

Item No.: 09

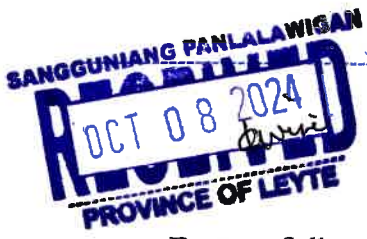
Date: 15 2024 OCT

Province of Leyte  
Legal Office  
Ass. Sec. *grw*  
Date: *10-2-24*



Republic of the Philippines  
PROVINCE OF LEYTE  
Provincial Capitol  
Tacloban City

-oOo-



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. 2024-22 of the Sangguniang Bayan of Calubian, Leyte.

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

- 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”**

**REVIEW/RECOMMENDATION/LEGAL OPINION:**

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 447(1)(viii)<sup>1</sup> of the Local Government Code of 1991 (R.A 7160) in consonance with Section 76<sup>2</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>(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>2</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.

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. 2024-22** of the **Municipality of Calubian, Leyte**, 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.

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

SP



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. 2024-22**

**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.**

**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:**

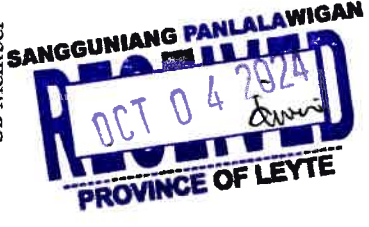
**SECTION 1. TITLE.** This Ordinance shall be known as an "**AN ORDINANCE CREATING THE POSITION ITEM OF A FARM WORKER II, SALARY GRADE 4, UNDER THE OFFICE OF THE MUNICIPAL AGRICULTURIST (OMA) IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE**".

**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 Worker II, Salary Grade 4 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.*

*Noel G. Eamiguel*  
 SB Member

*Eugenio A. Ching, Jr.*  
 SB Member



*Ester P. Lubiano*  
 SB Member

*Julia E. Halichic*  
 SB Member

*Benjamin A. Calbitaza*  
 SB Member

*Lucita A. Palconit*  
 SB Member

*Alfredo M. Casas*  
 Liga ng mga Barangay Pres.

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, 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

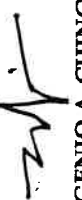
D. Consistent with the above authority to create positions or offices as maybe necessary to carry out the purposes and programs of the municipality, and after a thorough determination and evaluation of human resources needs of the municipality, it is imperative to create the position of a Farm Worker 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
- 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 Worker II with Salary Grade 4, 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.

  
EUGENIO A. CHING, JR.  
SB Member

  
ESTER P. LUBIANO  
SB Member

  
JULIA E. HALICHIC  
SB Member

  
BENJAMIN A. CALBITAZA  
SB Member

  
LUCITA A. FALCONIT  
SB Member

  
ALFREDO M. CASAS  
Liga ng mga Barangay Pres.

  
NOEL G. RAMIGUEL  
SB Member

**SECTION 6. QUALIFICATION STANDARDS.** The position of a Farm Worker II, pursuant to DBM Local Budget Circular No. 137 dated July 13, 2021 and CSC MC No. 10, s. 2013 (Category III Positions), 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, and shall be amended accordingly in relation thereto.

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

EUGENIO A. CHING, JR.

SB Member

JUHA-B. HALICHIC

SB Member

LUCITA A. PALCONIT

SB Member

ALFREDO M. CASAS

Liga ng mga Barangay Pres.

ESTER P. LUBIANO

SB Member

BENJAMIN A. CALBITAZA

SB Member

NOEL S. EAMIGUEL

SB Member

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

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

**ATTY. KEISHA YNA VINEE V. RAMIREZ**  
*MGDH I (Secretary to the Sanggunian)*

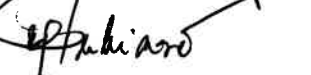
**ATTESTED BY:**

  
**ANNA LOVE VELOSO-LAURENTE**  
*Presiding Officer*

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

  
**NOEL G. EAMIGUEL**  
*SB Member*

  
**JULIA E. HALICHIC**  
*SB Member*

  
**ESTER P. LUBIANO**  
*SB Member*

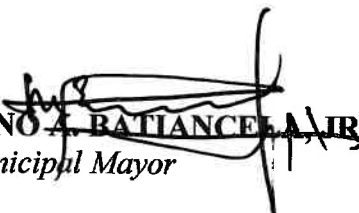
  
**LUCITA A. PALCONIT**  
*SB Member*

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

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

**APPROVED:**

Date: 30 SEP 2024

  
**HON. 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 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"
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."

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. KEISHA YNA VINEE V. RAMIREZ**  
*MGDI I (Secretary to the Sanggunian)*