



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

Item No.: 16

Date: 01 2024 OCT

Province of Leyte
Legal Office

Released: *[Signature]*
Time: *[Signature]*
Date: 9-25-24



PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
September 19, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2024-14 of the Sangguniang Bayan of Calubian, Leyte.

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

- Ordinance No. 2024-14 entitled: “An Ordinance Creating the Position Item of an Agriculturist II, with Salary Grade 15, under the Office of the Municipal Agriculturist (OMA) 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 in accordance to its power under Section 76¹, Section 325(g)² and Section 447(1)(viii)³ 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 76 Every local government unit shall design and implement its own organizational structure and staffing pattern taking into consideration its service requirements and financial capability, subject to the minimum standards and guidelines prescribed by the Civil Service Commission.

² Section 325(g) The creation of new positions and salary increases or adjustment shall in no case be made retroactive;

³ Section 447(1)(viii) Determine the positions and the salaries, wages, allowances and other emoluments and benefits of official 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.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
13 September 2024

Province of Leyte
Legal Office
Recd. Date: 9.16.24
Time: 10:00
Date: 9.16.24

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2024-14** of the **Municipality of Calubian, Leyte**, entitled: An Ordinance Creating the Position Item of an Agriculturist II, with Salary Grade 15, under the Office of the Municipal Agriculturist (OMA) in the Municipal Government of the Municipality of Calubian, Leyte.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

Municipality of Calubian, Leyte.”

3. Municipal Ordinance No. 2024-10, entitled: “Solo Parents’ Welfare Ordinance in the Municipality of Calubian, Leyte.”
4. Municipal Ordinance No. 2024-11, entitled: “An Ordinance Establishing a Violence Against Women and Their Children (VAWC) Desk in Every Barangay in the Municipality of Calubian, Leyte and For Other Purposes.”
5. Municipal Ordinance No. 2024-12, entitled: “An Ordinance Establishing the Office for Senior Citizens Affairs (OSCA) in the Municipality of Calubian, Leyte as Mandated under Republic Act No. 9994.”
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7. Municipal Ordinance No. 2024-15, entitled: “An Ordinance Creating the Position Item of a Municipal Government Department Head I (Municipal Peso Manager), Salary Grade 24, Under the Public Employment Service Office (PESO) in the Municipal Government of the Municipality of Calubian, Leyte.”
8. Municipal Ordinance No. 2024-16, entitled: “An Ordinance Creating the Position Item of a Farm Supervisor, Salary Grade 8, under the Office of the Municipal Agriculturist (OMA) in the Municipal Government of the Municipality of Calubian, Leyte.”
9. Municipal Ordinance No. 2024-17, entitled: “An Ordinance Creating the Position Item of a Registration Officer II, Salary Grade 14, Under the Municipal Civil Registrar Office (MCRO) in the Municipal Government of the Municipality of Calubian, Leyte.”
10. Municipal Appropriation Ordinance No. 18, C.S. 2024, entitled: “An Appropriation Ordinance Enacting the 2024 General Fund Supplemental Budget No. 01 of the Municipality of Calubian, Leyte in the Amount of Five Million Seven Hundred Eighty Six Thousand Two Hundred Forty Five Pesos & 02/100 (P5,786,245.02) pursuant to Section 447 (A) (2) (1) of R.A. No. 7160.
11. Ordinance No. 2024-19, entitled: “An Ordinance Amending Section 6 of Municipal Ordinance No. 2022-11 dated November 21, 2022 entitled “An Ordinance Creating the Position of a Licensing Officer I, Salary Grade (SG) 11, Under the Business Permits and Licensing Office in the Plantilla of Personnel in the Municipality of Calubian, Leyte”.”












For your perusal. Please acknowledge receipt hereof. The hard copies shall be forwarded at a later date.

Thank you.

Very truly yours,

(Sgd.)

ATTY. KEISHA YNA VINEE V. RAMIREZ
MGDHI (Secretary to the Sanggunian)

-  Municipal Appropriation Ordinance No. 18.pdf
-  Municipal Ordinance No. 2024-08.pdf
-  Municipal Ordinance No. 2024-09.pdf
-  Municipal Ordinance No. 2024-10.pdf
-  Municipal Ordinance No. 2024-11.pdf
-  Municipal Ordinance No. 2024-12.pdf
-  Municipal Ordinance No. 2024-14.pdf
-  Municipal Ordinance No. 2024-15.pdf
-  Municipal Ordinance No. 2024-16.pdf
-  Municipal Ordinance No. 2024-17.pdf
-  Municipal Ordinance No. 2024-19.pdf

Jill Sydiongo Uyvico <fjillsyd@gmail.com>
To: SB Secretary MGO Calubian <sbsec0813.mgocalubian@gmail.com>
Cc: spleyteprovince@gmail.com

Thu, Sep 12, 2024 at 7:11 PM

Dear Atty,

Good evening! Acknowledging receipt of 11 Municipal Ordinances.

Will endorse for review.

Thanks,

Jill

[Quoted text hidden]



Jill Sydiongco Uyvico <fjillsyd@gmail.com>

Transmittal of Municipal Ordinances of the Municipality of Calubian, Leyte

2 messages

SB Secretary MGO Calubian <sbsec0813.mgocalubian@gmail.com>

Thu, Sep 12, 2024 at 4:33 PM

To: spleyteprovince@gmail.com

Cc: fjillsyd@gmail.com

Republic of the Philippines

PROVINCE OF LEYTE

Municipality of Calubian

OFFICE OF THE SANGGUNIANG BAYAN

September 12, 2024

HON. LEONARDO M. JAVIER, JR.

Provincial Vice Governor, Presiding Officer; and

The Honorable Members of the Sangguniang Panlalawigan

Province of Leyte

New Leyte Provincial Capitol

Palo, Leyte

THRU: **MS. FLORINDA JILL S. UYVICO**
Provincial Government Department Head
Secretary to the Sanggunian
Province of Leyte

Dear Honorable Ladies/ Gentlemen:

Good day!

We are respectfully forwarding the following Municipal Ordinances and its supporting attachments for favorable review and approval of the Honorable Sangguniang Panlalawigan of Leyte, to wit:

1. Municipal Ordinance No. 2024-08, entitled: "An Ordinance Creating the Tourist Information and Assistance Center in the Municipality of Calubian, Leyte"
2. Municipal Ordinance No. 2024-09, entitled: " An Ordinance Establishing And Maintaining the Migrant Advisory and Information Network (MAIN) Desk in the



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OFFICE OF THE SANGGUNIANG BAYAN

September 12, 2024

HON. LEONARDO M. JAVIER, JR.
Provincial Vice Governor, Presiding Officer; and
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Province of Leyte
New Leyte Provincial Capitol
Palo, Leyte

THRU: **MS. FLORINDA JILL S. UYVICO**
Provincial Government Department Head
Secretary to the Sanggunian
Province of Leyte

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For your perusal. Please acknowledge receipt hereof.

Thank you.

Very truly yours,

ATTY. KEISHA YNA VINEE V. RAMIREZ
MGDHA (Secretary to the Sanggunian)



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE EIGHTY SIXTH (86TH) REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE HELD ON AUGUST 5, 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

PRESENT:

- SB Member Jullian Marc A. Batiancela - Member
- SB Member Noel G. Eamiguel - Member
- SB Member Eugenio A. Ching, Jr. - Member
- SB Member Ester P. Lubiano - Member
- SB Member Julia E. Halichic - Member
- SB Member Benjamin A. Calbitaza - Member
- SB Member Lucita A. Palconit - Member
- SB Member Alyza F. Nierras - Member
- SK Fed. Pres. Carl Ernest D. Ponce - Member
- Liga ng mga Barangay Pres. Alfredo M. Casas - Member

ON FORCED-LEAVE:

- Vice Mayor Anna Love Veloso – Laurente - Presiding Officer

ORDINANCE NO. 2024 - 14

An Ordinance Creating the Position Item of an AGRICULTURIST II, WITH SALARY GRADE 15, UNDER THE OFFICE OF THE MUNICIPAL AGRICULTURIST (OMA) IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE.

NOW THEREFORE, on motion of SB Member Eugenio A. Ching, Jr., duly seconded by Majority Members present;

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

SECTION 1. TITLE. This Ordinance shall be known as an "An Ordinance Creating the Position Item of an AGRICULTURIST II, WITH SALARY GRADE 15, UNDER THE OFFICE OF THE MUNICIPAL AGRICULTURIST (OMA) IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE".

SECTION 2. RATIONALE. A. Section 447 of R.A. 7160 otherwise known as the Local Government Code of 1991 provides the powers and 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 above aforementioned position, Agriculturist II with Salary Grade 15 in the Municipal Agriculturist Office is needed for the enhancement of the agricultural programs of the LGU and the strengthening of the ever growing role of providing for food(s) to the constituency given the relentless efforts of the national government in the sector.

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

[Handwritten Signature]
JULIA E. HALICHIC
SB Member

[Handwritten Signature]
ALFREDO M. CASAS
Liga ng mga Barangay Pres.

[Handwritten Signature]
CARL ERNEST D. PONCE
SK Fed. Pres.

[Handwritten Signature]
ESTER P. LUBIANO
SB Member

[Handwritten Signature]
LUCITA A. PALCONIT
SB Member

[Handwritten Signature]
EUGENIO A. CHING, JR.
SB Member

[Handwritten Signature]
ALYZA F. NIERRAS
SB Member

[Handwritten Signature]
NOEL G. EAMIGUEL
SB Member

[Handwritten Signature]
BENJAMIN A. CALBITAZA
SB Member

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. Consistent with the above authority to create positions or offices as maybe 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 an Agriculturist II.

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

- A. *Agriculturist* – refers to a person who is technically qualified and competent to practice the agriculture position and who has been issued a certificate of registration and professional license by the Board and Commission
 - shall refer to a person who is a graduate of a four year course in agriculture or any related course registered and license with the Professional Regulation Commission who performs any of the specialized activities such as agronomy, horticulture, animal husbandry, entomology, plant pathology, plant breeding, agricultural economics, agricultural extension and marketing;
- B. *Qualification Standards* - are the minimum and basic requirements for positions in the government in terms of education, training, experience, Civil Service eligibility, physical fitness and other qualities required for successful performance of the duties of the position;
- C. *Plantilla* - are permanent position items in the government with corresponding authorized budget allotment in the annual budget.

SECTION 4. CREATION OF THE POSITION IN THE PLANTILLA OF PERSONNEL. *The creation of the Position of an Agriculturist II with Salary Grade 15, shall be under the existing Office of the Municipal Agriculturist. The position shall be included in the Rolls of Employees or Plantilla of Personnel in the Municipal Government of Calubian, Leyte, and shall have the following functions and responsibilities:*

- a. Provides liaison and general counselling in the various fields of agriculture such as fishery, livestock, crops, poultry;
- b. Assists in the promotion and implementation of the different banner programs such as corn, rice, livestock, high value crops development program, organic agriculture program and other initiatives;
- c. Responds to the queries and concerns of individual farmers, farming associations, government agencies and general public about agriculture and makes consultation with other agriculture specialist/technologist;
- d. Visits farms and production sites for evaluation;
- e. Prepares and review project proposals for budgeting and implementation;
- f. Plans, prepares and reviews presentation and conducts/assists information sessions, meetings, workshops and seminars;
- g. Demonstrates locally the new product and services of the department of Agriculture;
- h. Provides farmers with appropriate news, information and developments;
- i. Performs such other duties and functions as may be directed by higher authorities.

ALFREDO M. CASAS
 Liga ng mga Barangay Pres.

JULIA E. HALICHIC
 SB Member

CARL ERNEST D. PONCE
 SK Fed. Pres.

HSTER P. LUBIANO
 SB Member

LUCITA A. PALCONIT
 SB Member

EUGENIO A. CHING, JR.
 SB Member

ALVAREZ MERRAS
 SB Member

NOE C. DAMIGUEL
 SB Member

BENJAMIN A. CALBITAZA
 SB Member

SECTION 5. QUALIFICATION STANDARDS. The qualifications, duties and responsibilities of the position shall be subject to the minimum standards and guidelines prescribed by the Civil Service Commission (CSC) – its laws, rules and regulations.

SECTION 6. FUNDING / BUDGET ALLOCATION OF THE POSITION. The funding for the new position shall be provided by the LGU from its national tax allocation and other internally generated income of the LGU. 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. Further, **DBM Circular Letter No. 2007-6, dated February 19, 2007, Subject: Manual on Position Classification and Compensation.** In Chapter 9 and succeeding sections:

9.2.2 Creation of New Positions/Offices - Creation of new positions in LGUs may be allowed subject to the following conditions that:

9.2.2.1 All the mandatory positions listed under RA No. 7160 have been created and provided for;

9.2.2.2 The Salary Standardization Law has been fully implemented;

9.2.2.3 The absorption of national government personnel by LGUs on account of the devolution of functions has been fully effected;

9.2.2.4 The general limitations on personal services expenditures are not exceeded;

PS Limitation 1st to 3rd class = (45%) (TIRS)

PS Limitation 4th to 5th class = (55%) (TIRS)

9.2.2.5 The classification of the positions should be consistent with the standards and implementing rules and regulations of RA No. 6758;

9.2.2.6 The creation of new positions or offices is subject to the conditions prescribed under Civil Service Commission Memorandum Circular No. 19, s. 1992;

9.2.2.7 The classification of the heads of new offices shall be dependent on the level of the organizational structure of the new offices. If the new office is considered a department, the head shall be classified as Department Head. If lower than a department but higher than a division, the head shall be classified as Assistant Department Head.

DBM LBC No. 145, dated March 2, 2022. Section 4.2.3 Vacant and new positions shall be adequately provided with corresponding appropriations for salaries, authorized allowances and benefits, and fixed personnel expenditures, to back up their legal existence; otherwise, said positions should be deemed abolished;

SECTION 7. REPEALING CLAUSE. All Ordinances or resolutions, local issuances or rules inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.


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


APPROVED, this 5th day of August 2024 at Calubian, Leyte.


I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

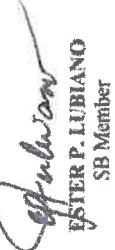

ARTHUR V. CABRADILLA
SB Secretary – Designate



NOEL CLEAMIGUEL
SB Member



BENJAMIN A. CALBITAZA
SB Member



EUGENIO A. CHING, JR.
SB Member


LUJITA A. PALCONIT
SB Member


ESTER P. LUBIANGO
SB Member


CARL ERNEST D. PONCE
SK Fed. Pres.

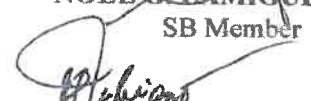

JULIA E. MALICHIC
SB Member


ALFREDO M. CASAS
Liga ng mga Barangay Pres.

ATTESTED:



JULIAN MARC A. BATIANCELA
Temp. Presiding Officer


NOEL S. CAMIGUEL
SB Member

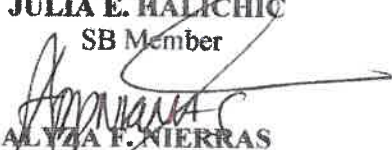

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SB Member


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SB Member


EUGENIO A. CHING, JR.
SB Member


JULIA E. HALICHIC
SB Member


ALYZA F. NIERRAS
SB Member


CARL ERNEST D. PONCE
SK Federation President


ALFREDO M. CASAS
Liga ng mga Barangay Pres.

APPROVED:


MARCIANO A. BATIANCELA, JR.
Municipal Mayor



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Calubian

OFFICE OF THE SECRETARY
TO THE SANGGUNIANG BAYAN
sbsec0813.mgocalubian@gmail.com



CERTIFICATE OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY THAT the following Municipal Ordinances were posted on the Bulletin Board of the Sangguniang Bayan on September 12, 2024 and other conspicuous places in the Municipality of Calubian,

Leyte, and it will remain posted therein for three (3) consecutive weeks:

1. Municipal Ordinance No. 2024-08, entitled: "An Ordinance Creating the Tourist Information and Assistance Center in the Municipality of Calubian, Leyte"
2. Municipal Ordinance No. 2024-09, entitled: " An Ordinance Establishing And Maintaining the Migrant Advisory and Information Network (MAIN) Desk in the Municipality of Calubian, Leyte."
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THIS CERTIFICATION is issued in compliance with ARTICLE 114 of the Implementing Rules and Regulations of Regulations of Republic Act No. 7160.

ISSUED the 12th day of September, 2024 at the Municipality of Calubian, Leyte.

Very truly yours,

ATTY. KEISHA YVONA VINEE V. RAMIREZ
MGDHI (Secretary to the Sanggunian)