

Item No.: 08

Date: 15 2024 OCT

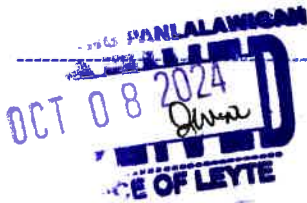


Republic of the Philippines  
PROVINCE OF LEYTE  
Provincial Capitol  
Tacloban City

-oOo-

Province of Leyte  
Legal Office

Released: *Jose A. Acol*  
Time:  
Date: *10-8-24*



PROVINCIAL LEGAL OFFICE

2<sup>nd</sup> INDORSEMENT  
October 7, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2024-21 of the Sangguniang Bayan of Calubian, Leyte.

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

- Ordinance No. 2024-21 entitled: **“An Ordinance Amending Municipal Ordinance No. 2024-01 dated January 9, 2024”**

**REVIEW/RECOMMENDATION/LEGAL OPINION:**

This office is of the opinion that the subject Ordinance is generally in accordance to its power for it is within the powers of the Local Council to repeal/amend its prior acts either expressly or by the passage of an essentially inconsistent resolution<sup>1</sup>. Hence, recommending for the declaration of its validity.

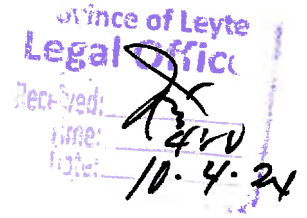
We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

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

<sup>1</sup> (Constantino vs. Desierto, 288 SCRA 654)


Republic of the Philippines  
PROVINCE OF LEYTE  
Palo, Leyte

**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**



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

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2024-21** of the **Municipality of Calubian, Leyte**, entitled: An Ordinance Amending Municipal Ordinance No. 2024-01 dated January 9, 2024 entitled "An Ordinance Creating the Position Item of a Municipal Government Department Head I (Human Resource Management Officer), Salary Grade 24, under the Human Resource Management Office in the Municipal Government of the Municipality of Calubian, Leyte.

  
**FLORINDA M. S. OYVICO**  
Secretary to the Sanggunian



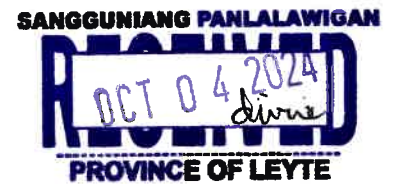
Republic of the Philippines  
PROVINCE OF LEYTE  
Municipality of Calubian



OFFICE OF THE SANGGUNIANG BAYAN

October 4, 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 *fifteen (15) copies* of 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. 2024-20, entitled: "An Ordinance Amending Section 5 of Municipal Ordinance No. 2023-22 dated November 6, 2023 Entitled "An Ordinance Creating the Position of an Information Systems Analyst II, with Salary Grade 16 under the Municipal Planning & Development Office in the Municipal Government of the Municipality of Calubian, Leyte"
2. Municipal Ordinance No. 2024-21, entitled: " An Ordinance Amending Municipal Ordinance No. 2024-01 dated January 9, 2024 entitled "An Ordinance Creating the Position Item of a Municipal Government Department Head I (Human Resource Management Officer), Salary Grade 24, Under the Human Resource Management Office in the Municipal Government of the Municipality of Calubian, Leyte"
3. Municipal Ordinance No. 2024-22, entitled: "An Ordinance Creating the Position Item of a Farm Worker II, Salary Grade 4, Under the Office of the Municipal Agriculturist (OMA) in the Municipal Government of the Municipality of Calubian, Leyte."

For your perusal. Please acknowledge receipt hereof.

Thank you.

Very truly yours,

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



Republic of the Philippines  
**PROVINCE OF LEYTE**  
 Municipality of Calubian  
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**OFFICE OF THE SANGGUNIANG BAYAN**

*MINUTES OF THE NINETY FOURTH (94<sup>TH</sup>) REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE HELD ON SEPTEMBER 16, 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.*

**PRESENT:**

- Vice Mayor Anna Love Veloso – Laurente - Presiding Officer*
- SB Member Eugenio A. Ching, Jr. - Member*
- SB Member Noel G. Eamiguel - Member*
- SB Member Ester P. Lubiano - Member*
- SB Member Julia E. Halichic - Member*
- SB Member Lucita A. Palconit - Member*
- SB Member Benjamin A. Calbitaza - Member*
- Liga ng mga Barangay Pres. Alfredo M. Casas -Member*

**OFFICER-IN-CHARGE, OFFICE OF THE MAYOR:**

- SB Member Jullian Marc A. Batiancela - Member*

**FORCED LEAVE:**

- SB Member Alyza F. Nierras - Member*

**ABSENT:**

- SK Fed. Pres. Carl Ernest D. Ponce - Member*

**ORDINANCE NO. 2024-21**

**AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 2024-01 DATED JANUARY 9, 2024 ENTITLED “AN ORDINANCE CREATING THE POSITION ITEM OF A MUNICIPAL GOVERNMENT DEPARTMENT HEAD I (HUMAN RESOURCE MANAGEMENT OFFICER), SALARY GRADE 24, UNDER THE HUMAN RESOURCE MANAGEMENT OFFICE IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE”.**

**WHEREAS**, the Honorable Mayor Marciano A. Batiancela, Jr. through his letter September 4, 2024 addressed to the Sangguniang Bayan requested the amendment of the Ordinance Title, Position Title and Qualification Standards (QS) of the Municipal Ordinance No. 2024-01;

**WHEREAS**, after review and deliberation of the Committee on Human Resource Development and in Plenary, taking into consideration pursuant to CSC Memorandum Circular No. 06, s. 2023 (Amendment to Section 34 of the 2017 Omnibus Rules on Appointment and Other Human Resource Actions) promulgated on May 19, 2023, the Body APPROVED the Amendment of Municipal Ordinance No. 2024-01;


**WHEREAS**, tabular representation of what was originally in the Ordinance vis-à-vis the correct minimum requirements of the CSC, is as follows:

	<i>Ordinance No. 2024-01</i>	<i>Amendment as per Civil Service Commission Memorandum Circular No. 06, s. 2023</i>
<b>Position</b>	<b>Municipal Government Department Head I (Human Resource Management Officer)</b>	<b>Municipal Government Department Head I</b>

*Eugenio A. Ching, Jr.* SB Member  
*Noel G. Eamiguel* SB Member  
*Julia E. Halichic* SB Member  
*Ester P. Lubiano* SB Member  
*Lucita A. Palconit* SB Member  
*Benjamin A. Calbitaza* SB Member  
*Alfredo M. Casas* Liga ng mga Barangay Pres.



  
EUGENIO A. CHING, JR.  
SB Member

  
NOEL G. EAMIGUEL  
SB Member

Education	Bachelor's Degree in Human Resource Management, Personnel or Public Administration and related college courses	Bachelor's Degree
Experience	Two (2) years experience of any Human Resource Management or Human Administration; or any other relevant experiences	4 years in position/s involving management and supervision
Training	Eight (8) hours relevant trainings in Human Resource Management or Personnel Administration	24 hours of relevant training
License/Eligibility	Civil Service Professional Eligible	Civil Service Professional/ Second Level Eligibility

**NOW THEREFORE**, on motion of SB Member Hon. Eugenio A. Ching, Jr., duly concurred by all SB Members present;

**BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE**, in a session assembled, **THAT**:

**SECTION 1. AMENDMENTS.** Municipal Ordinance No. 2024-01 is HEREBY AMENDED pursuant to to CSC Memorandum Circular No. 06, s. 2023 (Amendment to Section 34 of the 2017 Omnibus Rules on Appointment and Other Human Resource Actions) promulgated on May 19, 2023, to wit:

**"ORDINANCE NO. 2024-01**

**AN ORDINANCE CREATING THE POSITION ITEM OF A MUNICIPAL GOVERNMENT DEPARTMENT HEAD I, SALARY GRADE 24, UNDER THE HUMAN RESOURCE MANAGEMENT OFFICE IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE**  
**XXX**

*Section 1. Short Title. This Ordinance shall be entitled as "AN ORDINANCE CREATING THE POSITION ITEM OF A MUNICIPAL GOVERNMENT DEPARTMENT HEAD I, SALARY GRADE 24, UNDER THE HUMAN RESOURCE MANAGEMENT OFFICE IN THE IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE."*  
**XXX**

**Section 2. Rationale. xxx**


*B. The creation of the aforementioned proposed position, Municipal Government Department Head I with Salary Grade 24 in the Human Resource Management Office is indispensable, due to the fact that the office is not yet represented or headed by a Head of Office.*

**XXX**

**Section 4. Creation of the Position Item in the Plantilla of Personnel.** *The creation of the Position of a Municipal Government Department Head I, with Salary Grade 24, shall be a regular position, placed under the Human Resource Management Office and shall be included in the Rolls of Employee/ Plantill of Personnel in the Municipal Government of Calubian, Leyte.*

  
LUCITA A. PALCONIT  
SB Member

  
BENJAMIN A. CALBITAZA  
SB Member

  
ALFREDO M. CASAS  
Liga ng mga Barangay Pres.

**Section 5. Qualification Standards.** The qualifications 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. Official Duties and Responsibilities for the Position once filled up.** The following are the official duties and functions prescribed for the Municipal Government Department Head I XXX

**Section 7. Supplemental Provision.** The existing Municipal Government Department Head I with Salary Grade 24, which is considered as Item No. 82 under the Human Resource Management Office in the Plantilla of Personnel of the Municipal Government of Calubian, Leyte will now be amended/ changed as Municipal Government Department Head I with Salary Grade 24.

**Section 8. Funding/ Budget Allocation of the Position.** A. The first budget allocation for the salaries, allowances, Representation Allowance & Travelling Allowance (RATA), and other emoluments of the Position Item of a Municipal Government Department Head I with Salary Grade 24, shall be funded under the 2024 Annual Budget of the Municipal Government of Calubian, Leyte; XXX

B. Salaries, allowances, Representation Allowance & Travelling Allowance (RATA), and other emoluments of the Position Item of a Municipal Government Department Head I with Salary Grade 24 XXX"

**SECTION 2. 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 3. REPEALING CLAUSE.** All ordinances, rules and regulations or parts not consistent with any provision of this Ordinance are hereby repealed, amended or modified accordingly.


**SECTION 4. EFFECTIVITY.** The Ordinance shall take effect immediately upon approval from the Honorable Sangguniang Panlalawigan of the Province of Leyte.

**APPROVED** this 16<sup>th</sup> day of September, 2024.

*I HEREBY CERTIFY to the correctness of the above-quoted Ordinance.*

**ATTY. KEISHAYNA VINEE V. RAMIREZ**  
MGDHI (Secretary to the Sanggunian)

ATTESTED BY:

  
**ANNA LOVE VELOSO-LAURENTE**  
Presiding Officer

  
**EUGENIO A. CHING, JR.**  
SB Member

  
**JULIA E. HALICHIC**  
SB Member

  
**NOEL G. CAMIGUEL**  
SB Member

  
**ESTER P. LUBIANO**  
SB Member

  
**LUCITA A. PALCONIT**  
*SB Member*

  
**BENJAMIN A. CALBITAZA**  
*SB Member*

  
**ALFREDO M. CASAS**  
*Liga ng mga Barangay Pres.*

*APPROVED:*  
*Date:* 30 SEP 2024

  
**HON. MARCIANO A. BATIANCEVA, 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 October 2, 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. 2024-20, entitled: "An Ordinance Amending Section 5 of Municipal Ordinance No. 2023-22 dated November 6, 2023 Entitled "An Ordinance Creating the Position of an Information Systems Analyst II, with Salary Grade 16 under the Municipal Planning & Development Office in the Municipal Government of the Municipality of Calubian, Leyte"
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3. Municipal Ordinance No. 2024-22, entitled: "An Ordinance Creating the Position Item of a Farm Worker II, Salary Grade 4, Under the Office of the Municipal Agriculturist (OMA) in the Municipal Government of the Municipality of Calubian, Leyte."

THIS CERTIFICATION is issued in compliance with ARTICLE 114 of the Implementing Rules and Regulations of Republic Act No. 7160.

ISSUED the 2<sup>nd</sup> day of October, 2024 at the Municipality of Calubian, Leyte.

Very truly yours,

  
**ATTY. KEISHAYNA VINEE V. RAMIREZ**  
*MGDHI (Secretary to the Sanggunian)*