

Item No.: 05

Date: 09 2024



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office
Responsible:
Time:
Date: *June 25 24*

SANGGUNIANG PANLALAWIGAN
RECEIVED
JUN 25 2024
PROVINCE OF LEYTE

2nd INDORSEMENT
June 19 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No 2024-05 of the Sangguniang Bayan of Calubian, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 2024-05 entitled: **An Ordinance Amending Section I and Section 5 of Municipal Ordinance No. 2023-14 Dated November 20, 2023 Entitled “ An Ordinance Creating The Position of a Municipal Government Assistant Department Head (Human Resource Management Officer IV), with Salary Grade 22, under the Human Resource Management Office in the Municipal Government of the Municipality of Calubian, Leyte**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is within the power covered under the Local Government Code of 1991 (R.A 7160), particularly under Section 447 (1) (iii)¹, and in relation to the mandate of the Civil Service Commission (CSC) Memorandum Circular (MC) No. 06, s. 2023². Likewise as settled in the case of Costantino v. Desierto 288 SCRA 654, it is within the power of the Local Council to repeal or amend its prior acts either expressly, or by the passage of an essentially inconsistent resolution. Hence, recommending the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents as presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

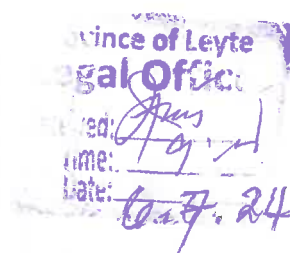
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

¹ Section 447(1)(iii) Determine the positions and the salaries, wages, allowances and other emoluments and benefits of the officials and employees xxxx
² CSC MC No. 06, s. 2023 Amendment to Section 34 of the 2017 Omnibus Rules on Appointments and other Human Resource Actions.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
06 June 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 2024-05** of the **MUNICIPALITY** of **CALUBIAN, LEYTE**, entitled: **An Ordinance Amending Section 1 And Section 5 of Municipal Ordinance No. 2023-14 dated November 20, 2023, entitled: "An Ordinance Creating the Position of a Municipal Government Assistant Department Head (Human Resource Management Officer IV), with Salary Grade 22, under the Human Resource Management Office in the Municipal Government of the Municipality of Calubian, Leyte."**


FLORINDA JUL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Calubian
-oOo-



OFFICE OF THE SANGGUNIANG BAYAN

June 3, 2024

MS. FLORINDA JILL S. UYVICO
Prov'l. Govt. Dept. Head
Secretary to the Sanggunian
Province of Leyte
New Leyte Provincial Capitol
Palo, Leyte

Dear Madam:

We are forwarding herewith the Mun. Ordinance No. 2024-05 of Calubian, Leyte and its supporting attachments, for favorable review and approval of the Honorable Sangguniang Panlalawigan of Leyte.

Kindly acknowledge receipt hereof.

Thank you.

Very truly yours,

ARTHUR V. CABRADILLA
SB Secretary-Designate

Enc.:

1. Mun. Ordinance No. 2024-05
2. Mun. Ordinance No. 2023-14
3. Certificate of Posting



Republic of the Philippines
PROVINCE OF LEYTE
 Municipality of Calubian
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OFFICE OF THE SANGGUNIANG BAYAN

MINUTES OF THE SEVENTY FOURTH (74TH) REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE HELD ON APRIL 22, 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

PRESENT:

- Vice-Mayor Anna Love Veloso-Laurente* - Presiding Officer
- SB Member Jullian Marc A. Batiancela* - Member
- SB Member Noel G. Eamiguel* - Member
- SB Member Ester P. Lubiano* - Member
- SB Member Benjamin A. Calbitaza* - Member
- SK Fed. Pres. Carl Ernest D. Ponce* - Member
- Liga ng mga Barangay Pres. Alfredo M. Casas* - Member



ABSENT:

- SB Member Eugenio A. Ching, Jr.* - Member
- SB Member Julia E. Halichic* - Member
- SB Member Alyza F. Nierras* - Member
- SB Member Lucita A. Palconit* - Member

ORDINANCE NO. 2024-05

AN ORDINANCE AMENDING SECTION 1 AND SECTION 5 OF MUNICIPAL ORDINANCE NO. 2023-14 DATED NOVEMBER 20, 2023 ENTITLED "AN ORDINANCE CREATING THE POSITION OF A MUNICIPAL GOVERNMENT ASSISTANT DEPARTMENT HEAD (HUMAN RESOURCE MANAGEMENT OFFICER IV), WITH SALARY GRADE 22, UNDER THE HUMAN RESOURCE MANAGEMENT OFFICE IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE".

WHEREAS, the Honorable Mayor Marciano A. Batiancela, Jr. through his letter dated March 4, 2024 addressed to the Sangguniang Bayan requested the amendment of the Position Title and the Qualification Standards (QS) of the Municipal Ordinance No. 2023-14;

WHEREAS, after review and deliberation of the Committee on Human Resource Development and in Plenary, taking into consideration Civil Service Commission (CSC) Memorandum Circular (MC) No. 06, s. 2023 (Amendment to Section 34 of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions), the Body **APPROVED** the Amendment of Section 1 and Section 5 of the Municipal Ordinance No. 2023-14;

NOW THEREFORE, on motion of SB Member Ester P. Lubiano, duly seconded by SB Member Jullian Marc A. Batiancela and concurred by all SB Members present;

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE, in a session assembled, **THAT:**

SECTION 1. AMENDMENTS. Section 1 of Municipal Ordinance No. 2023-14 is **HEREBY AMENDED** as per Civil Service Commission Qualification Standards (Revised 1997) to wit:

Particular	Existing	Amendment as per Civil Service Commission Qualification Standards (Revised 1997)
Position Title	Municipal Government Assistant Department Head (Human Resource Management Officer IV)	<i>Municipal Government Assistant Department Head I</i>

BENJAMIN A. CALBITAZA
 SB Member

ESTER P. LUBIANO
 SB Member

NOEL G. EAMIGUEL
 SB Member

JULLIAN MARC A. BATIANCELA
 SB Member

ALFREDO M. CASAS
 Liga ng mga Barangay Pres.

CARL ERNEST D. PONCE
 SK Fed. President

AMENDMENT. Section 5 of Municipal Ordinance No. 2023-14 is HEREBY AMENDED as per Civil Service Commission Qualification Standards (Revised 1997) to wit:

Particular	Existing	Amendment as per Civil Service Commission Qualification Standards (Revised 1997)
Education	A graduate of Bachelor's Degree in Human resource Management, Personnel or Public Administration and or related college courses	<i>Bachelor's Degree</i>
License or Eligibility	Civil Service Professional Eligible	<i>Career Service Professional/Second Level Eligibility</i>
Experience	Two (2) year- Experience of any Human Resource Management or Human Administration; or any other relevant experiences	<i>3 years of relevant experience</i>
Training Required	Eight (8) hours relevant trainings in Human Resource Management or Personnel administration	<i>16 hours of relevant training</i>


SECTION 2. SEPARABILITY CLAUSE. If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provision not affected thereby, shall continue to be in full force & effect.

SECTION 3. REPEALING CLAUSE. All ordinances, rules and regulations or parts not consistent with any provision of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 4. EFFECTIVITY. The Ordinance shall take effect immediately upon approval from the Honorable Sangguniang Panlalawigan of the Province of Leyte.


APPROVED this 22nd day of April, 2022.

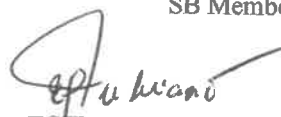
I HEREBY CERTIFY to the correctness of the above-quoted Ordinance.


ARTHUR V. CABRADILLA
SB Secretary – Designate

ATTESTED: 
ANNA LOVE VELOSO-LAURENTE
Presiding Officer


JULIAN MARC A. BATIANCELA
SB Member


NOEL G. FAMIGUEL
SB Member


ESTER P. LUBIANO
SB Member


BENJAMIN A. CALBITAZA
SB Member


CARL ERNEST D. PONCE
SK Federation Pres.


ALFREDO M. CASAS
Liga ng mga Barangay Pres.

APPROVED:


HON. MARCIANO A. BATIANCEL, JR.
Municipal Mayor



Republic of the Philippines
Province of Leyte
Municipality of Calubian
-OoO-



OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Ordinance No. 2024-05 , otherwise known as **"AN ORDINANCE AMENDING SECTION I AND SECTION 5 OF MUNICIPAL ORDINANCE NO. 2023-14 DATED NOVEMBER 20, 2023 ENTITLED "AN ORDINANCE CREATING THE POSITION OF A MUNICIPAL GOVERNMENT ASSISTANT DEPARTMENT HEAD (HUMAN RESOURCE MANAGEMENT OFFICER IV), WITH SALARY GRADE 22, UNDER THE HUMAN RESOURCE MANAGEMENT OFFICE IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE"**, has been posted in the Bulletin Board at the Office of the Sangguniang Bayan of Calubian, Leyte & other conspicuous places in the municipality since May 27, 2024, 2024 and still remain posted for three (3) consecutive weeks.

Given this 3rd day of June , 2024 at Calubian, Leyte.

CERTIFIED CORRECT:

A handwritten signature in black ink, appearing to read "Arthur V. Cabradilla".

ARTHUR V. CABRADILLA
SB Secretary-Designate



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE HELD ON NOV. 20, 2023 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

- PRESENT :**
- VICE MAYOR ANNA LOVE VELOSO- LAURENTE - *Presiding*
 - SB MEMBER JULLIAN MARC A. BATIANCELA - *Member*
 - SB MEMBER NOEL G. EAMIGUEL - *- do-*
 - SB MEMBER EUGENIO A. CHING, JR. - *- do-*
 - SB MEMBER ESTER P. LUBIANO - *- do-*
 - SB MEMBER JULIA E. HALICHIC - *- do-*
 - SB MEMBER BENJAMIN A. CALBITAZA - *- do-*
 - SB MEMBER ALYZA F. NIERRAS - *- do-*
 - SB MEMBER LUCITA A. PALCONIT - *- do-*
 - SK FED. PRESIDENT REMAR L. BELTRAN - *- do-*
 - LIGA NG BARANGAY PRES. ALFREDO M. CASAS - *- do-*

ABSENT : NONE

ORD. NO. 2023- 14

AN ORDINANCE CREATING THE POSITION OF A MUNICIPAL GOVERNMENT ASSISTANT DEPARTMENT HEAD (HUMAN RESOURCE MANAGEMENT OFFICER 1V), WITH SALARY GRADE 22, UNDER THE HUMAN RESOURCE MANAGEMENT OFFICE IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE.

BE IT ORDAINED, by the Sangguniang Bayan of Calubian, Leyte, in a session assembled that :

Section 1. Short Title . This Ordinance shall be entitled as " AN ORDINANCE CREATING THE POSITION OF A MUNICIPAL GOVERNMENT ASSISTANT DEPARTMENT HEAD (HUMAN RESOURCE MANAGEMENT OFFICER IV), WITH SALARY GRADE 22, UNDER THE HUMAN RESOURCE MANAGEMENT OFFICE IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE."

Section 2. Rationale. A. Section 447 (a) (1)) of R. A. 7160, otherwise known as the Local Government Code of 1991 provides the powers & functions of the Sangguniang Bayan to xxx (viii) Determine the positions and the salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from municipal funds and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the municipal government;

B. The creation of the aforementioned proposed position, Municipal Government Asst. Department Head (Human Resource Management Officer IV) with Salary Grade 22 in the Human Resource Management Office is indispensable, due to the fact that the office is undermanned of personnel;

C. Section 16 of R.A. 7160 on General Welfare, provides that - Every local government unit shall exercise the powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants. Xxx

D. Human Resource Management in the Municipal Government of Calubian, Leyte covers the strategic and coherent approach to an effective and efficient management of people (personnel) in the organization, and as such, it would help management gain a productive & competitive advantage. It is also designed to maximize employees' performances in the delivery of effective and efficient public services in consonance with the strategic objectives of the local government unit.

E. Consistent with the above authority to create positions or offices as may be necessary to carry out the purposes and programs of the municipality, and after a thorough determination and evaluation of human resources needs of the municipality, it is imperative to create the position of Human Resource Management Officer IV (Municipal Government Assistant Department Head).

Section 3. DEFINITION OF TERMS : For purposes of this ordinance, the following terms are defined as follows:

JULIA E. HALICHIC
SB Member
Liga ng mga Barangay Pres.
ALFREDO M. CASAS

ESTER P. LUBIANO
SB Member
REMAR L. BELTRAN
SK Fed. President

EUGENIO A. CHING, JR.
SB Member
LUCITA A. PALCONIT
SB Member

NOEL G. EAMIGUEL
SB Member
ALYZA F. NIERRAS
SB Member

JULIAN MARC A. BATIANCELA
SB Member
BENJAMIN A. CALBITAZA
SB Member

- A. **Experience** - refers to the previous jobs in either the government or private sector, whether full time or part time, which, as certified by the Human Resource Management Officer or authorized officials of the previous employer, are functionally related to the duties in the PDF of the position to be filled.
- B. **Eligibility**- refers to the result of passing a merit and fitness test which may be determined as far as practicable by competitive examination, or based on highly technical qualifications or other tests of merit and fitness conducted by the Civil Service Commission, or other examinations jointly designed and coordinated by departments or agencies with the assistance of or in coordination with the CSC, and other examinations such as PRC-conducted board examinations, the SC conducted Bar Examination or the CESB-conducted CES examinations.
- C. **Training** - refers to formal or non- formal training courses and HRD interventions, such as coaching, mentoring, job rotation, seminars, workshops, and others that are part of the employee's individual Development Plan/ Career Development Plan.
- D. **Education**- refers to the formal or non- formal academic, technical, or vocational studies that will enable the candidate to successfully perform the duties and responsibilities indicated in the Position Description Form (PDF) (DBM- CSC Form No. 1, Revised 2017) of the position to be filled.
- E. **Human Resource Management Officer** - means an officer, who shall be the focal person on human resource administration and management, and implementation of personnel policies, rules and regulations in an organization.

Section 4. Creation of the Position in the Plantilla of Personnel. The creation of the Position of a Municipal Government Assistant Department Head (Human Resource Management Officer IV) with Salary Grade of 22, shall be a regular position, placed under the Human Resource Management Office and shall be included in the Rolls of Employee / Plantilla of Personnel in the Municipal Government of Calubian, Leyte.


Section 5. Educational Qualifications, Licence or Eligibility, Training and Experience of the Position . The office position of a Municipal Government Asst. Department Head (Human Resource Management Officer IV), with Salary Grade 22, which is placed under the Human Resource Management Office in the Rolls of Employees or Plantilla of Personnel in the Municipal Government of Calubian, Leyte, shall require the following :


- A. **Education** : A graduate of Bachelor 's Degree in Human Resource Management , Personnel or Public Administration and or related college courses ;
- B. **License or Eligibility** : Civil Service Professional Eligible;
- C. **Experience** : Two (2) year- Experience of any Human Resource Management or Human Administration; or any other relevant experiences; and
- D. **Training Required** : Eight (8) hours relevant trainings in Human Resource Management or Personnel Administration ;


Section 6. Official Duties and Responsibilities for the Position once filled up. The following are the official duties and responsibilities prescribed for the "would be" Municipal Government Assistant Department Head (Human Resource Management Officer IV) with Salary Grade 22, once appointed / filled up, the same being stated in the Position Description Form (PDF) (DBM- CSC Form No. 1, Revised 2017) of the said position item, to wit :


- A. Assists the Chief Administrative Officer in planning, organizing and supervising the division;
- B. Supervises the Human Resource Action and Processes Section;
- C. Responsible for all Human Resource Matters relating to recruitment, appointment, promotion, employee discipline, retirement, etc .;
- D. Formulates and / or review policies, procedures and guidelines on human resource management;
- E. Establishes a sound recruitment and selection system within the agency;
- F. In charge of settling complaints and grievances among employees;
- G. Develops and implements policies, procedures and guidelines in all aspect of Human Resource Action and Processes; and


JULIA E. HALICHIC
 SB Member
 ALFREDO M. CASAS
 Liga ng mga Barangay Pres.


ESTER P. LUBIANO
 SB Member
 REMAR L. BELTRAN
 SK Fed. President


EUGENIO A. CHING, JR.
 SB Member
 LUCITA A. PALCONIT
 SB Member


NOEL S. CAMIGUELS
 SB Member
 ALVIN P. MIEROS
 SB Member


JULIAN MARC A. BATIANCELA
 SB Member
 BENJAMIN A. CALBITAZA
 SB Member

H. Perform other duties and responsibilities as may assigned by the supervisor.

Section 7. Funding / Budget Allocation of the Position .

A. The funding necessary for the implementation of this Ordinance shall be included in the Annual Appropriations of the Municipal Government of Calubian, Leyte, upon approval of this Ordinance.

B. The salaries, allowances, Representation Allowance & Travelling Allowance (RATA) , and other emoluments of the Position of a Municipal Government Assistant Department Head (Human Resource Management Officer IV) with Salary Grade 22, shall be made and prescribed in accordance with existing Department of Budget and Management (DBM) circulars, rules and regulations, and pursuant to R. A. No. 11466 or the "Salary Standardization Law of 2019" .

Section 8. Separability Clause - If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provision not affected thereby, shall continue to be in full force & effect.

Section 9. Repealing Clause. All ordinances or resolutions , local issuances or rules inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

Section 10 . Effectivity Clause . This ordinance shall take effect immediately upon review & approval of the Honorable Sangguniang Panlalawigan of Leyte.

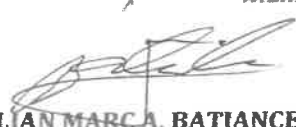
UNANIMOUSLY APPROVED , this 20th day of November 2023 at Calubian, Leyte, upon motion of SB Member Eugenio A. Ching, Jr. ; duly seconded by SB Members Benjamin A. Calbitaza, Julia E. Halichic & Alyza F. Nierras.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.



NORMINDA R. RAAGAS
SB Secretary

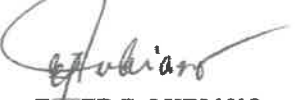
ATTESTED:


ANNA LOVE VELOSO- LAURENTE
Mun. Vice Mayor & Presiding Officer


JULIAN MARCA A. BATIANCELA
SB Member


NORL E. EAMIGUEL
SB Member



EUGENIO A. CHING, JR.
SB Member



ESTER P. LUBIANO
SB Member

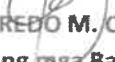

JULIA E. HALICHIC
SB Member


BENJAMIN A. CALBITAZA
SB Member


ALYZA F. NIERRAS
SB Member


LUCITA A. PALCONIT
SB Member


REMAR L. BELTRAN
SK Fed. President


ALFREDO M. CASAS
Liga ng mga Barangay Pres.

APPROVED:


MARCIANO A. BATIANCELA JR.
Mun. Mayor