from the date the Notice of Appeal is filed with proof of service of a copy thereof to the Sanggunian concerned and the affected parties. The appellant must provide the Office of the Sangguniang Panlalawigan twenty (20) copies of the appeal memorandum for SP En Banc.

The Appeal Memorandum shall contain the following:

- a. The caption, docket number of the administrative case as presented in the Sanggunian of origin, name of the appellant and appellee and their respective addresses;
- b. A clear and concise statement of facts and issues as grounds for the appeal;
- c. A copy of the decision being appealed;
- d. Any evidence or documentation supporting the appeal; and
- e. The relief being sought.

Failure of the appellant to comply with any of the required contents of the appeal memorandum shall be sufficient grounds for the dismissal of the appeal.

Section 8. Docketing of Appeals. Upon receipt of the Appeal Memorandum, the Office of the Secretary to the Sangguniang Panlalawigan shall docket the case and



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assign a docket number. The parties shall be notified of the docket number and the schedule of hearings, if necessary.

Section 9. Effect of Filing an Appeal. The filing of an appeal shall not automatically stay the execution of the decision appealed from unless the Sangguniang Panlalawigan issues a stay order upon motion of the appellant and after due notice to the appellee.

Section 10. Action on Appeal. The Sangguniang Panlalawigan, convened as SP En Banc, may require the appellee to file a comment to the appeal memorandum within fifteen (15) days from notice.

An appeal may be dismissed by the Sangguniang Panlalawigan, motu proprio or upon motion by the appellee, on any of the following grounds:

- a. If the Sangguniang Panlalawigan finds that it has no jurisdiction;
- b. If the appeal lacks documents as required in Section 6 hereof;
- c. If the appeal is patently without merit;
- d. If the appeal is prosecuted manifestly for delay; or
- e. If the questions raised in the appeal are too unsubstantial to require consideration.

If the appeal is to be dismissed due to any of the foregoing grounds, the dismissal shall be final and executory, and the records of the case shall immediately be returned to the Sanggunian of origin with a certificate under the seal of the Sangguniang Panlalawigan showing that the appeal has been dismissed.

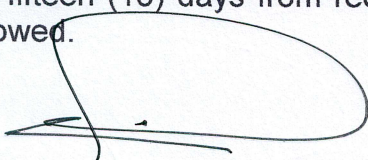
Section 11. Comment of the Appellee. The comment shall (a) point out insufficiencies or inaccuracies in appellant's statement of facts and issues and (b) state the reasons why the appeal should be denied or dismissed. A copy of the same shall be furnished to the appellant and the Sanggunian concerned, with proof of service submitted to the Sangguniang Panlalawigan.

Section 12. Hearing. If necessary, the Sangguniang Panlalawigan, through the Committee on Good Government, may conduct hearings to receive additional evidence or to allow the parties to present their arguments.

Section 13. Form and Notice of Decision. Within sixty (60) working days after the appealed has been considered, the Sangguniang Panlalawigan, upon the recommendation of the Committee on Good Government, shall render a decision in a form of a resolution stating clearly and distinctly the facts and the reasons for such decision. Copies of said decision shall immediately be furnished to the parties and the Sanggunian concerned that issued the original decision.

The penalty of suspension or removal as contained in the decision by the Sangguniang Bayan or Sangguniang Panlungsod shall not be affirmed unless the same is voted by **two-thirds (2/3) of all the members (qualified majority)** as provided for the purpose.

Section 14. Finality of Decision. The decision of the Sangguniang Panlalawigan shall be final and executory unless a motion for reconsideration is filed within fifteen (15) days from receipt thereof. Only one motion for reconsideration shall be allowed.



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After a careful and thorough deliberation, on motion of SP Member Harold A. Montes, duly and jointly seconded by SP Members Andy A. Monday, Anna Cheryl N. Castro, Jossone Michael G. Dayanghirang, Daud V. Linsag, and Stephen Paul L. Uy, it was

RESOLVED, as it is hereby resolved, **ADOPTING THE RULES OF PROCEDURES GOVERNING APPEALS TO THE SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL PURSUANT TO SECTION 67(A) OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991;**

RESOLVED, FINALLY, That copies of this resolution be furnished: Mr. Virgilio a. Benaning, Respondent-Appellant; Mr. Lolito D. Benaning, Complainant; Honorable Sangguniang Bayan Members of Caraga thru its Presiding Officer, all of Caraga; and Honorable Members of the Sangguniang Panlalawigan, all of Mati City, Davao Oriental, for their information and guidance.

CARRIED, UNANIMOUSLY.

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

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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