



Office of the Sangguniang Panlungsod

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 @ panlungsodsangguniang@gmail.com

Ref No. 04
Date: 14 2023 DEC

December 13, 2023

OFFICE OF THE VICE GOVERNOR/PRESIDING OFFICER
Sangguniang Panlalawigan
Province of Leyte
Tacloban City

PROVINCE OF LEYTE
SANGGUNIAN PANLAWIGAN
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Sir:

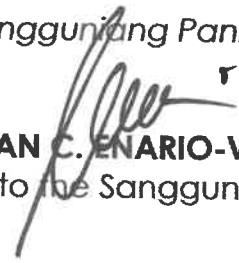
Respectfully endorsing to your good office the herein letter-reply from the Chairperson of the Committee on Laws, Rules & Privileges, Atty. Jose Rommel A. Peñaranda, SP Member duly approved by Atty. Ernesto M. Butawan, City Vice Mayor/Presiding Officer, relative to Resolution No. 2023-442, **"Returning to the Sangguniang Panlungsod of Baybay City General Fund Supplemental Budget No. 01 CY 2023 for compliance of the findings of the Local Finance Committee,"** with the following attachments, to wit:

1. Copy of the Sangguniang Panlungsod Resolution No. 2023-452.
2. Copy of the Sangguniang Panlalawigan Resolution No. 2023-442.
3. City Ordinance No. 07, s-2022 as Annex "A"
4. Resolution No. 2023-275 of the Sangguniang Panlungsod of Baybay.
5. Resolution No. 2023-012 of the Sangguniang Panlalawigan as Annex "B"
6. Statement of Supplemental Appropriation as Annex "C"
7. Memorandum to Mr. Marianito E. Gorgonio, designated PESO Manager as Annex "D"
8. Office Order of Ms. Josefina K. Granada-Gutierrez, designated as Tourism & Investment Promotion/City Economic and Promotion Officer as Annex "E"
9. Appointment of Mr. Eliseo B. Inocando, Head of the Office of the Senior Citizens Affair (OSCA) as Annex "F"

It is hoped that these documents are in order and therefore, merits your kind consideration and approval.

Thank you very much.

For the Sangguniang Panlungsod:


ATTY. VIVIAN C. ENARIO-VIDALLON
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
-0000000-



Office of the Sangguniang Panlungsod

Telefax No. (+63-53)335-4808/563-9009 2nd Floor, Legislative Bldg., Magsaysay Ave., Baybay City, Leyte 6521 @ sangguniangpanlungsod@gmail.com

November 10, 2023

HON. LEONARDO M. JAVIER JR.

Vice Governor and Presiding Officer
Sangguniang Panlalawigan
Province of Leyte

Dear Vice Governor,

Warm Christian greetings.

The Local Government Unit (LGU) of Baybay City submitted to your good Office last **02 August 2023**, for review and consideration, **Appropriations Ordinance No. 1, S-2023**. The subject ordinance pertains to the **supplemental budget** of the LGU for Calendar Year 2023 amounting to Php 159,240,307.57. Last **27 October 2023**, the *Sangguniang Panlungsod* of this City received a copy of the *Sangguniang Panlalawigan's* Resolution No. 2023-442 directing the return of the subject Appropriation Ordinance to the City *Sanggunian* for compliance with the findings and recommendations of the Local Finance Committee (LFC). The LFC Report enumerated therein several items which they believed needed rectification from the LGU.

Under Paragraph 2 of Section 327 of the Local Government Code (LGC), the reviewing *Sanggunian* is given a period of ninety (90) days within which to review the said ordinance and declare the same to be valid or inoperative in its entirety or in part. However, upon perusal of Resolution No. 2023-442 of the *Sangguniang Panlalawigan*, we noted that there was no adverse declaration on the subject Appropriations Ordinance. There was also no advice to the Local Chief Executive (LCE) from your Office or from the LFC regarding the ordinance under review as mandated by **Section 327 of the LGC**. This adverse declaration or advice is a requirement provided for by law in order to suspend the effectivity of the subject Appropriations Ordinance.

It must be emphasized that **Section 320 of the same Code** explicitly provides that **"an ordinance enacting a supplemental budget, however, shall take effect upon its approval or on the date fixed therein"**. The subject Appropriations Ordinance is a supplemental budget of the City for this calendar year 2023 for the items enumerated therein. Without the adverse declaration of the *Sangguniang Panlalawigan* and without the proper advice as mandated under Section 327 of the LGC, **the subject Appropriations Ordinance No. 1, S-2023 shall continue to be in full force and effect as**

provided for under Paragraph 2 of Section 327 of the LGC. Moreover, without this adverse declaration or advice, the said ordinance is deemed to have been reviewed in accordance with law. We are of the opinion that the **effectiveness of the LGU's supplemental budget** is not contingent on the approval or denial of the reviewing *Sanggunian*. It may be suspended only if there is an adverse declaration by the reviewing *Sanggunian* or advice to the LCE, which is absent hereof.

Nevertheless, we deem it proper to answer all the items discussed in the LFC Report. We find that the grounds cited by the LFC are still not enough to prevent the subject ordinance from being operative. Discussed hereunder, in *seriatim*, are our answers to the findings of the LFC, to wit:

- 1. The first item in the LFC findings.** It would appear that the LFC recommended the deferment of the appropriations for the appointive positions at the City Mayor's Office (CMO), the City Agriculture Office (CAO), and the City Treasurer's Office (CTO). The LFC opined that mandatory positions should first be created prior to the creation and funding of such optional positions in line with **CSC Memorandum Circular No. 12, S-2022.**

The LGU respectfully begs to disagree with this finding of the LFC. **The LGU believes that CSC MC No. 12 does not apply to positions already created prior to the issuance of the said circular.**

The ordinance in support of the creation of the positions mentioned in the subject supplemental budget was enacted by the City *Sanggunian* on **11 October 2022** under **City Ordinance¹ No. 07, S-2022.** In fact, this *Sangguniang Panlalawigan* had already passed **Resolution² No. 2023-012** dated **10 January 2023** approving and declaring as valid City Ordinance No. 07, S-2022.

The CSC circular relied upon by the LFC took effect on **03 November 2022.** These **optional positions of the LGU were created prior to the effectivity of CSC MC No. 12. Thus, the said CSC MC No. 12 does not apply to City Ordinance No. 07, S-2022.** The said MC has no retroactive effect that will bind the LGU in the creation of these appointive positions funded in the subject ordinance. Even so, the LGU has designated employees already of the LGU to concurrently act as its Public Employment Service Office Manager, its City Senior Citizens Affairs Head, and its City Tourism Officer.³

¹ See Annex "A"

² See Annex "B"

³ See Annex "D", "E" and "F"



It must be stressed that in so far as the creation of mandatory and optional positions in the Local Government Unit, **Section 454** of the LGC governs.

“SEC. 454. *Officials of the City Government.* - (a) There **shall** be in each city a mayor, a vice-mayor, sangguniang panlungsod members, a secretary to the sangguniang panlungsod, a city treasurer, a city assessor, a city accountant, a city budget officer, a city planning and development coordinator, a city engineer, a city health officer, a city civil registrar, a city administrator, a city legal officer, a city veterinarian, a city social welfare and development officer, and a city general services officer.

(b) In addition thereto, the city mayor **may** appoint a city architect, a city information officer, a city agriculturist, a city population officer, a city environment and natural resources officer, and a city cooperatives officer. The appointment of a city population officer shall be optional in the city: Provided, however, That cities which have existing population offices shall continue to maintain such offices for a period of five (5) years from the date of the effectivity of this Code, after which said offices shall become optional. XXXX”

On the other hand, the national laws that were made legal basis in CSC MC No. 12 in the creation of the six (6) listed mandatory positions are as follows:

- a. The City Agricultural and Biosystems Engineer (RA 10915)
- b. The City Cooperative Development Officer (RA 11535)
- c. The City Persons with Disability Affairs Office (RA 10070)
- d. The City Public Employment Service Office Manager (RA 10691)
- e. The City Senior Citizens Affairs Head (RA 9994)
- f. The City Tourism Officer (RA 9593)

From the foregoing, it is noteworthy to mention that among the six (6) laws mentioned above, only RA 11535 specifically amended Section 454 of the LGC. Section 2 of RA 11535 provides that:

“**Section 2.** Section 454, Book III, Title Three, Chapter 2 of Republic Act No. 7160, is hereby amended to read as follows:

“SEC. 454. *Officials of the City Government.* - (a) There **shall** be in each city a mayor, a vice-mayor, sangguniang panlungsod members, a secretary to the sangguniang panlungsod, a city treasurer, a city assessor, a city accountant, a city budget officer, a city planning and development coordinator, a city engineer, a city health officer, a city civil registrar, a city administrator, a city legal officer, a city veterinarian, a city social welfare and development officer, and a city general services officer. **A city CDO shall also be appointed:** *Provided,* That the city has the **option** to appoint a full-fledged CDO or merge such position to an existing position or official in a related office, unit or department in the city government: *Provided,* further, That if the city



shall appoint a full-fledged CDO, the city has the option to set the rank, remuneration and other emoluments of the city CDO subject to existing laws, rules and regulations.

(b) In addition thereto, the city mayor may appoint a city architect, a city information officer, a city agriculturist, a city population officer, and a city environment and natural resources officer. XXX”

However, even if there is an express amendment of Section 454, still RA 11535 provides only for an **option** of the LGU to appoint a City Cooperative Development Officer (CDO) as provided under Paragraph 1, Section 2 of RA 11535. As to the other five (5) laws, there is no express amendment or repeal of Section 454 of the LGC. Instead, it merely provides for a general repealing clause to the effect that all laws, decrees, executive orders, and other administrative issuances and parts thereof that are inconsistent with the provisions of these laws are hereby modified and/or superseded. With these general repealing clauses, there arises a legal question as to whether or not the other five (5) laws supersede the express provision of the LGC.

It is our humble opinion that the Local Government Code of 1991, being a special law that deals exclusively with local government units and outlining therein its powers and functions in accordance with the constitutional mandate of local autonomy, controls, and is superior to the other five (5) laws mentioned above. Thus, the five “mandatory” positions mentioned in CSC MC No. 12 cannot defeat the specific provision of the LGC to create offices mandated **by Section 454 thereof** and to **“create such other offices as may be necessary to carry out the purposes of the city government.”**⁴

Moreover, it bears to note that one of the key considerations in the creation of these mandatory positions is that the LGU must have the corresponding budget thereof, duly approved by the *Sanggunian*, in order to be considered valid. As of this writing, the LGU has no approved budget yet for the mandatory positions identified by the LFC.

- 2. As to the second item in the LFC findings,** the documents submitted to the *Sangguniang Panlalawigan* for review and consideration already include therein a copy of **City SP Resolution No. 20230-274 dated 06 July 2023** which granted authority to our LCE for the reversion of the continuing balances from the capital outlay of the *Sangguniang Panlungsod* Office for Calendar Year 2020, 2021 and 2022. This is the document that supports the expenditures in the subject supplemental budget ordinance.

⁴ Item (c)(2) of Section 454 of the LGC.



3. **As to the third item in the LFC findings**, it bears to emphasize that the ***Statement of Supplemental Appropriation*** (LBP Form No. 9) submitted to the *Sangguniang Panlalawigan* complies with the reference coding structure prescribed in the Budget Operations Manual for the LGU.
4. **As to the fourth item in the LFC findings**, the City Budget Officer **inadvertently** failed to provide the account code for the item ***"Poverty Mitigation (AICS)"***. As such, attached hereto as **Annex "C"** is the amended ***Statement of Supplemental Appropriation*** (LBP Form No. 9) depicting the account code for the item ***"Poverty Mitigation (AICS)"***.
5. **As to the fifth item in the LFC findings**, the LGU is fully aware of the CSC Guidelines and Budget Circular No. 2016-2 in the appropriation for additional Terminal Leave Benefits/ Monetization of Leave Credits. The City LGU is obligated to comply with these guidelines.
6. **As to the sixth item in the LFC findings**, the appropriations for ***Personnel Services (Object of Expenditures)*** of the various appointive positions in the CMO, CAO and the CTO were based on the computation covering the period of July 2023 to December 2023 as per the Budget Operations Manual for the LGU.
7. **As to the seventh item in the LFC findings**, the City LGU is obligated to comply with all the laws and issuances relative to the granting of Performance Based Bonus for the Fiscal Year 2023.
8. **As to the eighth item in the LFC findings**, the City LGU is obligated to comply with all the laws and issuances relative to the procurement of goods, supplies, civil works, and related services.
9. **As to the ninth item in the LFC findings**, the City LGU is obligated to comply with all the laws and issuances relative to the disbursement of funds for specific purposes.

From the above-mentioned disquisitions, the deferment of our supplemental budget under **Appropriation Ordinance No. 1, S-2022** has no legal basis to stand on. Aside from the fact that there was no adverse declaration from the reviewing *Sanggunian* on the ordinance in review that would have stall the implementation of the said ordinance, the grounds cited by the LFC are still, not sufficient enough to warrant the suspension of the implementation of the subject appropriations ordinance.

Foregoing considered, the City LGU, through the *Sangguniang Panlungsod*, hereby **REQUEST** that **City Appropriation Ordinance No. 1, S-**



2022 be **formally and officially** declared as valid and operative as the same is within the powers vested in the LGU.

Other reliefs are likewise prayed for.

Very truly yours,



Atty. JOSE ROMMEL A. PEÑARANDA

SP Member

Chairperson, Committee on Laws

Sangguniang Panlungsod

Baybay City



Atty. ERNESTO M. BUTAWAN

Vice-Mayor & Presiding Officer

Sangguniang Panlungsod

Baybay City



Office of the Sangguniang Panlungsod

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 @ panlungsodsangguniang@gmail.com

EXCERPTS FROM THE MINUTES OF THE 41st REGULAR SESSION OF THE 6th SANGGUNIANG PANLUNGSOD OF THE CITY OF BAYBAY, PROVINCE OF LEYTE HELD AT THE SESSION HALL, NEW CITY HALL BUILDING, DIVERSION ROAD, BARANGAY GAAS ON NOVEMBER 9, 2023.

RESOLUTION NO. 2023 – 452

A RESOLUTION INDORSING TO THE SANGGUNIANG PANLUNGSOD COMMITTEE ON LAWS RESOLUTION NO. 2023-442 OF THE SANGGUNIANG PANLALAWIGAN FOR APPROPRIATE ACTION.

WHEREAS, the Sangguniang Panlungsod Office is in receipt of Resolution No. 2023-442 of the Sangguniang Panlalawigan re: A Resolution Returning to the Sangguniang Bayan of Calubian, Leyte Appropriation Ordinance No. 03 and to the Sangguniang Panlungsod of Baybay City General Fund Supplemental Budget No. 01 CY 2023 for Compliance of the Findings of the Local Finance Committee;

WHEREAS, the said Sangguniang Panlalawigan Resolution No. 442, was initially discussed during one of its sessions and then referred it to the Committee on Laws of our sanggunian for review;

WHEREAS, during the 39th Regular Session of this Sanggunian, a Committee Report was submitted by the Chairman of the Committee on Laws and an extensive discussion on the matter ensued thereafter the August body finally adopted said report and deemed it imperative to file a submission before the Sangguniang Panlalawigan to appeal and reconsider the Sangguniang Panlalawigan Resolution No. 442, relative to the findings of the Local Finance Committee on General Fund Supplemental Budget NO. 1 CY 2023 of the City of Baybay;

WHEREAS, in view thereof, the august body thus furnish a copy of the Committee Report to the Sangguniang Panlalawigan to formally file the appeal or reconsideration to the Sangguniang Panlalawigan Resolution No. 2023-442 of the Province of Leyte for appropriate action.

WHEREFORE, on motion of the SP Member Jorge V. Rebucas duly seconded by SP Member Jose Rommel A. Peñaranda, be it;

RESOLVED, as it hereby does RESOLVE, to file this submission to appeal or reconsider the Sangguniang Panlungsod Resolution No. 2023-442 for appropriate action.

RESOLVED FURTHER, that certified copies of this resolution be furnished to the Honorable Jose Carlos L. Cari, City Budget Office and other offices/agencies concerned for their information and guidance.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution that was duly adopted during the regular session of the Sangguniang Panlungsod held on November 9, 2023.


ATTY. VIVIAN C. ENARIO-VIDALLON
Secretary to the Sanggunian

**CERTIFIED TRUE COPY
OF THE ORIGINAL**

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:


ATTY. ERNESTO M. BUTAWAN
City Vice Mayor - Presiding Officer

APPROVED:


ENGR. JOSE CARLOS L. CARI
City Mayor


ATTY. VIVIAN C. ENARIO-VIDALLON
SP SECRETARY



Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-000-



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 59th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEYTE PROVINCIAL GOVERNMENT COMPLEX, PALO, LEYTE ON SEPTEMBER 19, 2023.

RESOLUTION NO. 2023-442

A RESOLUTION RETURNING TO THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE APPROPRIATION ORDINANCE NO. 03 AND TO THE SANGGUNIANG PANLUNGSOD OF BAYBAY CITY GENERAL FUND SUPPLEMENTAL BUDGET NO. 01 CY 2023 FOR COMPLIANCE OF THE FINDINGS OF THE LOCAL FINANCE COMMITTEE.

WHEREAS, Section 327 of Republic Act 7160 otherwise known as The Local Government Code of 1991, mandates the Sangguniang Panlalawigan to review the ordinance authorizing annual or supplemental appropriations of component cities and municipalities, in the same manner and within the same period for the review of other ordinances;

WHEREAS, submitted to the Sangguniang Panlalawigan of Leyte are **Appropriation Ordinance No. 03 of Calubian, Leyte** and the **General Fund Supplemental Budget No. 01 CY 2023 of Baybay City, Leyte**;

WHEREAS, the said budgets were referred to the Provincial Local Finance Committee for preliminary review, pursuant to Section 316 (f) and Section 475 (7) of R.A. 7160;

WHEREAS, the Local Finance Committee, upon evaluation, found out that the budgetary forms are not incorporated in the Appropriation Ordinance No. 03 of Calubian, Leyte, to wit:

1. Local Budget Preparation Form No. 8 – Statement of Funding Sources
2. Local Budget Preparation Form No. 9 – Statement of Supplemental Appropriation

WHEREAS, the Local Finance Committee likewise rendered the following review on the General Fund Supplemental Budget No. 01 CY 2023 of Baybay City, Leyte, to wit:

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1. The City created the following positions, to wit:

Department	Item No.	Position Title	Salary Grade
City Mayor's Office	1111	Executive Assistant I	14
	1112	City Government Department Head I (Business Permit and Licensing Officer)	25
City Accountant's Office	1113	Administrative Assistant IV (Bookbinder IV)	10
City Treasurer's Office	1114	Administrative Assistant V (Data Controller III)	11
	1115	Local Revenue Collection Officer II	11
	1116	Local Revenue Collection Officer II	11
	1117	Senior Administrative Assistant I (Data Entry Machine Operator IV)	13
	1118	Process Server	5

Attention is hereby invited to Section 5 of the Civil Service Commission (CSC) Memorandum Circular (MC) No. 12, series of 2022 which provides that the creation and funding of optional positions may be allowed after the mandatory positions have been created.

The following positions are being identified as mandatory positions under CSC MC No. 12, s. 2022

1. City Agricultural and Biosystems Engineer
2. City Cooperatives Development Officer
3. City Persons with Disability Affairs Officer
4. City Public Employment Service Office Manager
5. City Senior Citizens Affairs Head, and
6. City Tourism Officer

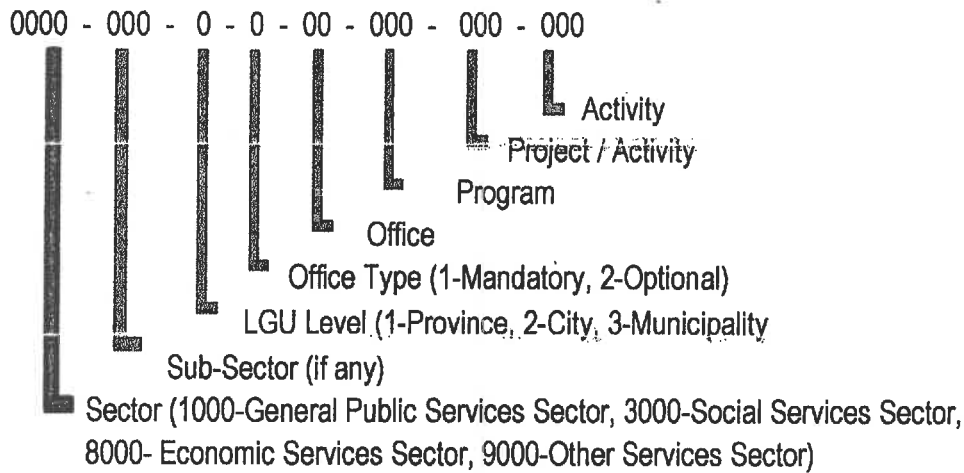
In view thereof, appropriations for the creation of the said optional positions is hereby deferred until such time that the mandatory positions have been created

2. That the reversion of appropriations is duly authorized by the concerned officials and are made available to support the expenditures under Supplemental Budget No. 1;

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3. That the preparation of the Annual Investment Program / Supplemental Investment Program No. 1 shall follow the referencing coding structure prescribed per Budget Operations Manual for Local Government Units. The prescribed coding structure is presented below:

AIP Coding Structure



4. That the program Poverty Mitigation (AICS) amounting to P3,000,000.00 shall be supplied with proper object of expenditure and account code under column 4 & 5 of LBP Form No. 9;
5. That additional appropriation for Terminal Leave Benefits/Monetization of Leave Credits shall be subject to CSC guidelines and Budget Circular No. 2016-2;
6. That the appropriations for various Personnel Services(PS) expenditures should be appropriately adjusted, to wit:

Department	PS Object of Expenditure	Per LGU Appropriation	Per Evaluation	Excess
City Mayor's Office	Year-end Bonus	P 136,533.00	P 68,266.50	P 68,266.50
	RLIP	100,762.00	98,303.76	2,458.24
	Philhealth Cont.	36,864.00	32,767.92	4,096.08
	ECP	23,348.00	1,200.00	22,148.00
	SUB-TOTAL	P 297,507.00	P 200,538.18	P 96,968.82
City Accountant's Office	Year-end Bonus	23,176.00	11,588.00	11,588.00
	RLIP	17,104.00	16,686.72	417.28
	Philhealth Cont.	6,258.00	5,562.25	695.75
	ECP	3,964.00	600.00	3,364.00
	SUB-TOTAL	50,502.00	34,436.97	16,065.03
City Treasurer's Office	Year-end Bonus	128,863.00	64,431.50	64,431.50
	RLIP	95,101.00	92,781.36	2,319.64
	Philhealth Cont.	34,794.00	30,927.12	3,866.88
	ECP	22,036.00	3,000.00	19,036.00
	SUB-TOTAL	280,794.00	191,139.98	89,654.02
TOTAL		P 628,803.00	P 426,115.13	P 202,687.87

Thus, the excess PS expenditure appropriations of Year-end Bonus, Retirement & Life Insurance Premium, Philhealth Contributions & Employees Compensation Premiums in the total amount of P202,687.87 shall not be disbursed and shall be reverted back to the unappropriated surplus/balance.

7. That the grant of Performance Based Bonus(PBB) for the Fiscal Year 2023 to officials and employees shall be in accordance to Memorandum Circular No. 23 dated August 22, 2023 under Executive Order No. 80;
8. That the procurement of Goods, Supplies, Civil Works and related services shall be made in accordance with the provisions of RA 9184 and its Implementing Rules and Regulations, and
9. That disbursement of funds shall be for the specific purpose(s) for which they have been appropriated pursuant to Sections 335 & 336 of RA 7160.

Compliance with DBM issuances, accounting and auditing rules and regulations and all other existing laws shall be the responsibility of the implementing Local Government Unit”;

WHEREAS, the August Body, upon review, deem it proper to return to the Sangguniang Bayan of origin the subject Supplemental Budget and Appropriation Ordinance, for compliance with the Local Government Code of 1991 and its Implementing Rules and Regulations;

NOW THEREFORE, on omnibus motion presented by Atty. Carlo P. Loreto, duly seconded by Atty. Ronnan Christian M. Reposar, be it


RESOLVED, as it is hereby resolved, **TO RETURN TO THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE APPROPRIATION ORDINANCE NO. 03 AND TO THE SANGGUNIANG PANLUNGSOD OF BAYBAY CITY GENERAL FUND SUPPLEMENTAL BUDGET NO. 01 CY 2023, FOR COMPLIANCE OF THE FINDINGS OF THE LOCAL FINANCE COMMITTEE.**

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

ATTESTED:


HON. LEONARDO M. JAVIER, JR.
Vice Governor/Presiding Officer


FLORINDA JILL S. DYVICO
Secretary to the Sanggunian
x

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Page 5/5 – Res. No. 2023-442 dated September 19, 2023
returning to the Sangguniang Panlungsod of Baybay City
GFSB No. 01 CY 2023

Copy furnished:

LCE and the Sangguniang Bayan
of Calubian, Leyte.

LCE and the Sangguniang Panlungsod
of Baybay, Leyte

X
FJSU: ASS
Naomi 19 September 2023

ANNEX "A"



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
-0000000-



Office of the Sangguniang Panlungsod

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6TH SANGGUNIANG PANLUNGSOD

11:30 am
10/20/22

CITY ORDINANCE NO. 07, S-2022
14TH Regular Session

AN ORDINANCE CREATING NEW PLANTILLA POSITIONS BY THE PROCESS OF ADDITION IN THE RESPECTIVE OFFICES OF THE CITY GOVERNMENT OF BAYBAY.

Sponsored by: **HONORABLE ROMULO B. ALCALA**

WHEREAS, Section 76 of RA7160, otherwise known as the Local Government Code of 1991, provide that every local government unit shall design and implement its own organizational structure and staffing pattern, taking into consideration its service requirement and financial capability, subject to the minimum standards and guidelines prescribed by the Civil Service Commission;

WHEREAS, Section 458 (a) of the same code (RA 7160) also provides that Sangguniang Panlungsod is empowered to determine the positions, salaries, wages and other emoluments and benefits of officials and employees, wholly or mainly from the city funds and provide for the expenditures necessary for the proper conduct of programs, projects, services and activities of the city;

WHEREAS, the Local Chief Executive manifested the city's endeavour to improve its organizational structure and staffing pattern and requested for the creation of the new plantilla positions to provide efficient delivery of services to the Baybayanon constituents.

WHEREFORE, on motion of Honorable Romulo B. Alcala, and duly seconded by the majority of the council members present,

BE IT ORDAINED, by the 6th Sangguniang Panlungsod of Baybay, during its 14th regular session assembled, on October 11, 2022, an ordinance is hereby adopted, to wit:

SECTION I. Title: "AN ORDINANCE CREATING NEW PLANTILLA POSITIONS BY THE PROCESS OF ADDITION IN THE RESPECTIVE OFFICES OF THE CITY GOVERNMENT OF BAYBAY."

SECTION II. New Plantilla Positions Created in the corresponding offices:

CITY TREASURER'S OFFICE

- 1 item - Data Controller III (SG-11)
- 2 items - Local Revenue Collection Officer I (SG-11)
- 1 item - Data Entry Machine Operator (SG-13)
- 1 item - Process Server (SG-5)

CITY ACCOUNTING OFFICE

- 1 item - Bookbinder IV (SG-10)
- 1 item - Bookbinder III (SG-7)
- 2 items - Process Server (SG-5)

BUSINESS PERMIT AND LICENSING OFFICE

- 1 item - ~~CG Department Head (SG-25)~~
- 1 item - Bookbinder III (SG-7)
- 1 item - Tax Mapping Aide (SG-4)

LOCAL CIVIL REGISTRAR'S OFFICE

- 1 item - Registration Officer IV (SG-22)
- 1 item - Process Server (SG-5)

CITY MAYOR'S OFFICE

- 1 item - Executive Assistant I (SG-14/co-terminus)
- 1 item - Information Technology Officer (SG19)
- 2 items - Information System Researcher I (SG10)

CITY ASSESSOR'S OFFICE

- 2 items - Surveyman (SG 6)
- 2 items - Instrumentman (SG5)
- 1 item - Tax mapper III (SG18)

CITY POPULATION OFFICE

- 1 item - Population Program Officer III (SG 18)
- 1 item - Population Program Worker I (SG 5)
- 1 item - Process Server (SG 5)

IMMACULATE CONCEPTION HOSPITAL

- 3 items - Radiologic Technologist I (SG8)
- 3 items - Radiologic Technologist II (SG10)
- 2 items - Medical technologist I (SG11)
- 6 items - Nurse I (SG11)

CITY ADMINISTRATOR OFFICE

- 1 item - Administrative Aide IV (Bookbinder I) (SG4)
- 2 items - Administrative Aide I (Utility Worker) (SG1)

CITY INFORMATION OFFICE

- 1 item - Computer Operator II (SG9)

CITY DISASTER RISK REDUCTION % MANAGEMENT OFFICE

- 3 items - Nursing Attendant (SG4)
- 3 items - Driver I (SG3)
- 2 items - Administrative Aide I (SG1)

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A. Li

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GENERAL SERVICES OFFICE

- 1 item - Public Services Inspector II (SG8)
- 3 items - Process Server (SG5)

CITY SUPPLY OFFICE

- 1 item - Storekeeper III (SG9)

CITY ENGINEERING OFFICE

- 1 item - Administrative Assistant I (Bookbinder II) (SG4)

CITY HEALTH OFFICE

- 4 items - Nurse I (SG11)

CITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

- 2 items - Administrative Aide I (SG4)
- 2 items - Forest Ranger (SG4)

CITY TRAFFIC MANAGEMENT AND TERMINAL OFFICE

- 1 item - Traffic Aide III (SG7)
- 1 item - Traffic Aide II (SG5)
- 2 items - Traffic Aide I (SG3)

BAYBAY CITY TECHNICAL VOCATIONAL TRAINING CENTER

- 2 items - Administrative Aide I (Utility Worker) (SG1)
- 2 items - Administrative Aide II (Bookbinder I) (SG2)
- 1 item - Administrative Aide III (Bookbinder II) (SG4)
- 1 item - Senior Administrative Assistant (Data Controller IV) (SG13)

SECTION III. Appropriation. The salaries for the above-mentioned plantilla positions shall be included in the city's annual budget and shall be sourced from the Salaries and Wages of the Annual Internal Revenue Allotment of the city government, in accordance with existing laws, rules and regulations of the Department of Budget and Management (DBM).

SECTION IV. Separability Clause. The provisions of this Ordinance are hereby declared separable and if one or more provisions are held invalid, or unconstitutional, the remaining provisions hereof are not affected and shall remain valid and in full force and effect.

SECTION V. Repealing Clause. All ordinances, rules and regulations, or parts thereof, the provision of which are in conflict with or contrary to, the provision of this Ordinance are hereby repealed, amended and modified accordingly.

SECTION VI. Effectivity Clause. This Ordinance shall take effect after due compliance with all the requirements provided under RA 7160, otherwise known as the Local Government Code of 1991.

Enacted: October 11, 2022
Baybay City, Leyte, Philippines.

A. wi

[Handwritten signatures and marks on the left margin]

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CARRIED BY ALL MEMBERS PRESENT:

ROMULO B. ALCALA
SP Member

SIMOUNE L. ASTORGA
SP Member

DR. FULTON IKE C. ARRADAZA
SP Member

JOSE L. BACUSMO
SP Member

FILEMON F. AVILA
SP Member

CARMEN L. CARI
SP Member

RAMON RONALD J. VELOSO
SP Member (Via ZOOM)

ATTY. JOSE ROMMEL A. PEÑARANDA
SP Member

DOMINIC JUNIE F. MURILLO
SP Member

JORGE V. REBUCAS
SP Member

PHILIP L. SIU
President, LIGA Ng Mga Barangay
Ex-Officio SPM

MARK MICHAEL O. UNLU-CAY
SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Florante Cayunda Jr.; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Jay Ryan Austero; City Treasurer Alberta A. Manatad, CLGOO Juvy C. Pedrera, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

ATTY. VIVIANE E. VIDALLON
SP Secretary

Attested & Certified True & Correct:

ATTY. ERNESTO M. BUTAWAN
City Vice Mayor, Presiding Officer

Approved by His Honor:

ENGR. JOSE CARLOS L. CARI
City Mayor

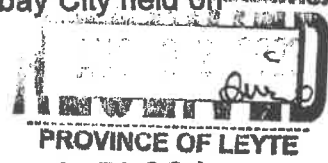
Date Approved: 11/25/22



Office of the Sangguniang Panlungsod

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 @ panlungsodsangguniang@gmail.com

Excerpts from the
Minutes of the 24th Regular Session of the Sangguniang Panlungsod, conducted at the Session Hall, New City Hall Building, Diversion Road, Barangay Gaas, Baybay City held on July 6, 2023.



RESOLUTION NO. 2023 – 275

A RESOLUTION AUTHORIZING THE HONORABLE CITY MAYOR JOSE CARLOS L. CARI FOR THE REVERSION OF THE CONTINUING BALANCES FROM THE CAPITAL OUTLAY OF SP OFFICE FOR CALENDAR YEAR 2020, 2021 AND 2022

WHEREAS, based upon the approved Finance Committee's Statement of Funds Available for Reversion, the Sangguniang Panlungsod Office has funds available for reversion of the Calendar Years 2020, 2021 & 2022 Continuing Appropriations from the Capital Outlay in the grand total of P2,255.642.55;

WHEREAS, the august body deemed the reversion of said funds necessary for the essential expenditures of the Sangguniang Panlungsod Office;

WHEREFORE, on motion of the SP Member Dominic Junie F. Murillo duly seconded by SP Member Jorge V. Rebuscas and Ex-Officio Member Mark Michael O. Unlu-cay; be it;

RESOLVED, as it hereby does RESOLVE, to **AUTHORIZE THE HONORABLE CITY MAYOR JOSE CARLOS L. CARI FOR THE REVERSION OF THE CONTINUING BALANCES FROM THE CAPITAL OUTLAY OF SP OFFICE FOR CALENDAR YEAR 2020, 2021 AND 2022.**

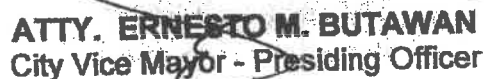
RESOLVED FURTHER, that certified copies of this resolution be furnished to the Honorable Jose Carlos L. Cari, City Mayor, City Budget Office, City Accounting Office, City Treasurer's Office and other offices/agencies concerned for their information and appropriate action.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution that was duly adopted during the regular session of the Sangguniang Panlungsod held on July 6, 2023.


ATTY. VIVIANE E. VIDALLON
Secretary to the Sanggunian

ATTESTED:

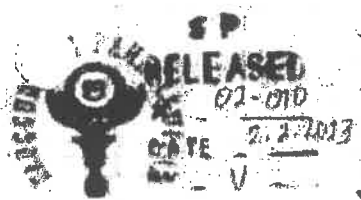

ATTY. ERNESTO M. BUTAWAN
City Vice Mayor - Presiding Officer

APPROVED:


ENGR. JOSE CARLOS L. CARI
City Mayor



Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City
-c00-



ANNEX
"B"

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 26th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEYTE PROVINCIAL GOVERNMENT COMPLEX, PALO, LEYTE ON JANUARY 10, 2023.

RESOLUTION NO. 2023-012

A RESOLUTION APPROVING CITY ORDINANCE NOS. 06 AND 07 S-2022 OF BAYBAY CITY, LEYTE.

WHEREAS, pursuant to Section 468 (a)(1)(i) of Republic Act 7160 otherwise known as The Local Government Code of 1991, among the powers and duties of the Sangguniang Panlalawigan is "to review all ordinances approved by the Sanggunian of component cities and municipalities;"

WHEREAS, submitted to the Sangguniang Panlalawigan are Municipal Ordinances from Baybay, City, Leyte for approval, to wit:

1. City Ordinance No. 06, S-2022 entitled: "AN ORDINANCE AMENDING CERTAIN SECTIONS OF CITY ORDINANCE NO. 15 SERIES OF 2011 ENTITLED "AN ORDINANCE PROVIDING FOR A GENDER AND DEVELOPMENT CODE OF THE CITY OF BAYBAY AND FOR OTHER PURPOSES";
2. City Ordinance No. 07, S-2022 entitled: "AN ORDINANCE CREATING NEW PLANTILLA POSITIONS BY THE PROCESS OF ADDITION IN THE RESPECTIVE OFFICES OF THE CITY GOVERNMENT OF BAYBAY";

WHEREAS, the Provincial Legal Office was requested to review and submit recommendation on the subject Ordinances pursuant to Section 481 (3) (vii) of R.A. 7160;

WHEREAS, the Provincial Legal Office through Atty. Jose Raymond A. Acol, Assistant Provincial Legal Officer, per attached Indorsements dated December 21, 2022, recommended for the declaration of validity pursuant to Section 56 (c) of R.A. 7160;

WHEREAS, the August Body, upon review, finds the subject Ordinances in conformity with the existing laws, rules and regulations, provided that in City Ordinance No. 07, S-2022, the creation of New Plantilla Positions does not violate the prohibition under Section 325 (a) and (g) thereof;

-over-

Plantilla
Staffing
Commission
City

March

2/3 - Res. No. 2023-012, dated January 10, 2023
approving Ord. No. 06 and 07 S-2022 of Baybay, City, Leyte

NOW, THEREFORE, on joint motion presented by Atty. Carlo P. Loreta, Honorable Michael L. Cari, and Honorable Carmen L. Cari duly seconded by and Honorable Flaviano C. Centina, Jr., be it

RESOLVED, as it is hereby resolved, to **APPROVE CITY ORDINANCE NOS. 06 AND 07 S-2022 OF BAYBAY, CITY, LEYTE.**

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


FLORINDA JILL S. LIVICO
Secretary to the Sanggunian

ATTESTED:


HON. LEONARDO M. JAVIER, JR.
Vice Governor/Presiding Officer

Copy furnished:

LCE and the Sangguniang Panlungsod
of Baybay, City, Leyte


STATEMENT OF SUPPLEMENTAL APPROPRIATION
BAYBAY CITY, LEYTE
SUPPLEMENTAL BUDGET NO. 1 CY 2023

Implementing Office (1)	Particulars/Purpose (2)	AIP Ref. Code (3)	Object of Expenditures (4)	Account Code (5)	Amount (6)
City Mayor's Office	Additional appropriation of 2 new positions	1000-02-01-001	PERSONAL SERVICES:		
			Salaries and Wages - Regular	5-01-01-010	₱ 819,198.00
			Personnel Economic Relief Allowance (PERA)	5-01-02-010	24,000.00
			Other Bonuses and Allowances (DepEd)	5-01-02-990	5,000,000.00
			Cash Gift	5-01-02-150	10,000.00
			Clothing	5-01-02-040	12,000.00
			Year-End Bonus	5-01-02-140	136,533.00
			Retirement and Life Insurance Premium	5-01-03-010	100,762.00
			Pag-ibig Contributions	5-01-03-020	36,864.00
			PhilHealth Contributions	5-01-03-030	36,864.00
			Employees Compensation Premiums	5-01-03-040	23,348.00
			Other Personnel Benefits (PEI)	5-01-04-990	10,000.00
			Other Personnel Benefits (Enhance-PBB)	5-01-04-990	204,800.00
			Terminal Leave Benefits	5-01-04-030	143,316.00
	Sub-Total		₱ 6,557,685.00		
	Administrative Services Additional Appropriation Additional Appropriation Additional Appropriation	1000	MAINTENANCE & OTHER OPERATING EXPS.:		
			Scholarship Grants / Expenses	5-02-02-020	₱ 2,000,000.00
			Other Supplies and Materials Expenses	5-02-03-990	175,994.75
			Poverty Mitigation (AICS)	5-02-99-990	3,000,000.00
	Sub-Total		₱ 5,175,994.75		
	Administrative Services New Baybay City Gym-Reclamation 3 Rehab. of jackfruit & camote processin Imprv. J.Abad Santos, del Pilar, etc. Imprv.brgy. Cogon to brgy. Hibunawan	1000	CAPITAL OUTLAYS:		
			Building	1-07-04-010	7,178,000.00
			Building	1-07-04-010	10,700,000.00
Road Network			1-07-03-010	8,000,000.00	
Road Network			1-07-03-010	5,000,000.00	
Sub-Total		₱ 30,878,000.00			
TOTAL				₱ 42,611,679.75	

Prepared by:


RAUL A. MABINI
City Budget Officer

Approved by:


HON. JOSE CARLOS L. CARI
City Mayor

ANNEX "D"



Republic of the Philippines
PROVINCE OF LEYTE
CITY OF BAYBAY

CITY MAYOR'S OFFICE


2/F City Hall, R. Magsaysay Avenue, Zone 10, Baybay City, Leyte
Tel. No.: (053) 335-2045

Hon. Jose Carlos L. Cari
City Mayor


MEMORANDUM : 003-2022
 TO : MARIANITO E. GORGONIO
 FROM : CITY MAYOR
 SUBJECT : DESIGNATION AS PESO MANAGER
 DATE : July 4, 2022

Due to the exigency of service, you are hereby designated as PESO MANAGER of the City of Baybay in consonance with the provisions of the PESO Act. of 1999.

Please be guided accordingly


JOSE CARLOS L. CARI
City Mayor

CC:
 * CMO
 * HRMO
 * Dept. Head concerned
 Both of Baybay

Received by:

 M. ARDITATA
 10/25/2020



Jose Carlos L. Cari
City Mayor

Republic of the Philippines
Province of Leyte
CITY OF BAYBAY

OFFICE OF THE CITY MAYOR

R. Magsaysay Avenue, Baybay City, Leyte
Email Address: baybaycity0616@gmail.com
Website: www.baybaycity.gov.ph/

ANNEX "E"

OFFICE ORDER

July 2, 2022


MS. JOSEFINA K. GRANADA-GUTIERREZ

Tourism & Investment Promotion/City Economic and Investment Promotion Officer
Baybay City, Leyte

By virtue of the authority vested in me as the Local Chief Executive of the City of Baybay, you are hereby designated as the Tourism & Investment Promotion/City Economic and Investment Promotion Officer of Baybay City. As Tourism & Investment Promotion/City Economic and Investment Promotion Officer, you are to perform the following duties and responsibilities, to wit:

1. Facilitate the preparation, coordination, and execution of local economic and investment promotion policies, projects, and activities of the city government;
2. Facilitate the establishment of an aggressive, systematic, coordinated, sustained promotion and marketing of the LGU as investment location;
3. Provides basic information about business potentials of the LGU including LGU services to prospective investors to attract more investments to flow in the community;
4. Establish a local economic data base containing relevant facts and figures;
5. Coordinated with other offices in promotion of economic activities such as the Planning and Development, Treasury and Budget Offices and the local sanggunian;
6. Coordinate with the private sector in investment promotion campaigns;
7. Conduct information dissemination on local government policies on investment, investment wage laws, required permits, etc.

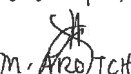
This order shall take effect on immediately and shall remain in full force and effect until revoked and/or modified accordingly.


JOSE CARLOS L. CARI
City Mayor

With my conformity:

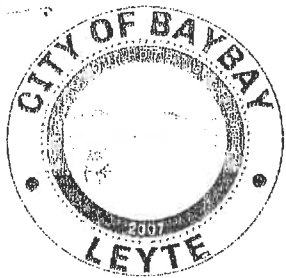

JOSEFINA K. GRANADA-GUTIERREZ
Tourism & Investment Promotion/CEIPO

Received by:


M. Arbo/CHA
10/25/2023

Copy furnished:

1. Sangguniang Panlungsod
2. HRMO
3. File



Jose Carlos L. Cari
City Mayor

Republic of the Philippines
Province of Leyte

CITY OF BAYBAY

OFFICE OF THE CITY MAYOR

Government Center, Diversion Road, Brgy. Gaas, Baybay City, Leyte

Email Address: haybaycity0616@gmail.com

Website: www.baybaycity.gov.ph/

ANNEX "F"

APPOINTMENT

MR. ELISEO B. INOCANDO

Baybay City, Leyte

By virtue of the authority vested in me as the City Mayor of Baybay City, Leyte, pursuant to Section 6 of R. A. 9994 otherwise known as the Expanded Senior Citizens Act of 2010, you are hereby appointed as the Head of the Office of the Senior Citizens Affairs (OSCA) in the City of Baybay.

As the Head of the said office (OSCA), you are to perform the following functions, to wit:


1. In consultation with the City Social Welfare and Development Officer, and duly registered senior citizen organizations, to plan, develop, implement, consolidate and monitor yearly work programs in pursuance of the objectives of R.A. 9994 and its Rules;
2. To draw up a list of available and required services which can be provided by the registered federations and associations of senior citizens;
3. To maintain and regularly update on a quarterly basis the list of senior citizens and to issue national individual uniform individual identification cards and purchase booklets, free of charge, which shall be valid anywhere in the country;
4. To serve as a general information and liaison center for the needs of the senior citizens;
5. To monitor compliance of the provisions of this act particularly the grant of special discounts and privileges to senior citizens;
6. To report to the mayor, an individual, establishments, business entity, institutions or agency found violating any provision of this act;
7. To facilitate the creation of a city coordinating and monitoring board consisting of the OSCA Head, the City Social Welfare and Development Officer, and the presidents of concerned duly registered senior citizen organizations to deliberate and act on complaints;
8. To assist the senior citizens in filing complaints or charges against any individual, establishments, business entity, institution, or agency refusing to comply with the privileges under this act before the Department of Justice (DOJ), the Provincial Prosecutor's Office, the regional or the municipal trial court, the municipal court in cities, or the municipal circuit trial court.
9. To assist and coordinate with the concerned person, natural or juridical, establishments, agencies in investigating fraudulent practices and abuses of the privileges granted to senior citizens;
10. To establish linkages and work together with the accredited NGOs, people's organizations, and the barangays in their respective areas; and
11. To do other acts as may be ordered by the City Mayor in relation to his office.

In addition to your duties stated above, you shall be assisted by the City Social Welfare and Development Officer, and shall report to the Office of the Mayor which shall exercise supervision over the OSCA relative to its plans, activities, and programs for senior citizens.


As Head of the OSCA, you shall be entitled to receive an honorarium in accordance with R.A. 9994 and its Rules to be approved by the local government, and in accordance with the rules and regulations of the Commission on Audit.

This office order shall take effect immediately and shall remain in full force and effect for a period of three (3) years without reappointment but without prejudice to an extension if exigency so requires.

Done this 15th day of March 2023 in Baybay City, Leyte.


JOSE CARLOS L. CARI
City Mayor

With my conformity:



MR. ELISEO B. INOCANDO

Copy furnished:

City Social Welfare and Development Office (CSWDO)
Sangguniang Panlungsod Office

Received by:


M. ARDUCHA
SP Office
10/27/2023
9am