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Item No.: 08

Date: 22 2024 OCT



Republic of the Philippines  
PROVINCE OF LEYTE  
Provincial Capitol  
Tacloban City

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PROVINCIAL LEGAL OFFICE

Province of Leyte  
Legal Office

Released: *[Signature]*  
Date: 10-15-24



2<sup>nd</sup> INDORSEMENT  
October 11, 2024

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

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

- Ordinance No. 16 series of 2024 entitled: "An Ordinance creating various Plantilla Positions."
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REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 76<sup>1</sup> of the Local Government Code of 1991 (R.A 7160) in consonance with Section 447(1)(viii)<sup>2</sup> of the same, provided that provisions in Section 325(a) and (g)<sup>3</sup> are not violated. 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

<sup>1</sup>Section 76. Organizational Structure and Staffing Pattern. - 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> (viii) Determine the positions and 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;

<sup>3</sup> (a) The total appropriations, whether annual or supplemental, for personal services of a local government unit for one (1) fiscal year shall not exceed forty-five percent (45%) in the case of first to third class provinces, cities and municipalities, and fifty-five percent (55%) in the case of fourth class or lower, of the total annual income from regular sources realized in the next preceding fiscal year. The appropriations for salaries, wages, representation and transportation allowances of officials and employees of the public utilities and economic enterprises owned, operated, and maintained by the local government unit concerned shall not be included in the annual budget or in the computation of the maximum amount for personal services. The appropriations for the personal services of such economic enterprises shall be charged to their respective budgets;

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

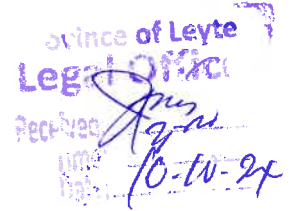
opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

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

Republic of the Philippines  
PROVINCE OF LEYTE  
Palo, Leyte


**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**

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



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 16, Series of 2024 of the Municipality of Capoocan, Leyte, entitled: An Ordinance Creating the Following Plantilla Positions:**

1. **Senior Administrative Assistant II (Computer Operator IV), SG 14 under the Office of the Municipal Mayor-BPLO Unit;**
2. **Municipal Government Department Head I (Municipal PESO Manager), SG 24;**
3. **Two (2) Local Disaster Risk Reduction and Management Officer I SG 11;**
4. **Administrative Aide II (Reproduction Machine Operator II), SG 2, under MPDO;**
5. **Administrative Aide III (Driver I), SG 3 under SB/VMO**

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



Republic of the Philippines  
PROVINCE OF LEYTE  
Municipality of Capoocan  
**Office of the Sangguniang Bayan**  
✉ sbcapoocan@gmail.com / sbcapoocan@yahoo.com  
☎ 09976874138



October 10, 2024

**THE HONORABLE BODY**  
Sangguniang Panlalawigan  
Legislative Building  
Capitol Grounds  
Tacloban City

Dear Gentlemen / Mesdames:

Good Day!

Submitting **ORDINANCE NO. 16, Series of 2024** of the Sangguniang Bayan of Capoocan, Leyte, for review of the Honorable Body. **ORDINANCE NO. 16, Series of 2024** is entitled, "**AN ORDINANCE CREATING THE FOLLOWING PLANTILLA POSITIONS:**

1. **Senior Administrative Assistant II (Computer Operator IV), SG 14 under the Office of the Municipal Mayor-BPLO Unit;**
2. **Municipal Government Department Head I (Municipal PESO Manager), SG 24;**
3. **Two (2) Local Disaster Risk Reduction and Management Officer I, SG 11;**
4. **Administrative Aide II (Reproduction Machine Operator I), SG 2, under MPDO;**
5. **Administrative Aide III (Driver I), SG 3 under SB/VMO**

Earliest and favorable action shall be gratefully acknowledged.

Respectfully yours,

  
**JUDE R. DELA TORRE**  
Secretary to the Sanggunian

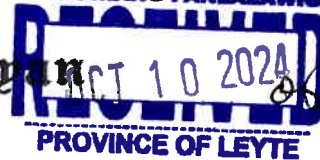


Republic of the Philippines  
PROVINCE OF LEYTE  
Municipality of Capoocan  
Office of the Sangguniang Bayan

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SANGGUNIANG PANLALAWIGAN



SANGGUNIANG BAYAN OF THE MUNICIPAL GOVERNMENT OF CAPOOCAN, LEYTE IN ITS 117<sup>th</sup> REGULAR SESSION  
HELD ON SEPTEMBER 17, 2024 AT THE MUNICIPAL SESSION HALL LEGISLATIVE BUILDING

## MUNICIPAL ORDINANCE NO. 16 SERIES OF 2024

### AN ORDINANCE CREATING THE FOLLOWING PLANTILLA POSITIONS:

1. **Senior Administrative Assistant II (Computer Operator IV), SG 14 under the Office of the Municipal Mayor-BPLO Unit;**
2. **Municipal Government Department Head I (Municipal PESO Manager), SG 24;**
3. **Two (2) Local Disaster Risk Reduction and Management Officer I, SG 11;**
4. **Administrative Aide II (Reproduction Machine Operator I), SG 2, under MPDO;**
5. **Administrative Aide III (Driver I), SG 3 under SB/VMO**

**WHEREAS**, Section 76 of Republic Act 7160 states that *“Every Local Government Unit shall design and implement its own organizational structure and staffing pattern taking into consideration its service requirement and financial capability”*;

**WHEREAS**, this creation of plantilla positions is in accordance with the Department of Budget and Management Local Budget Circular (DBM LBC) No. 137 dated July 13, 2021 with subject, *INDEX OF OCCUPATIONAL SERVICES, POSITIONS, TITLES AND SALARY GRADES IN THE LOCAL GOVERNMENT (IOS-LGU), CY 2021 EDITION*;

**WHEREAS**, to provide the needs of the current demand for an effective and efficient local government, it is imperative for an increase in its organizational structure and staffing pattern;

**NOW THEREFORE**, be it resolved, as it is hereby resolved that in session assembled, the Sangguniang Bayan of the Municipality of Capoocan, Leyte, enact the following:

**Section 1. Creation.** The following Plantilla Positions are hereby created:

- a. **Senior Administrative Assistant II (Computer Operator IV), SG 14 under the Office of the Municipal Mayor-BPLO Unit;**
- b. **Municipal Government Department Head I (Municipal PESO Manager), SG 24;**
- c. **Two (2) Local Disaster Risk Reduction and Management Officer I, SG 11;**
- d. **Administrative Aide II (Reproduction Machine Operator I), SG 2, under MPDO;**
- e. **Administrative Aide III (Driver I), SG 3 under SB/VMO**

**Section 2. Funding.** The necessary funding for this position shall be appropriated in the Supplemental Budget No. 2 FY 2024 to cover the salaries and benefits in accordance with the corresponding salary grade, and shall be sustained and incorporated in their respective office budgets in the succeeding years.

**Section 3. Qualifications, Powers, Duties and Responsibilities.** The qualifications, powers, duties and responsibilities of the herein enumerated positions shall be based on the provisions of the Local Government Code of 1991 and Civil Service Commission (CSC) and other related laws.


**Section 4. Repealing Clause.** Any ordinance found inconsistent hereof, in whole or in part, is hereby repealed or modified accordingly.

**Section 5. Effectivity.** This ordinance shall take effect immediately upon approval.

**ENACTED** by the Sangguniang Bayan, in session assembled this 17<sup>th</sup> day of September, 2024 at Capoocan, Leyte.



VON LITO Q. VALLAR  
SB Member



EMMANUEL D. ARBOSO  
SB Member



JOJO N. NEPOMUCENO  
SB Member



GRACIA G. PIGAR  
SB Member




REYNALDO R. NIMO  
SB Member




FEDERICO P. CAROLINO, JR.  
SB Member



ROBERTA C. PEÑARANDA  
SB Member

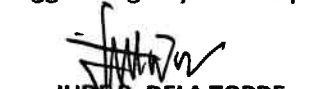


FLORENCE R. CAROLINO-MISAGAL  
Ex-Officio Member  
Municipal Chapter President  
*Liga ng mga Barangay*



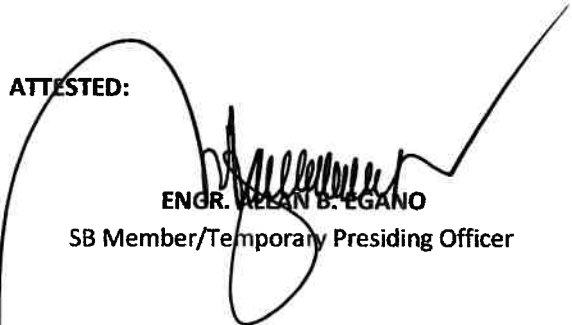
DAVE B. ANDERA  
Ex-Officio Member  
President  
*Pambayang Pederasyon ng mga Sangguniang Kabataan*

I HEREBY CERTIFY to the correctness of the foregoing resolution of the Sangguniang Bayan of Capoocan, Leyte.



JUDE R. DELA TORRE  
Secretary to the Sanggunian


ATTESTED:



ENGR. WELAN B. EGANO  
SB Member/Temporary Presiding Officer

ATTY. FEDERICO H. CAROLINO, SR.  
Municipal Vice-Mayor/Presiding Officer  
*(On Official Travel)*

APPROVED:



ATTY. FE CLAIRE P. CAROLINO-PARAGATOS  
Municipal Mayor  
Date: 10.4.24