



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 107TH REGULAR SESSION OF THE 17TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON WEDNESDAY, JULY 17, 2024, AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Regular Members:

District I

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

 Hon. Michelle M. Centeno

District II

Hon. Harold A. Montes
 Hon. Rotchie M. Ravelo
 Hon. Daud V. Linsag – Temporary
 Presiding Officer

Ex-Officio Members:

Hon. Joselito B. Villademoso

 Hon. Eleuterio C. Manaytay

President, Philippine Councilors League
 (PCL) - Davao Oriental Chapter
 Indigenous Peoples Mandatory
 Representative (IPMR)

ABSENT:

Hon. Nelson R. Dayanghirang, Jr.
 Hon. Shella Marie S. Go
 Hon. Stephen Paul L. Uy

Vice Governor
 SP Member, District II
 SP Member, District II – OB – City of Mati
 and Banaybanay

Hon. Art Benjie C. Bulaong
 Hon. Jossone Michael G. Dayanghirang

SP Member, District I
 President, Liga Ng Mga Barangay (LNB)
 Davao Oriental Chapter – Special Privilege
 Leave

Hon. Shanine C. Lintogonan

Sangguniang Kabataan Provincial
 Federation President (SKPFP) – OB Boston

RESOLUTION NO. 17-1011-07-2024

Author : Hon. Eleuterio C. Manaytay

Sponsor : Hon. Eleuterio C. Manaytay

A RESOLUTION RETURNING TO MR. NAZARIO G. BANGA, REPRESENTATIVE OF THE HEIRS OF FRANCISCO B. BANGA, SITIO BANHAWAN JOVELLAR, MUNICIPALITY OF TARRAGONA, THIS PROVINCE, HIS LETTER DATED APRIL 29, 2024, WITH THE INFORMATION THAT THIS SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL CANNOT TAKE ACTION ON HIS REQUEST TO AWARD A PARCEL OF LAND TO THEIR FAMILY, CONSIDERING THAT THE SAME IS BEYOND THE POWERS OF THIS LEGISLATIVE BODY, PURSUANT TO SECTION 468 OF THE LOCAL GOVERNMENT CODE; AND LIKewise RECOMMENDING HEREOF TO ADDRESS HIS CONCERN TO THE HONORABLE GOVERNOR NINO SOTERO L. UY, JR., FOR HIS INFORMATION AND WHATEVER ACTION DEEMED APPROPRIATE THEREON.

WHEREAS, COMMUNICATION NO. 17-945-2024 pertains to the letter of Mr. Nazario G. Banga, representative of the Heirs of Francisco B. Banga, appealing to this

Sangguniang Panlalawigan that the parcel of land with Lot No. 2966-A Csd-017768-D, located at Sitio Banhawan Jovellar, Municipality of Tarragona, which is presently under the name of Provincial Government of Davao Oriental, be awarded to their family;

WHEREAS, the parcel of land with an area of 17,163 square meters is owned by the Provincial Government of Davao Oriental per Tax Declaration No. 11-0004-00195 with Property Identification No. 064-11-0004-011-29;

WHEREAS, Mr. Banga averred that the said Lot No. 2966-A was pronounced and surveyed as cadastral road, however, it turned out that the government thru the DPWH rerouted the road and constructed within the premises of Francisco B. Banga, with Land Title No.(0-2987) 0-1474 Lot No. 2639;

WHEREAS, allegedly, the proposed Cadastral Road was abandoned, and just recently, the Banga family found out that said road was named under the Provincial Government of Davao Oriental;

WHEREAS, the Banga Family expressed their dismay and objection because the said road is an exchange for the road that the DPWH have constructed, and that until to date, the heirs of Francisco B. Banga are paying the taxes for the said lot including the national road;

WHEREAS, the family requested and appealed that it is proper to award the said parcel of land in favor to their family considering their long standing occupation and development of land, and its historical significance for their family;


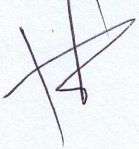
WHEREAS, this Honorable Sanggunian understands the sentiment of Mr. Nazario G. Banga and their family in their appeal for fairness and respect for hard work of their ancestor and historical significance of the said parcel of land to their family. However, it is also important to understand that the Sangguniang Panlalawigan, as a legislative body, is not vested with such power to grant or award a parcel of land to certain individuals or entity in behalf of the Provincial Government, considering that the said parcel of land is presently owned by the PLGU;

WHEREAS, Chapter III, Section 465(b)(1)(vi) of the Local Government Code of 1991, states that the Provincial Governor, as the chief executive of the provincial government, shall "*represent the province in all its business transactions and sign in its behalf all bonds, contracts, and obligations, and such other documents upon authority of the sangguniang panlalawigan or pursuant to law or ordinance*";

WHEREAS, in view of the foregoing provision of the law, this August Body can only grant authority to the Local Chief Executive on matters that requires the same, provided that the Local Chief Executive would request such authority, being it in order and necessary, which in this case, to award the said parcel of land to the Banga family;

WHEREFORE, on motion of SP Member Eleuterio C. Manaytay, duly and jointly seconded by SP Members Andy A. Monday, Anna Cheryl N. Castro, Rotchie M. Ravelo, and Harold A. Montes, it was

RESOLVED, as it is hereby resolved, **RETURNING TO MR. NAZARIO G. BANGA, REPRESENTATIVE OF THE HEIRS OF FRANCISCO B. BANGA, SITIO BANHAWAN JOVELLAR, MUNICIPALITY OF TARRAGONA, THIS PROVINCE, HIS LETTER DATED APRIL 29, 2024, WITH THE INFORMATION THAT THIS**



SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL CANNOT TAKE ACTION ON HIS REQUEST TO AWARD A PARCEL OF LAND TO THEIR FAMILY, CONSIDERING THAT THE SAME IS BEYOND THE POWERS OF THIS LEGISLATIVE BODY, PURSUANT TO SECTION 468 OF THE LOCAL GOVERNMENT CODE;

RESOLVED FURTHER, to RECOMMEND MR. BANGA TO ADDRESS HIS CONCERN TO THE HONORABLE GOVERNOR NINO SOTERO L. UY, JR., FOR HIS INFORMATION AND WHATEVER ACTION DEEMED APPROPRIATE THEREON;

RESOLVED, FINALLY, That copies of this resolution be furnished: Mr. Nazario G. Banga, Municipality of Tarragona, Davao Oriental, for his information and guidance.

CARRIED AND APPROVED.

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



MAXIMINO A. MAZARENO II
Secretary to the Sangguniang Panlalawigan

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



DAUD V. LINSAG
SP Member, District II
Temporary Presiding Officer