

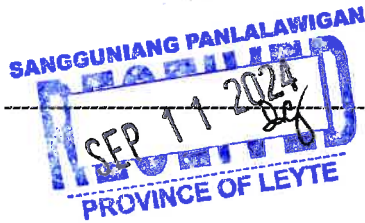
Item No.: 06

Date: 17 2024 SEP



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Province of Leyte
Provincial Office
Date: 9-10-24

2nd INDORSEMENT
September 9, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2024-07 of the Sangguniang Bayan of Julita, Leyte.

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

- Ordinance No. 2024-07 entitled: **“An Ordinance Declaring May 12 of Every Year as the Official Foundation Day of the Municipality of Julita, Leyte.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the Subject Ordinance is in accordance to its power under Section 16¹ General Welfare Clause of the Local Government Code of 1991 (R.A 7160). Hence, recommending for 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 are 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 16 Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of general welfare. Within their respective territorial jurisdiction, local government unit shall ensure and support, among other things, the preservation and enrichment of culture xxx

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
30 August 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 2024-07** of the **Municipality of Julita, Leyte**, entitled: **An Ordinance declaring May 12 of every year as the Official Foundation Day of the Municipality of Julita, Leyte.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



ALIANA MARIE R. TUBI
SB Member

GERALDINE S. DAYA
SB Member

IRVIN R. DY
SB Member

ALLAN T. NOVALES
SB Member

RIA S. DUMDUMA
SB Member

MARK JOY E. MACASO
SB Member

JUDE ANDREI M. ROMUALDEZ
SB Member

ROSILA L. ADVINCULA
SB Member

ENGR. NOLIE C. CAÑA
*Pres. Ng Liga Ng
 Mga Barangay/
 Ex-Officio Member*

HON. JOSE MIGUEL A. TINAYA
*Pres. Ng Pambayang
 Pederasyon Ng Mga
 Sangguniang Kabataan/
 Ex-Officio Member*

FRANCIS R. AVELINO
SB Secretary

GERMAN J. MACASO
Municipal Vice Mayor

OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 2024-07

AN ORDINANCE DECLARING MAY 12 OF EVERY YEAR AS THE OFFICIAL FOUNDATION DAY OF THE MUNICIPALITY OF JULITA, LEYTE.

Sponsor(s):

Hon. Mark Joy E. Macaso
 Hon. Aliana Marie R. Tinaya
 Hon. Geraldine S. Daya
 Hon. Irvin R. Dy
 Hon. Allan T. Novales
 Hon. Ria S. Dumduma
 Hon. Jude Andrei M. Romualdez
 Hon. Rosila L. Advincula
 Engr. Nolie C. Caña
 Hon. Jose Miguel A. Tinaya

WHEREAS, Executive Order No. 278, s. 1949, signed by President Elpedio Quirino on October 10, 1949 created in the Province of Leyte a municipality to be known as the Municipality of Julita;

WHEREAS, Executive Order No. 278, s. 1949 states that the municipality of Julita shall begin to exist upon the appointment and qualification of the mayor, vice-mayor, and a majority of the councilors thereof, but in no case earlier than November 15, 1949;

WHEREAS, Executive Order No. 278, s. 1949, was amended by Executive Order No. 288, s. 1949 signed by President Elpedio Quirino on October 21, 1949;

WHEREAS, Executive Order No. 288, s. 1949 strike out the phrase: "but in no case earlier than November 15, 1949" and placing in its stead the phrase "but in no case later than fifteen days from the date of the approval by the Secretary of the Interior of the result of the plebiscite, should the result of the plebiscite be for the organization of Julita as hereinabove constituted.";

WHEREAS, Executive Order No. 278, s. 1949, was further amended by Executive Order No. 316, s. 1950 signed by President Elpedio Quirino on May 5, 1950;

WHEREAS, Executive Order No. 316, s. 1950 revokes Executive Order No. 288, dated October 21, 1949;

WHEREAS, the book Leyte Towns, Histories/Legends by Francisco S. Tantuico Jr, as only the reference that chronicles the history of the Municipality of Julita, mention May 12, 1950 as the date that Julita became a de jure municipality and was inaugurated as a municipality on July 4, 1950;

WHEREAS, the Municipality of Julita celebrated its 50th Founding Anniversary on May 12, 2000;

ALIANA MARIE R. TUBI
SB Member


GERALDINE S. DAYA
SB Member


IRVIN R. DY
SB Member


ALLAN T. NOVALES
SB Member


RIA S. DUMDUMA
SB Member


MARK JOY E. MACASO
SB Member

JUDE ANDREI M. ROMUALDEZ
SB Member


ROSILA L. ADVINCULA
SB Member


ENGR. NOLIE C. CAÑA
Pres. Ng Liga Ng
Mga Barangay/
Ex-Officio Member


HON. JOSE MIGUEL A. TINAYA
Pres. Ng Pamibayang
Pederasyon Ng Mga
Sangguniang Kabataan/
Ex-Officio Member


FRANCIS R. AVELINO
SB Secretary


GERMAN J. MACASO
Municipal Vice Mayor

WHEREAS, no official records has been found nor in the position of the Municipality that supports the celebration of May 12 as its Foundation Day;

WHEREAS, upon further investigation at different government agencies as well as prominent individuals in the Municipality, there is no other official record that mentions May 12 as the Foundation Day of the Municipality;

WHEREAS, the earliest official record of Municipality of Julita is found in its Book of Death, which recorded the death of a certain Premetiva Canario on May 20, 1950;

NOW THEREFORE, on motion of the **Hon. Mark Joy E. Macaso**, duly seconded, by the **Hon. Rosila L. Advincula**, the **Hon. Irvin R. Dy**, and the **Hon. Allan T. Novales**;

BE IT ENACTED by the Sangguniang Bayan of Julita, Leyte, in session duly assembled, that:

SECTION 1. Title. This Municipal Ordinance shall be known as "An Ordinance Declaring May 12 of Every Year as the Official Foundation Day of the Municipality of Julita, Leyte"

SECTION 2. Declaration of Policy. It is hereby enacted that May 12 of each year shall be known as "**KAADLAWON HAN JULITA**" to commemorate its creation as a municipality.

SECTION 3. Activity. There shall be a series of cultural, business, investment promotion, agricultural, sports and eco-tourism activities initiated by the Municipal Government of Julita. The activities shall include but not limited to:

- a) Foundation Day Program – this day shall commence the festivity.
- b) Farmer's Festival – may include agricultural fair, trade fair, producer's fair, organic festival.
- c) Business Week: Sustaining the unlimited livelihood opportunities by nurturing the growth of MSME's.
- d) Barangay Day, Palarong Pinoy and other Sports Activities
- e) Feature different Eco-Tourism programs and activities.

The Municipal Mayor shall issue an Executive Order to set the official activities for the Foundation Day of the Municipality of Julita, Leyte.

SECTION 4. Implementing Agency. A committee, who shall spearhead the activity and shall be composed of the Office of the Municipal Mayor, Office of the Municipal Planning and Development Coordinator, Public Affairs and Tourism Section (or equivalent), Municipal Agriculture Office, Association of Barangay Council (ABC), Municipal Budget Office, Municipal Accounting Office, Sangguniang Bayan Office and other offices/agency/organization who shall be identified through an Executive Order of the Local Chief Executive.

SECTION 5. Funding. Funds shall be allocated annually by the Municipality to cover the expenses for the conduct of various activities during the celebration.

SECTION 8. Separability Clause. If, for any reason or reasons, any part or provision of this Ordinance is held to be unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue to be in full force and effect.

ALIANA MARIE R. TUBI
SB Member



GERALDINE S. DAYA
SB Member



IRVIN R. DY
SB Member



ALLAN T. NOVALES
SB Member

RIA S. DUMDUMA
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ROSILA L. ADVINCULA
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ENGR. NOLIE C. CAÑA
*Pres. Ng Liga Ng Mga Barangay/
Ex-Officio Member*



HON. JOSE MIGUEL A. TINAYA
*Pres. Ng Pambayang Pederasyon Ng Mga Sangguniang Kabataan/
Ex-Officio Member*



FRANCIS R. AVELINO
SB Secretary



GERMAN J. MACASO
Municipal Vice Mayor

SECTION 9. Repealing Clause. All ordinances, rules and regulations, or parts thereof, in conflict with or inconsistent to the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 10. Effectivity. This Ordinance shall take effect immediately after its approval and after its posting in all barangays of the Municipality of Julita, Leyte.

Passed and enacted by the Sangguniang Bayan in session assembled on June 03, 2024 at the Municipality of Julita, Leyte, Philippines.

I HEREBY CERTIFY to the correctness of this foregoing Ordinance.



FRANCIS RAAGAS-AVELINO
Sangguniang Bayan Secretary

ATTESTED:



HON. GERMAN J. MACASO
Honorable Presiding Officer/Municipal Vice Mayor

CONCURRED:

HON. ALIANA MARIE R. TUBI
SB Member/On-Leave



HON. IRVIN R. DY
SB Member

HON. RIA S. DUMDUMA
SB Member/On-Leave

HON. JUDE ANDREI M. ROMUALDEZ
SB Member/On-Leave



ENGR. NOLIE C. CAÑA
*Pres. Ng Liga Ng Mga Barangay
Ex-Officio Member*

APPROVED:



ATTY. PERCIVAL S. CAÑA
Municipal Mayor



HON. GERALDINE S. DAYA
SB Member




HON. ALLAN T. NOVALES
SB Member



HON. MARK JOY E. MACASO
SB Member



HON. ROSILA L. ADVINCULA
SB Member



HON. JOSE MIGUEL A. TINAYA
*Pres. Ng Pambayang Pederasyon
Ng Mga Sangguniang Kabataan
Ex-Officio Member*