RESOLUTION NO. _____-25
(Series of 2025)

Item No. _____
For 2nd Reading
134th Regular Session
April 2, 2025
Tandag City

INQUIRING WHETHER THE PROVINCE OF AGUSAN DEL SUR HAS THE AUTHORITY TO ENTER INTO AND BE BOUND BY A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF SURIGAO DEL SUR FOR THE RESOLUTION OF THE EXISTING BOUNDARY DISPUTE ENSURING ITS EFFECTIVE IMPLEMENTATION ON THE PROVISIONS CONTAINED IN THE SAID MOU

SPONSORS:

HON. ANTONIO C. AZARCON, HON. CONRAD C. CEJOCO, HON. JOSE DUMAGAN, JR., HON. JIMMY I. GUINSOD, HON. GINES RICKY J. SAYAWAN, SR., HON. RUEL D.MOMO, HON. AMADO M. LAYNO, JR., HON. MARGARITA G. GARAY, HON. ANTHONY JOSEPH P. CANEDO, HON. RAUL K. SALAZAR AND HON. VALERIO T. MONTESCLAROS, JR.

WHEREAS, a boundary dispute exists between the Provinces of Agusan del Sur and Surigao del Sur, particularly affecting Barangay Alegria in the Municipality of San Francisco and Barangay Campbagang in the Municipality of Barobo, which has resulted in jurisdictional uncertainties and administrative challenges;

WHEREAS, Chapter I, Section 118, (c) of the Local Government Code of 1991 provides that boundary disputes involving municipalities or component cities of different provinces shall be jointly referred for settlement to the **sanggunians** of the provinces concerned;

WHEREAS, a joint meeting between the Sanggunians of Surigao del Sur and Agusan del Sur was conducted at Villa Azarcon, Barangay Cabangahan, Tago, Surigao del Sur on October 28, 2025 and it was agreed that a Memorandum of Understanding (MOU) be drafted by Hon. Antonio C. Azarcon;

WHEREAS, ~~said~~ proposed Memorandum of Understanding (MOU) between the Sangguniang Panlalawigan of Agusan del Sur and the Sangguniang Panlalawigan of Surigao del Sur shall serve as a collaborative approach to facilitate the resolution of the boundary dispute;

WHEREAS, the aforementioned proposed MOU was ~~made and~~ forwarded to the Sangguniang Panlalawigan of Agusan del Sur on October 28, 2024 for consideration and appropriate action;

WHEREAS, this August Body is in receipt of Resolution No. 116-25 from the Province of Agusan del Sur dated February 24,2025 entitled "Adopting the Counter-Proposal of the Provincial Government of Agusan del Sur to the Memorandum of Understanding Transmitted by the Sangguniang Panlalawigan of Surigao del Sur Relative to the Existing Boundary Issue Between the Two Provinces", for adoption of this Body, which was eventually referred to the Committee on Boundary Settlement for appropriate action;

WHEREAS, there is a need to clarify whether the Province of Agusan del Sur has the legal authority to enter into and be bound by such MOU to effectively implement its provisions in accordance with applicable laws, rules and regulations;

WHEREAS, during the Committee Meeting of the Committee on Boundary Settlement of the 20th Sangguniang Panlalawigan of Surigao del Sur on March 25, 2025, it was recommended to inquire whether the Province of Agusan del Sur has the authority to enter into and be bound by a Memorandum of Understanding (MOU) with the Sangguniang Panlalawigan of the Province of Surigao del Sur for the Resolution of the existing Boundary Dispute ensuring its effective implementation on the provisions contained in the said MOU, otherwise, it would be ~~still~~ delayed, if they haven't the authority to decide on territorial dispute;

WHEREAS, in order to enforce the legality of the proposed MOU, it is essential that the Sanggunian of the Province of Agusan del Sur be clothed with such authority to achieve a just and lasting resolution to the boundary dispute of the two (2) provinces and to prevent future conflicts;

WHEREAS, in view of the foregoing and on motion of _____, and seconded by _____;

NOW THEREFORE

BE IT RESOLVED by the Sangguniang Panlalawigan of Surigao del Sur to inquire whether the Province of Agusan del Sur has the authority to enter into and be bound by a Memorandum of Understanding (MOU) with the Sangguniang Panlalawigan of the Province of Surigao del Sur for the Resolution of the existing Boundary Dispute ~~and to~~ ensure the effective implementation of the provisions contained in the said MOU.

RESOLVED FINALLY: To furnish copies of this Resolution to Hon. Santiago B. Cane, Jr., Provincial Governor and to Mr. Samuel E. Tortor, Vice Governor and Presiding Officer, Gov. Democrito O. Plaza Government Center, Prosperidad, all of the Province of Agusan del Sur, for their information and appropriate action.