

For Information/Committee on Finance and Appropriation

Noted

March 26, 2025

**OFFICE OF THE OMBUDSMAN**

**Mindanao**

Davao City



**Subject:** Formal Complaint Against the Sangguniang Bayan of Lanuza for Procedural Violations and Unauthorized Sessions

**Greetings!**

Pursuant to **Section 12 of R.A. 6770 (Ombudsman Act)** and **Section 447 of R.A. 7160 (Local Government Code)**, the undersigned being the incumbent Municipal Vice Mayor of Lanuza, Surigao del Sur hereby formally lodges a complaint for GRAVE MISCONDUCT against the Sangguniang Bayan Members and Secretary to the SB of Lanuza, namely:

- a. Maria Villa C. Baes;
- b. Wesle D. Gazo;
- c. Annielyn M. Capistrano;
- d. Alfredo A. Antojado;
- e. Antonio M. Calmares;
- f. Erlinda V. Estal;
- g. Rodolfo A. Damiao, Jr.;
- h. Aron A. Ojao;
- i. Red David Maquiling; and,
- j. Romel P. Dawog; and,
- h. Roderick P. Minardo

for violating parliamentary procedures and conducting unauthorized sessions, rendering certain actions null and void.

Hereunder are the specific grounds for this complaint, as follows:

**1. Enactment of Appropriation Ordinance No. 01** (Annual Budget of the Municipality of Lanuza for Fiscal Year 2025).

On December 4, 2024, the Sangguniang Bayan of Lanuza held a special session at around 9 o' clock in the morning, to tackle a supplemental budget requested by the Municipal Mayor. The undersigned called to order and presided the said special session in the morning of December 4, 2024.

That time, there was no quorum; thus, the undersigned declared the said special session adjourned.

Surprisingly, without notice and information to the undersigned, the respondents held another special session in the afternoon of December 4, 2025, and enacted Appropriation Ordinance No. 01 which was never in the agenda and neither requested by the Municipal Mayor of Lanuza, Surigao del Sur.

Tanggapan ng Sangguniang Panlalawigan

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Received by: \_\_\_\_\_

OSSP-SDS-2025-4585

Telephone No.: (086) - 211 - 5832

E-Mail: tpsurigaosur@yahoo.com

SURIGAO DEL SUR

Appropriation Ordinance No. 01 appropriated the amount P **191,413,894.00** for the year 2025 budget.

This time, the afternoon special session was presided by Maria Villa C. Baes.

It's so clear that the second special session on the afternoon of December 4, 2024 violated Section 52 of the Local Government Code of 1991, strictly prohibiting holding of two sessions in the same day.

Also, considering that the two sessions were held in same day, it violated also the "PARLIAMENTARY PROCEDURE", in the absence of certification by the Local Chief Executive the urgency of such measure.

As a consequence, the Tanggapan ng Sangguniang Panlalawigan of Surigao del Sur declared the said appropriation ordinance null and void per Resolution No. 2842-25.

## **2. Enactment of Appropriation Ordinance No. 01, Series of 2025**

On February 25, 2025, the respondents held a session as scheduled, while the undersigned was attending Vice Mayors' League of the Philippines in Manila. The respondents that time included as unassigned business, tackled and deliberated for supposed resubmission of the Annual Budget FY 2025 (Appropriation Ordinance No. 08- 2024), appropriating this time an increased amount of **Php 192,063,894.00**.

By looking at the figures itself, it seems that the respondents were enacting a new appropriation ordinance, not anymore as resubmission because in resubmission of budget, increasing an amount to be appropriated from the previous appropriation ordinance is unlawful.

Likewise, the said measure violated again the "three reading principles" because this measure was made in same day.

At the onset, the executive budget was not requested by the municipal mayor of Lanuza, and no certification of urgency of such measure from our local chief executive.

Thus, the undersigned has again questioned the executive budget before the Tanggapan ng Sangguniang Panlalawigan of Surigao del Sur which the same is still pending.

## **3. DISRESPECTING THE PRESIDING OFFICER OF LANUZA**

Lastly, the respondents disrespected the undersigned as Municipal Vice Mayor and presiding officer of the SB Members of Lanuza, Surigao del Sur; and surpassed the mandate of the TSP of Surigao del Sur/

The SB Members of Lanuza enacted Appropriation Ordinance No. 10, Series of 2023, appropriated the amount of Php 117,000,000.00 to pay the other liabilities of the LGU, including the heavy equipments in the amount around Php 60,000,000.00.

The undersigned presided the sessions of this ordinance, but the Secretary to the SBM of Lanuza, Mr. Roderick Minardo, failed to submit the approved ordinance to the undersigned for her signature, instead certified that "***This Ordinance was***

**considered to have been duly signed by the Presiding Officer pursuant to Section 49 b) of the Local Government Code”.**

Due to the absence of signature of the undersigned as presiding officer, the respondents lodged an administrative case against the undersigned before the Tanggapan ng Sangguniang Panlalawigan of Surigao del Sur for “Gross Negligence”.

The TSP of Surigao del Sur absolved the undersigned by dismissing the case. The TSP held that:

“It is evident that the Secretary us 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 his duties and responsibilities to enact and approved ordinance”.

With that, in its Resolution dated 24 September 2024, the TSP withheld the validity of the ordinance as “operative with condition”, directing the Secretary to the SBM of Lanuza to submit the ordinance to the undersigned for her signature.

Unfortunately, up to this time, the Secretary to the SBM of Lanuza did not submit the ordinance to the undersigned; and, worst, the respondents disbursed the appropriated amount for the liabilities of the LGU of Lanuza, including the Php 60,000,000.00 for the heavy equipments.

With these infractions and violations mentioned above, thus, the undersigned is cordially requesting this Honorable Office to do the following:

**Investigate** the procedural violations and unauthorized sessions of the Sangguniang Bayan.

**Declare** the enactment of Appropriation Ordinance No. 01 **null and void** due to non-compliance with parliamentary procedures.

**Recommend corrective measures** to ensure adherence to the Local Government Code.

Thank you.

  
**CHARLYN L. LITERATO**  
Vice Mayor and Presiding Officer  
Municipality of Lanuza, Surigao del Sur

Cc:

**TSP of Surigao del Sur**  
Capitol Hills, Telaje, Tandag City,  
Surigao del Sur

**LandBank of the Philippines**  
Tandag Branch  
Tandag City, Surigao del Sur

*SUBSCRIBED AND SWORN* to before me  
this 31 MAR 2025  
at Tandag City, Surigao del Sur.

I HERBY CERTIFY that I have personally examined  
the affiant who appeared to me personally and  
personally known to me and I am fully satisfied that  
he has executed and understood this sworn statement.

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NLS

  
JOSE P. ZAFRA, R.M.T.  
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