



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 128TH REGULAR SESSION OF THE 17TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON WEDNESDAY, DECEMBER 11, 2024, AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Regular Members:

District I

Hon. Art Benjie C. Bulaong
Hon. Marietta D. Palmera
Hon. Michelle M. Centeno

District II

Hon. Shella Marie S. Go
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

Hon. Shanine C. Lintogonan

President, Philippine Councilors League (PCL) - Davao Oriental Chapter
Indigenous Peoples Mandatory Representative (IPMR)
Sangguniang Kabataan Provincial Federation President (SKFPF)

ABSENT:

Hon. Nelson R. Dayanghirang, Jr.

Hon. Anna Cheryl N. Castro

Hon. Stephen Paul L. Uy

Hon. Andy A. Monday

Hon. Jossone Michael G. Dayanghirang

Vice Governor – OB – Manay

SP Member, District I

SP Member, District II – OB – District II

SP Member, District I

President, Liga Ng Mga Barangay (LNB)
Davao Oriental Chapter – OB - Manay

RESOLUTION NO. 17-1138-12-2024

Author : Hon. Art Benjie C. Bulaong

Sponsor : Hon. Art Benjie C. Bulaong

A RESOLUTION AUTHORIZING THE HONORABLE GOVERNOR NIÑO SOTERO L. UY, JR., TO ENGAGE SERVICES OF A SPECIAL COUNSEL TO APPEAR BEFORE THE HONORABLE COURT ON THE PENDING CASES OF THE PROVINCIAL GOVERNMENT OF DAVAO ORIENTAL, SUBJECT TO THE PROVISIONS STIPULATED IN ARTICLE XI, SECTION 481(b)(3)(i) OF REPUBLIC ACT 7160; AND THE COMMISSION ON AUDIT CIRCULAR NO. 98-002, DATED JUNE 9, 1998; AND OTHER EXISTING LAWS, RULES, AND REGULATIONS, RELATIVE THERETO.

WHEREAS, presented for consideration before the August Body is the letter from the Honorable Governor Niño Sotero L. Uy, Jr., dated November 26, 2024, requesting for the passage of a resolution authorizing him for the aforementioned subject matter, docketed as Communication No. 17-1130-2024;

g. 11/11/24

WHEREAS, due to the resignation of Atty. Lady Hope J. Macayra, there is no existing Provincial Legal Officer and Assistant Legal Officer in the Province of Davao Oriental to appear before the Honorable Court and/or to file the necessary pleadings ordered by the respective Honorable Court on the pending cases of the provincial government which requires the attention of a legal officer;

WHEREAS, Section 481, third paragraph, of RA 7160, provides that: ***"the appointment of a legal officer shall be mandatory for the provincial and city governments and optional for the municipal government;***

WHEREAS, Sec. 2-2, Art. IX-D, Constitution, provides that: ***"public funds shall not be utilized for payment of the services of a private legal counsel or law firm to represent government agencies in court or to render legal services for them"***.

WHEREAS, the Commission on Audit issued Memorandum Circular No. 98-002, dated June 9, 1998, that prohibits the employment of a private lawyers in the Local Government Units to handle their legal cases;


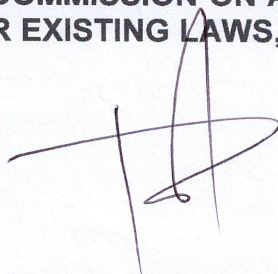
WHEREAS, COA Circular No. 95-011, provides among others that: xxx "In the event that such legal services cannot be avoided or is justified under extraordinary or exceptional circumstances, the written conformity and acquiescence of the Solicitor General or the Government Corporate Counsel, as the case may be, and the written concurrence of the Commission on Audit shall first be secured before the hiring or employment of a private lawyer or law firm;

WHEREAS, ***"the case of Municipality of Piliia, Rizal v. CA, et al., 233 SCRA 484 (1994), cited in Circular No. 95-011, would even lend support to the position that only the Provincial Fiscal (Provincial Prosecutor) and the Municipal Attorney can represent a province or municipality in their lawsuits"***

WHEREAS, Article XI, Section 481(b)(3)(i) of Republic Act 7160, further provides that: ***"The legal officer, the chief legal counsel of the local government unit, shall take charge of the office of legal services and shall: xxx "Represent the local government unit in all civil actions and special proceedings wherein the local government unit or any official thereof, in his official capacity, is a party: Provided, That, in actions or proceedings where a component city or municipality is a party adverse to the provincial government or to another component city or municipality, a special legal officer may be employed to represent the adverse party;***

WHEREFORE, on motion of SP Member Art Benjie C. Bulaong, duly and jointly seconded by SP Members Shella Marie S. Go, Harold A. Montes, Marietta D. Palmera, Michelle M. Centeno, and Rotchie M. Ravelo, it was

RESOLVED, as it is hereby resolved, **AUTHORIZING THE HONORABLE GOVERNOR NIÑO SOTERO L. UY, JR., TO ENGAGE SERVICES OF A SPECIAL COUNSEL TO APPEAR BEFORE THE HONORABLE COURT ON THE PENDING CASES OF THE PROVINCIAL GOVERNMENT OF DAVAO ORIENTAL, SUBJECT TO THE PROVISIONS STIPULATED IN ARTICLE XI, SECTION 481(b)(3)(i) OF REPUBLIC ACT 7160; AND THE COMMISSION ON AUDIT CIRCULAR NO. 98-002, DATED JUNE 9, 1998; AND OTHER EXISTING LAWS, RULES, AND REGULATIONS RELATIVE THERETO;**



RESOLVED, FINALLY, That copies of this resolution be furnished: Honorable Governor Niño Sotero L. Uy, Jr., DILG Provincial Director, and other concerned offices, this Province, for their information and guidance.

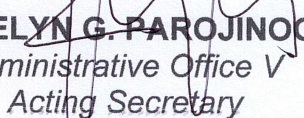
CARRIED AND APPROVED.

*

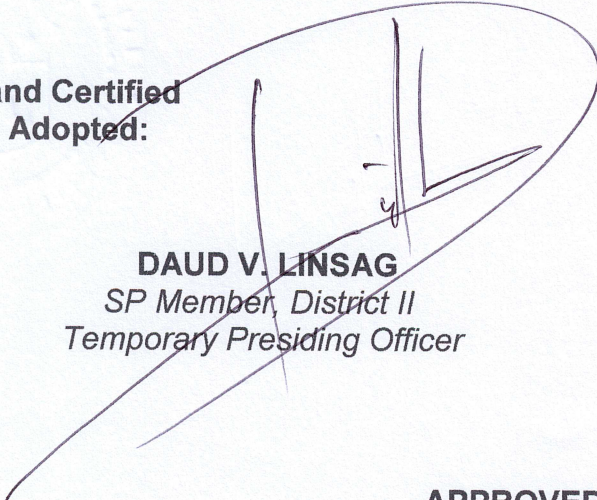
*

*


I hereby Certify to the Correctness
of the foregoing Resolution.


GENELYN G. PAROJINOG
Administrative Office V
Acting Secretary

Attested and Certified
to be duly Adopted:


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

APPROVED:


NIÑO SOTERO L. UY, JR.
Governor

Date approved
and signed **DEC 20 2024**