

Province of Leyte  
Legal Office  
Released: [Signature]  
Time: [Signature]  
Date: 9-25-24



Republic of the Philippines  
PROVINCE OF LEYTE  
Provincial Capitol  
Tacloban City

-oOo-

SANGGUNIANG PANLALAWIGAN  
PROVINCIAL LEGAL OFFICE  
SEP 25 2024  
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2<sup>nd</sup> INDORSEMENT  
September 19, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2024-16 of the Sangguniang Bayan of Calubian, Leyte.

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

- 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.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the Subject Ordinance is in accordance to its power under Section 76<sup>1</sup>, Section 325(g)<sup>2</sup> and Section 447(1)(viii)<sup>3</sup> 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*

<sup>1</sup> 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.

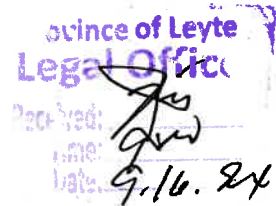
<sup>2</sup> Section 325(g) The creation of new positions and salary increases or adjustment shall in no case be made retroactive;

<sup>3</sup> 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

1<sup>ST</sup> INDORSEMENT  
13 September 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2024-16** of the **Municipality of Calubian, Leyte**, 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.

  
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."
6. Municipal Ordinance No. 2024-14, entitled: "An Ordinance Creating the Position Item of an Agriculturist IIm with Salary Grade 15, Under the Office of the Municipal Agriculturist (OMA) in the Municipal Government of Calubian, Leyte."
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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 Sydongco 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>  
To: splayteprovince@gmail.com  
Cc: fjillsyd@gmail.com

Thu, Sep 12, 2024 at 4:33 PM

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  
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

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For your perusal. Please acknowledge receipt hereof.

Thank you.

Very truly yours,

  
**ATTY. KEISHA YNA VINEE V. RAMIREZ**  
*MCDH/1 (Secretary to the Sanggunian)*



Republic of the Philippines  
**PROVINCE OF LEYTE**  
 Municipality of Calubian  
 -OO-



**OFFICE OF THE SANGGUNIANG BAYAN**

EXCERPTS FROM THE MINUTES OF THE EIGHTY SIXTH (86<sup>TH</sup>) 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 - 16**

**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.**

**NOW THEREFORE**, on motion of SB Member Eugenio A. Ching, Jr., duly seconded by the 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 a FARM SUPERVISOR, SALARY GRADE 8, 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, Farm Supervisor, Salary Grade 8 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 of culture, promote health and safety, enhance the right of the people to a balanced ecology,

*[Signatures and names of Sangguniang Bayan members and officials]*  
 JULIA E. HALICHIC SB Member  
 ALFREDO M. CASAS Liga ng mga Barangay Pres.  
 CARL ERNEST D. PONCE SK Fed. Pres.  
 EUGENIO A. CHING, JR. SB Member  
 LUCITA A. PALCONIT SB Member  
 EUGENIO A. CHING, JR. SB Member  
 ALYZA F. NIERRAS SB Member  
 NOEL G. EAMIGUEL SB Member  
 BENJAMIN A. CALBITAZA SB Member



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 a Farm Supervisor.

**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. *Farmer* – a natural person whose livelihood is the cultivation of land or the production of agricultural crops and/or livestock/poultry, either by himself/herself, or primarily with the assistance of his/her immediate farm household, whether the land is owned by him/her, or by another person under a leaseholder share tenancy agreement or arrangement with the owner thereof, and whether for sale or for home consumption;
- C. *Farm activities* - the cultivation of farmland for the production of crops, fruits, vegetables, ornamental and flowering plants, and the utilization of farmland for the production of dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market;
- D. *Technical assistance* - is any form of professional help, guidance or support to be more effective in the performance of work or livelihood;
- E. *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;
- F. *Plantilla* - are permanent position items in the government with corresponding authorized budget allotment in the annual budget.

**SECTION 4. PURPOSE.** The purpose of this ordinance on creation as stated by the Local Chief Executive in his letter request are the following: to enhance the organizational structure of LGU Calubian by creating new positions, to meet the needs of the present demands of a very functional and responsive government institution, and upgrading, enhancing, repositioning of manpower in order to appropriately and quickly respond to the needs of the times.

**SECTION 5. CREATION OF THE POSITION IN THE PLANTILLA OF PERSONNEL.** The creation of the Position of a Farm Supervisor with Salary Grade 8, 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. Assist the immediate supervisor in the planning and formulation of work programs and estimates for all agricultural activities of the LGU;
- b. Supervise the implementation of the approved farm activities;
- c. Provide technical assistance as may be required;

ALFREDO M. CASAS  
 Liga ng mga Barangay Pres.  
 CARL ERNEST D. PONCE  
 SK Fed. Pres.  
 LUCITA A. PALCONIT  
 SB Member  
 ALVIN M. MARASIG  
 SB Member  
 BENJAMIN A. CALBITAZA  
 SB Member  
 NOEL G. BAMBIGUE  
 SB Member  
 EUGENIO A. CHING, JR.  
 SB Member  
 ESTER P. LUBIANO  
 SB Member  
 JULIA E. HALICHIC  
 SB Member

- d. Prepare and submit reports as directed;
- e. Plan, prepare and review presentation and conducts/assists information sessions, meetings, workshops and seminars;
- f. Demonstrate locally the new product and services of the department of Agriculture to farmers;
- g. Provide farmers with appropriate news, information and developments;
- h. Perform other related functions as may be required by the immediate supervisor.

**SECTION 6. QUALIFICATION STANDARDS.** The position of a Farm Supervisor is created under the CSC Category III Positions which refer to positions whose qualification standards (QS) require no eligibility in view of the duties and responsibilities.

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

  
JULIA E. HALICHIC  
SB Member

  
ESTER P. LUBIANO  
SB Member

  
EUGENIO CHING, JR.  
SB Member

  
NOEL G. FAMINQUEL  
SB Member

  
BENJAMIN C. ALBITAZA  
SB Member

  
ALFREDO M. CASAS  
Liga ng mga Barangay Pres.

  
CARL ERNEST D. PONCE  
SK Fed. Pres.

  
LUCHITA A. PALCONIT  
SB Member


  
ALVIN H. SERRANO  
SB Member

**SECTION 9. 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 10. EFFECTIVITY CLAUSE.** The Ordinance shall take effect immediately upon approval from the Honorable Sangguniang Panlalawigan of the Province of Leyte.

*APPROVED, this 5<sup>th</sup> day of August 2024 at Calubian, Leyte.*

*I HEREBY CERTIFY to the correctness of the foregoing Ordinance.*

  
**ARTHUR V. CABRADILLA**  
SB Secretary -- Designate

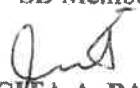
**ATTESTED:**

  
**JULIANA MARC A. BATIANCELA**  
Temp. Presiding Officer

  
**NOEL G. EAMIGUEL**  
SB Member

  
**ESTER P. LUBIANO**  
SB Member

  
**BENJAMIN A. CALBITAZA**  
SB Member

  
**LUCITA A. PALCONIT**  
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**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"
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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 12<sup>th</sup> day of September, 2024 at the Municipality of Calubian, Leyte.

Very truly yours,

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