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Item No.: 20

Date: 25 2024 SEP



Republic of the Philippines  
PROVINCE OF LEYTE  
Provincial Capitol  
Tacloban City

Province of Leyte  
Legal Office  
Released: [Signature]  
Time: [Signature]  
Date: 9.19.24

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SANGGUNIANG PANLALAWIGAN  
SEP 19 2024  
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2<sup>nd</sup> INDORSEMENT  
September 12, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 11, S-2024 of the Sangguniang Panlungsod, Baybay Leyte.

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

- Ordinance No. 11, S-2024 entitled: **“An Ordinance Establishing the Framework for the Transfer of Operation, Development, Management and Maintenance of the Port of Baybay City from Philippine Ports Authority to LGU- Baybay City, Creating its Office and Plantilla Positions and Appropriating Funds Therefore and for Other Purposes.**

**REVIEW/RECOMMENDATION/LEGAL OPINION:**

This office is of the opinion that the Subject Ordinance is in accordance to its power under Section 16<sup>1</sup> General Welfare Clause, Section 17(a)<sup>2</sup> , Section 76<sup>3</sup> and Section 458(5)(iii)<sup>4</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  
[Signature]

<sup>1</sup> Section 16 Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or its incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare.

<sup>2</sup> Section 17(a) Local government unit shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the powers and responsibilities of national agencies and offices devolved to them pursuant to this Code

<sup>3</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>4</sup> Section 458(5)(iii) Authorize the establishment, maintenance and operation by the city government of ferries, wharves, and other structures intended to accelerate productivity to marine and seashore or offshore activities.

Republic of the Philippines  
PROVINCE OF LEYTE  
Palo, Leyte

**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**

**1<sup>ST</sup> INDORSEMENT**  
10 September 2024

Province of Leyte  
Legal Office

*[Handwritten Signature]*  
9.11.24

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **City Ordinance No. 11, S. 2024 of the City of Baybay, Leyte**, entitled: An Ordinance establishing the framework for the transfer of operation, development, management and maintenance of the Port of Baybay City from Philippine Ports Authority to LGU-Baybay City, creating its office and plantilla positions and appropriating funds therefore and for other purposes.

  
**FLORINDA JILI S. UYVICO**  
Secretary to the Sanggunian



Republic of the Philippines  
PROVINCE OF LEYTE  
**CITY OF BAYBAY**  
-000000-



## **OFFICE OF THE SANGGUNIANG PANLUNGSOD**

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 • [panlungsodsangguniang@gmail.com](mailto:panlungsodsangguniang@gmail.com)

September 6, 2024

The Sangguniang Panlalawigan  
Province of Leyte  
Tacloban City

Sir/Madam

I am pleased to transmit herewith the Hard copies of City Ordinance No. 11 S. 2024 of the Sangguniang Panlungsod of Baybay City:

It is hoped that said Ordinance is in order and therefore, merits your kind consideration.

Thank you very much.

  
ATTY. VIVIAN E. VIDALLON  
SF Secretary

Incl.: as stated



Republic of the Philippines  
**PROVINCE OF LEYTE**  
**CITY OF BAYBAY**  
 -0000000-



# OFFICE OF THE SANGGUNIANG PANLUNGSOD

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

## 6<sup>th</sup> SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 11, S-2024  
 34th Regular Session

**AN ORDINANCE ESTABLISHING THE FRAMEWORK FOR THE TRANSFER OF OPERATION, DEVELOPMENT, MANAGEMENT AND MAINTENANCE OF THE PORT OF BAYBAY CITY FROM PHILIPPINE PORTS AUTHORITY TO LGU-BAYBAY CITY, CREATING ITS OFFICE AND PLANTILLA POSITIONS AND APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES.**

Sponsored by:

- |                                    |                                      |                                    |
|------------------------------------|--------------------------------------|------------------------------------|
| <i>Hon. Romulo B. Alcala</i>       | <i>Hon. Simoune L. Astorga</i>       | <i>Hon. Fulton Ike C. Arradaza</i> |
| <i>Hon. Jose L. Bacusmo</i>        | <i>Hon. Filemon F. Avila</i>         | <i>Hon. Carmen L. Cari</i>         |
| <i>Hon. Ramon Ronald J. Veloso</i> | <i>Hon. Dominic Junie F. Murillo</i> | <i>Hon. Jorge V. Rebucas</i>       |
| <i>Hon. Jules Lucas C. Cari</i>    | <i>Hon. Kyla Shannen T. Vidal</i>    |                                    |

WHEREAS, Section 16 of Republic Act (RA) No. 7160, otherwise known as the Local Government Code of 1991, provides that *"Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom x x x and those which are essential to the promotion of the general welfare."*

WHEREAS, Section 17 of Republic Act 7160 also provides *"(a) Local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them x x x Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provision of the basic services and facilities enumerated herein such as x x x (a) (4) (i) Adequate communication and transportation facilities;"*

WHEREAS, one of the powers of the Sangguniang Panlungsod of a component city as stated in Section 458 (a.), (5) (iii) of the Local Government Code and Section 11, par. (a), (5), (iii) of RA 9389 (Charter of the City of Baybay) are as follows *"Authorize the establishment, maintenance and operation by the city government of ferries, wharves, and other structures intended to accelerate productivity related to marine and seashore or offshore activities;"*

WHEREAS, on several occasions the Philippine Ports Authority (PPA) and the LGU-Baybay City have discussed the transfer of

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

ATTY. JOSE DOMINIC A. PENARANDA  
SP Member

DOMINIC JUNIE F. MURILLO  
SP Member

JORGE V. REBUCAS  
SP Member

JULES LUCAS C. CARI  
President, LIGA ng mga Barangay  
Ex-Officio SPM

KYLA SHANNEN T. VIDAL  
SK Chair, City Federation  
Ex-Officio SPM



management, operation, development, and maintenance of the Port of Baybay City from PPA to LGU-Baybay and had in fact agreed in principle the terms and conditions of the transfer;

**WHEREAS**, on June 11, 2024, the Philippine Ports Authority (PPA) Governing Board issued Resolution No. 3302 granting the request of the City Government of Baybay to manage, operate, develop and maintain the port of Baybay City;

**WHEREAS**, in the month of August 2024, the Philippine Ports Authority conducted a month training to selected personnel from LGU-Baybay on the various functions of the port in transition to LGU-Baybay's operation, management, development, and maintenance of the port;

**WHEREAS**, the yearly budgetary requirements for personal services, maintenance and other operating expenditures and capital outlay of the "Port of Baybay City" under the management, operation and maintenance of LGU-Baybay shall be sourced from its share in the national wealth (formerly IRA) and other income from LGU-Baybay subject to Section 76 of R.A. 7160.

**WHEREAS**, Sec. 76 of R.A. 7160 provides that "Every LGU 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".

**WHEREAS**, LGU-Baybay has already allocated the amount of P3M from its Second Supplemental Budget for the year 2024 passed and approved by the Sangguniang Panlungsod on September 5, 2024 for its operation in the remaining months of the fiscal year 2024;

**NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, BY THE SANGGUNIANG PANLUNGSOD, IN SESSION DULY ASSEMBLED THAT:**

**SECTION 1. CREATION AND OFFICIAL NAME** -The port of Baybay shall be officially named for purposes of this Ordinance the "Port of Baybay City".

There is hereby created the Office of the Port of Baybay City officially named the **Baybay City Port Office (BCPO)** under the control, operation, maintenance and management of the Local Government Unit of Baybay City.

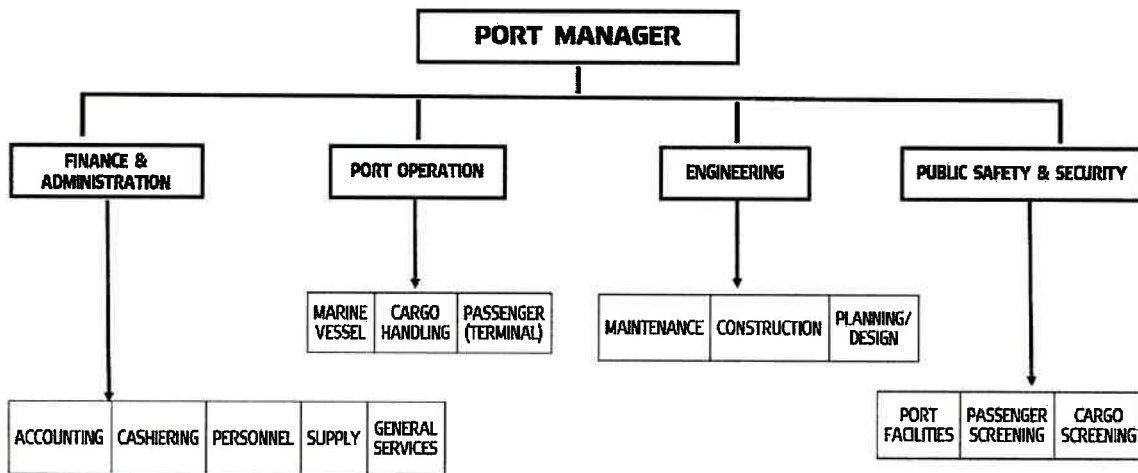
**SECTION 2. INITIAL APPROPRIATIONS** -The sum of **THREE MILLION PESOS (P3,000,000.00)** is hereby appropriated for the continuous operation, management and maintenance of Port of Baybay City for the remaining months of the year 2024;

**SECTION 3. STAFFING PATTERN AND ORGANIZATIONAL STRUCTURE** -In order that the aforesaid Port of Baybay City may effectively discharge its powers and functions and provide adequate delivery of port services as mandated by this Ordinance, the

ROMULO S. 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

ATTY. JOSE ROMMEL A. PERARANDA  
SP Member  
DOMINIC JIMIE F. MURILLO  
SP Member  
JORGEL V. REBUCAS  
SP Member  
JULIEST LUCAS C. CARI  
President LIGA ng mga Barangay  
Ex-Officio SPM  
KYLA SHANNEN T. VIDAL  
SK Chair, City Federation  
Ex-Officio SPM

Memorandum of Agreement and the policy guidelines of the Philippine Ports Authority as hereunder adopted as part hereof, the following plantilla positions and organizational structure are hereby created, as such:



The duties and responsibilities of the aforesaid employees are those defined in the policy guidelines of the PPA.

**SECTION 4. ADOPTION OF POLICY GUIDELINES** - The LGU-Baybay adopts the policy guidelines of the Philippine Ports Authority as embodied in the existing Port Rules and Regulations incorporated in the Administrative Orders and other issuances by PPA and the Memorandum of Agreement which the Philippine Ports Authority and LGU-Baybay City may hereinafter enter into. However, LGU-Baybay may, upon assumption and from time to time formulate its own policies, rules, regulations, and guidelines to effectively and efficiently manage the port and increase its financial capability subject to the approval of the PPA and in accordance with existing laws.

**SECTION 5. TRANSITORY PROVISIONS**

- a. All existing fees and charges collected by the Philippine Ports Authority from the passengers, shippers, shipping lines and stevedoring and all other entities transacting business with PPA shall be collected by LGU-Baybay in the same amount unless it is increased or decreased thru city ordinance and ratified or approved by PPA;
- b. LGU-Baybay shall use its official receipt in all its collections until such time that "cash tickets" are procured from the provincial government;
- c. LGU-Baybay shall honor the existing contract of PPA and LIPSI, the stevedoring operating at the Port of Baybay City until December 31, 2024;
- d. This Ordinance is enforceable only upon the execution and signing of the Memorandum of Agreement between Philippine Ports Authority and LGU-Baybay City, transferring the operation, management, and maintenance of the Port of Baybay City from PPA to LGU-Baybay;
- e. The publication of this Ordinance and submission to the *Sangguniang Panlalawigan* for review shall be made only

*[Signature]*  
ROMULO B. ALCALÁ  
SP Member

*[Signature]*  
SIMONE L. ASTORGA  
SP Member

*[Signature]*  
DR. FULTON IKE C. ARRADAZA  
SP Member

*[Signature]*  
JOSE L. BACUSMO  
SP Member

*[Signature]*  
FILEMON P. AVILA  
SP Member

*[Signature]*  
CARMEN L. CARI  
SP Member

*[Signature]*  
RAMON RONALD J. VELOSO  
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ATTY. JOSE ROMMEL A. PENARANDA  
SP Member

*[Signature]*  
DOMINIC JANIE F. MURILLO  
SP Member

*[Signature]*  
JORGE Y. REBUCAS  
SP Member

*[Signature]*  
JULES LUCAS C. CARI  
President, LIGALing mga Barangay  
Ex-Officio SPM

*[Signature]*  
KYLA SHANNEN T. VIDAL  
SK Chair, City Federation  
Ex-Officio SPM

*[Signature]*

after the Memorandum of Agreement is concluded by the PPA and LGU-Baybay;

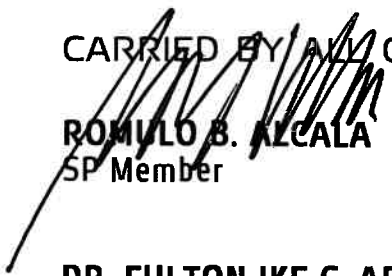
**SECTION 6. SEPARABILITY CLAUSE-** If for any reasons, any provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remaining parts thereof not affected thereby shall continue to be in full force and effect.

**SECTION 7. REPEALING CLAUSE-** All Ordinances, Resolutions, Executive Orders, Memoranda and Administrative Regulations or part thereof issued by LGU-Baybay which are in conflict or inconsistent with the provisions of this Ordinance are thereby repealed, amended or modified accordingly.

**SECTION 8. EFFECTIVITY CLAUSE-** This Ordinance shall take effect upon due compliance with all the requirements as provided for under R.A. 7160, otherwise known as the Local Government Code of 1991.

Enacted: September 5, 2024  
Baybay City, Leyte, Philippines

CARRIED BY ALL OF THE MEMBERS PRESENT:

  
**ROMULO B. ALCALA**  
SP Member

  
**SIMONE L. ASTORGA**  
SP Member

  
**DR. FULTON IKE C. ARRADAZA**  
SP Member

  
**JOSE L. BACUSMO**  
SP Member

  
**FILEMON F. AVILA**  
SP Member

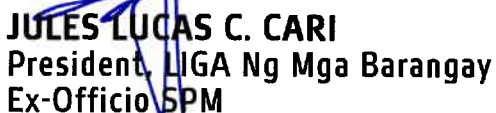
  
**CARMEN L. CARI**  
SP Member

  
**RAMON RONALD J. VELOSO-**  
SP Member

  
**ATTY. JOSE ROMMEL A. PEÑARANDA**  
SP Member

  
**DOMINIC JUNIE F. MURILLO**  
SP Member

  
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SP Member

  
**JULES LUCAS C. CARI**  
President, LIGA Ng Mga Barangay  
Ex-Officio SPM

  
**KYLA SHANNEN T. VIDAL**  
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. VIVIAN C. ENARRIO-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: 9/06/24





Republic of the Philippines  
PROVINCE OF LEYTE  
**CITY OF BAYBAY**  
-0000000-



## **OFFICE OF THE SANGGUNIANG PANLUNGSOD**

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 \* [panlungsodsangguniang@gmail.com](mailto:panlungsodsangguniang@gmail.com)

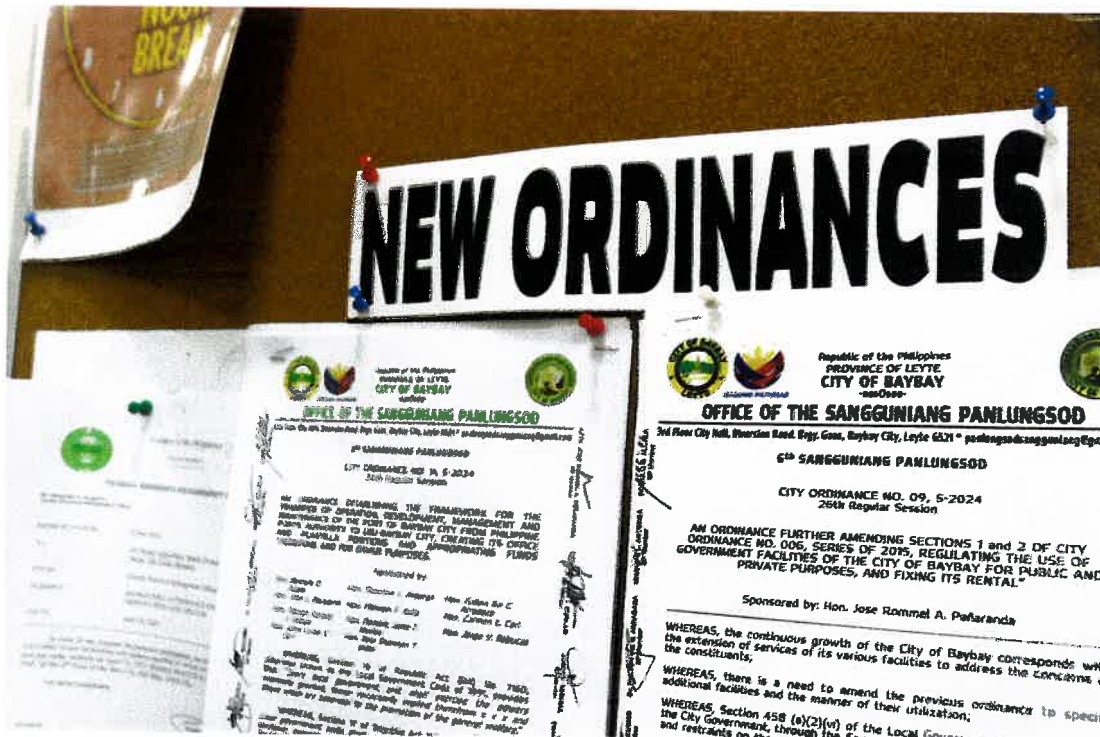
### C E R T I F I C A T I O N

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that the City Ordinance No. 11 s. 2024 " AN ORDINANCE ESTABLISHING THE FRAMEWORK FOR THE TRANSFER OF OPERATION, DEVELOPMENT, MANAGEMENT AND MAINTENANCE OF THE PORT OF BAYBAY CITY FROM PHILIPPINE PORTS AUTHORITY TO LGU-BAYBAY CITY, CREATING ITS OFFICE AND PLANTILLA POSITIONS AND APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES" was posted in the bulletin board at Legislative Department, New City Hall, Diversion Road, the public market and Baybay City Bus and Terminal immediately upon approval thereof.

Issued this 6<sup>th</sup> day of September 2024, at Baybay City, Leyte.

  
ATTY. VIVIAN E. VIDALLON  
SP Secretary



**SANGGUNIANG PANLUNGSOD BULLETIN BOARD**





**BAYBAY CITY**  
**NEW ORDINANCES**

Republic of the Philippines  
PROVINCE OF LEYTE  
**CITY OF BAYBAY**  
6521

**OFFICE OF THE SANGGUNIANG PANLUNGSOD**  
3rd Floor City Hall, Diversion Road, Brgy. Gasa, Baybay City, Leyte 6521 \* [gsanlungsodsangguniang@gmail.com](mailto:gsanlungsodsangguniang@gmail.com)

**5<sup>th</sup> SANGGUNIANG PANLUNGSOD**  
**CITY ORDINANCE NO. 11, S-2024**  
34th Regular Session

**AN ORDINANCE ESTABLISHING THE FRAMEWORK FOR THE TRANSFER OF OPERATION, DEVELOPMENT, MANAGEMENT AND MAINTENANCE OF THE PORT OF BAYBAY CITY FROM PHILIPPINE PORTS AUTHORITY TO LGU-BAYBAY CITY, CREATING ITS OFFICE AND PLANTILLA POSITIONS AND APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES.**

Sponsored by:

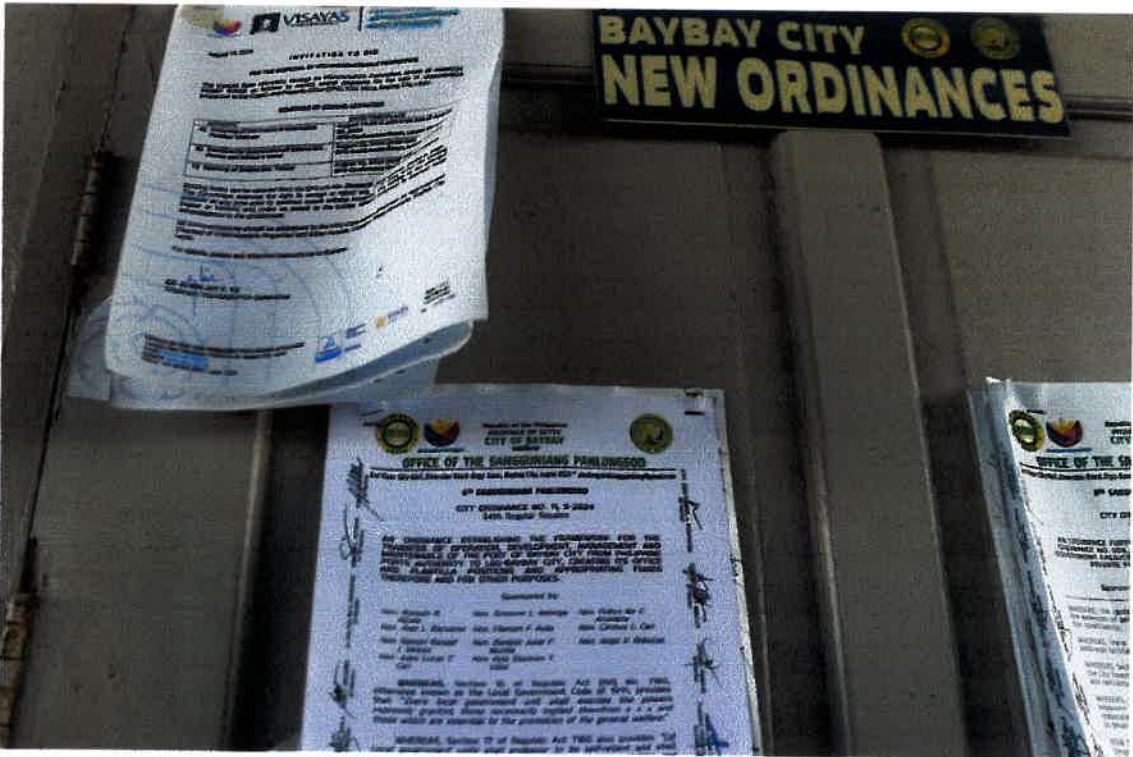
Hon. Romulo B. Aicala	Hon. Simone L. Astorga	Hon. Fulton Ike C. Arradaza
Hon. Jose L. Bacusmo	Hon. Filemon F. Avila	Hon. Carmen L. Carl
Hon. Ramon Ronald J. Veloso	Hon. Dominic Junie F. Murillo	Hon. Jorge V. Rebuscas
Hon. Jules Lucas C. Carl	Hon. Kyle Sharmen T. Vidal	

WHEREAS, Section 16 of Republic Act (RA) No. 7160, otherwise known as the Local Government Code of 1991, provides that "Every local government unit shall exercise the powers



**BAYBAY CITY TRICYLCE/PEDICAB TERMINAL**





**BAYBAY CITY BUS TERMINAL**