

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. 2424-24
(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, SANGGUNIANG BAYAN MEMBER, COMPLAINANT AGAINST HON. CHARLYN L. LITERATO, VICE MAYOR, MUNICIPALITY OF LANUZA, RESPONDENT FOR GRAVE ABUSE OF AUTHORITY DOCKETED AS CASE NO. 02-2024

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, Sangguniang Bayan Member, Complainant against Hon. Charlyn L. Literato, Vice Mayor, Municipality of Lanuza, Respondent for Grave Abuse of Authority which was received by the Office to the Secretary to the Sangguniang Panlalawigan (OSSP) on February 7, 2024 and docketed as Case No. 02-2024;

WHEREAS, the Notice to File Answer was then sent to the Respondent on February 7, 2024. The Office of the Governor and the Department of Interior and Local Government (DILG) were furnished with the above-mentioned Complaint. Consequently, on February 19, 2024, the Respondent filed her Answer or Counter-Affidavit. The same was furnished to the Office of the Governor and the Department of Interior and Local Government (DILG). The case was referred to the Committee on Laws and Justice and Human Rights on February 20, 2024. It was then referred to the Sangguniang Panlalawigan En Banc during the Committee Meeting on February 27, 2024 since the authority to hear the case cannot be delegated to the said Committee;

WHEREAS, furthermore, on March 18, 2024, during the conduct of a Committee Meeting, both parties were required to submit their respective Position Papers together with the documentary evidences and judicial affidavits of their witnesses to support their allegations. The Position Paper of the Complainant was received on April 17, 2024. On the other hand, the Position Paper of the Respondent was received on April 19, 2024;

WHEREAS, after thorough deliberation, discussion and weighing of Position Papers of both parties, it was found out that the elements of Grave Abuse of Authority are not attendant in this case. There was no substantial evidence presented against respondent to prove that there was a showcase of cruelty, severity, or excessive use of authority against complainant, considering that the latter was also equally at fault. The act of respondent in requiring the complainant to submit an approved travel authority/permit was not oppressive nor tantamount to be "misuse of one's authority in a wantonly and capriciously excessive or extravagant manner contrary to the natural or legal rules for its use." Moreover, this August Body finds no compelling reason to doubt the presumption of regularity of the act of the respondent, which, unless the presumption is rebutted, it becomes conclusive;

WHEREAS, since the complainant failed to present an approved travel permit, therefore the denial of her request for reimbursement prevails and is presumed regular. The act per se does not show a wanton disregard of law on the part of the respondent tantamount to abuse of authority. However, respondent fails to act or conduct herself as such elected Public official as mandated under Republic Act No. 6713, Section 4 (A) a, b, c and Section 5;

WHEREAS, it was ruled by the Committee En Banc that a penalty of Reprimand is hereby imposed on the Respondent for her to be more circumspect in treating such complaint by addressing the same honestly and completely with a stern warning that a repetition of same offense will be dealt with more severely;

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, Sangguniang Bayan Member, Complainant against Hon. Charlyn L. Literato, Vice Mayor, Municipality of Lanuza, Respondent for Grave Abuse of Authority docketed as Case No. 02-2024;

WHEREAS, on motion of Hon. Antonio C. Azarcon and duly seconded by 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, Sangguniang Bayan Member, Complainant against Hon. Charlyn L. Literato, Vice Mayor, Municipality of Lanuza, Respondent for Grave Abuse of Authority docketed as Case No. 02-2024.

RESOLVED FINALLY: To furnish copies of this Resolution to Hon. Charlyn L. Literato, Vice Mayor, Municipality of Lanuza, to Hon. Maria Villa C. Baes, 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.

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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 O. ALAMEDA, SR.
Vice Governor
(Presiding Officer)