

Republika ng Pilipinas
LALAWIGAN NG SURIGAO DEL SUR
TANDAG CITY

Tanggapan ng Sangguniang Panlalawigan
(Office of the Provincial Council)

EXCERPT FROM THE MINUTES OF THE 112TH REGULAR SESSION OF THE 20TH SANGGUNIANG PANLALAWIGAN OF SURIGAO DEL SUR HELD AT THE LEGISLATIVE BUILDING SESSION HALL, CAPITOL OF THE SOUTH, KAHAYAG, BISLIG CITY, PROVINCE OF SURIGAO DEL SUR ON OCTOBER 8, 2024

PRESENT:

Hon. Manuel O. Alameda, Sr.	- Vice Governor (Presiding Officer)
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Regular Sangguniang Panlalawigan Members:

District I	District II
Hon. Amado M. Layno, Jr.	Hon. Conrad C. Cejoco
Hon. Antonio C. Azarcon	Hon. Margarita G. Garay
Hon. Valerio T. Montesclaros, Jr.	Hon. Gines Ricky J. Sayawan, Sr.
	Hon. Anthony Joseph P. Cañedo
	Hon. Raul K. Salazar

Ex – Officio Members:

Hon. John Paul C. Pimentel	- President, Philippine Councilors' League, Surigao del Sur Chapter
Hon. Yuri Art Eufy R. Sanchez	- President, Panlalawigang Pederasyon ng mga Sangguniang Kabataan

ON OFFICIAL BUSINESS:

Hon. Melanie Joy M. Guno	- President, Provincial Chapter of the Liga ng mga Barangay sa Pilipinas
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ABSENT:

On Special Privilege Leave:

Hon. Ruel D. Momo	- Member, Sangguniang Panlalawigan
Hon. Jimmy I. Guinsod	- Indigenous Peoples Mandatory Representative, Surigao del Sur

On Sick Leave:

Hon. Jose Dumagan Jr.	- Member, Sangguniang Panlalawigan
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RESOLUTION NO. 2425 -24
(Series of 2024)

ADOPTING THE DECISION OF THE 20TH SANGGUNIANG PANLALAWIGAN EN BANC, THIS PROVINCE IN THE MATTER OF THE ADMINISTRATIVE CASE FILED BY HON. MARIA VILLA C. BAES, HON. WESLIE D. GAZO, HON. ANNIELYN M. CAPISTRANO, HON. ALFREDO A. ANTOJADO, HON. ANTONIO M. CALMARES, HON. ERLINDA V. ESTAL, HON. RODULFO A. DAMIAO, JR., HON. ARON A. OJAO, HON. RED DAVID MAQUILING AND HON. ROMEL P. DAWOG, SANGGUNIANG BAYAN MEMBERS, COMPLAINANT AGAINST HON. CHARLYN L. LITERATO, VICE MAYOR, MUNICIPALITY OF LANUZA, RESPONDENT FOR GROSS NEGLIGENCE OR DERELICTION OF DUTY DOCKETED AS CASE NO. 05-2024

SPONSORS:

**HON. MANUEL O. ALAMEDA, SR., HON. ANTONIO C. AZARCON,
HON. RUEL D. MOMO, HON. AMADO M. LAYNO, JR., HON. JOSE
DUMAGAN, JR., HON. CONRAD C. CEJOCO, HON. ANTHONY
JOSEPH P. CAÑEDO, HON. GINES RICKY J., SAYAWAN, SR.,
HON. RAUL K. SALAZAR, HON. MARGARITA G. GARAY,
HON. VALERIO T. MONTESCLAROS, JR., HON. JOHN PAUL C.
PIMENTEL, HON. MELANIE JOY M. GUNO AND HON. JIMMY I.
GUINSOD**

WHEREAS, an Administrative Case was filed by Hon. Maria Villa C. Baes, Hon. Weslie D. Gazo, Hon. Annielyn M. Capistrano, Hon. Alfredo A. Antojado, Hon. Antonio M. Calmares, Hon. Erlinda V. Estal, Hon. Rodulfo A. Damiao, Jr., Hon. Aron A. Ojao, Hon. Red David Maquiling and Hon. Romel P. Dawog, Sangguniang Bayan Members, Complainant against Hon. Charlyn L. Literato, Vice Mayor, Municipality of Lanuza, Respondent for Gross Negligence or Dereliction of Duty which was received by the Office to the Secretary to the Sangguniang Panlalawigan (OSSP) on April 3, 2024 and docketed as Case No. 05-2024;

WHEREAS, the Office of the Governor and the Department of Interior and Local Government (DILG) were furnished with the above-mentioned Complaint. The Notice to File Answer was sent to the respondent on April 4, 2024. Consequently, the Respondent filed her Answer or Counter-Affidavit and was received on April 30, 2024;

WHEREAS, the case was then referred to the Committee on Laws and Justice and Human Rights on May 7, 2024. During the Committee Meeting of the aforesaid Committee on May 14, 2024, a Preliminary Conference was scheduled on May 21, 2024. During the said Preliminary Conference at 1:30 in the afternoon, both parties were given a 30-day period to submit their respective Position Papers. On the same date, a Reply of the Complainants to the Answer of the Respondent was received;

WHEREAS, furthermore, a Motion for Preventive Suspension of Respondent was filed by the Complainants which was received on May 29, 2024. However, said Motion was denied pursuant to SP Resolution No. 2030-2024 for the reason that the respondent is the current Vice Mayor of Lanuza and her Preventive Suspension would mean advantageous on the part of the first Sangguniang Bayan Member as her successor who is also one of the complainants of the said Administrative Case. The Position Paper of the Respondent was received on June 5, 2024. Subsequently, the Position Paper of the Complainants which was received on June 21, 2024. It was agreed by the Sangguniang Panlalawigan that Hon. Jose Dumagan, Jr. will write the Decision of the said Administrative Case;

WHEREAS, after thorough deliberation, discussion and weighing of Position Papers of both parties, it was found out that it was not established in the records submitted to this August Body that the aforementioned legislations were presented and received by the Vice Mayor as there is no proof to show that her office received such Ordinances or Resolutions for her signature;

WHEREAS, those cited Ordinances/Resolutions allegedly did not reach the Respondent's office due to the "note" ("This Ordinance was considered to have been duly signed by the Presiding Officer pursuant to Section 49 b) of the Local Government Code" and "The context of this Resolution was taken from the intent and purpose of the request"). Those notes were placed below the name of the Presiding Officer which was supplied by the Secretary. It should be noted that Section 49 (b) was wrongfully cited by the Secretary. Said section is applicable in the event of the inability of the regular Presiding Officer to preside at the Sanggunian Session which does not apply in this case as the Respondent was the one who presided the session;

WHEREAS, subsequently, some of the minutes, resolutions and ordinances also does not have the signature of the Secretary to the Sangguniang Bayan. Hence, how can the Vice Mayor/Presiding Officer attest and certify by affixing her signature when in fact, the Secretary has not certified to the correctness of such legislations by failing to affix his signature. It is evident that the Secretary is controlling the Vice Mayor and deciding the fate of the Resolution/Ordinance. This is such a disrespect to the powers of the Vice Mayor in the performance of her duties and responsibilities to enact and approve ordinance;

WHEREAS, it was ruled that the Respondent is not administratively liable of Gross Negligence or Neglect of Duty and the herein Administrative Case is dismissed;

WHEREAS, during the 112th Regular Session of the 20th Sangguniang Panlalawigan on October 8, 2024, Hon. Antonio C. Azarcon, Member Sangguniang Panlalawigan manifested that it is imperative to adopt the decision of the 20th Sangguniang Panlalawigan En Banc, this Province in the matter of the Administrative Case filed by Hon. Maria Villa C. Baes, Hon. Weslie D. Gazo, Hon. Annielyn M. Capistrano, Hon. Alfredo A. Antojado, Hon. Antonio M. Calmares, Hon. Erlinda V. Estal, Hon. Rodulfo A. Damiao, Jr., Hon. Aron A. Ojao, Hon. Red David Maquiling and Hon. Romel P. Dawog, Sangguniang Bayan Members, Complainants against Hon. Charlyn L. Literato, Vice Mayor, Municipality of Lanuza, Respondent for Gross Negligence or Dereliction of Duty docketed as Case No. 05-2024;

WHEREAS, on motion of Hon. Antonio C. Azarcon and jointly seconded by Hon. Valerio T. Montesclaros, Jr. and Hon. Amado M. Layno, Jr.;

NOW THEREFORE


BE IT RESOLVED by the Sangguniang Panlalawigan of Surigao del Sur to adopt the decision of the 20th Sangguniang Panlalawigan En Banc, this Province in the matter of the Administrative Case filed by Hon. Maria Villa C. Baes, Hon. Weslie D. Gazo, Hon. Annielyn M. Capistrano, Hon. Alfredo A. Antojado, Hon. Antonio M. Calmares, Hon. Erlinda V. Estal, Hon. Rodulfo A. Damiao, Jr., Hon. Aron A. Ojao, Hon. Red David Maquiling and Hon. Romel P. Dawog, Sangguniang Bayan Members, Complainants against Hon. Charlyn L. Literato, Vice Mayor, Municipality of Lanuza, Respondent for Gross Negligence or Dereliction of Duty docketed as Case No. 05-2024.

RESOLVED FINALLY: To furnish copies of this Resolution to Hon. Charlyn L. Literato, Vice Mayor, Municipality of Lanuza, to Hon. Maria Villa C. Baes, to Hon. Weslie D. Gazo, to Hon. Annielyn M. Capistrano, to Hon. Alfredo A. Antojado, to Hon. Antonio M. Calmares, to Hon. Erlinda V. Estal, to Hon. Rodulfo A. Damiao, Jr., to Hon. Aron A. Ojao, to Hon. Red David Maquiling and to Hon. Romel P. Dawog, Sangguniang Bayan Members, Sangguniang Bayan Member, all of the Municipality of Lanuza, this Province, to the Civil Service Commission (CSC) Surigao del Sur Office and to the Office of the Deputy Ombudsman for Mindanao, Corner of Earth and Libra Sts., GSIS Heights, Matina, Davao City, for their information and guidance.

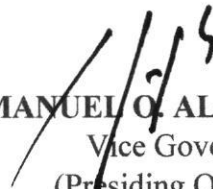
ADOPTED this 8th day of October, 2024 at the City of Bislig, Province of Surigao del Sur by unanimous votes of all Sangguniang Panlalawigan Members present.

X-----X

I HEREBY CERTIFY to the correctness of the foregoing Resolution.


MARITES COMA-ARREZA
Acting Secretary to the Sangguniang Panlalawigan

**ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:**


MANUEL Q. ALAMEDA, SR.
Vice Governor
(Presiding Officer)