



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
October 21, 2024

Spina
10.24.24

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 24-003 of the Sangguniang Bayan of Mahaplag, Leyte.

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

- Ordinance No. 24-003 entitled: **“An Ordinance upgrading the three positions under the Municipal Health Office in the Municipal Local Government Unit of Mahaplag, Leyte by abolishing the vacant funded position of Pharmacist I with Salary Grade 11 and creating the position of Pharmacist II with Salary Grade 12, by abolishing the vacant funded position of Medical Technologist I with Salary Grade 11 and creating the position of Medical Technologist II Salary Grade 15, and by abolishing the vacant funded position of Dentist I with Salary Grade 14 and creating the position of Dentist II with Salary Grade 16, and declaring that the corresponding appropriations for the salaries and benefits of the three abolished positions of Pharmacist I, Medical Technologist I, and Dentist I be reverted back to the general fund and be re-appropriated to respectfully fund the salaries and benefits of the newly created and its upgraded positions of Pharmacist II, Medical Technologist II, and Dentist II involving the total amount of One Million Eight Hundred Ten Thousand Three Hundred Forty-Two Pesos (PHP 1,810,342.00). ”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 76¹ of the Local Government Code of 1991 (R.A 7160) in consonance with Section 447(1)(vii)² of the same. Hence, we recommend the declaration of its validity.

¹;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.

² (vii) Subject to the provisions of this Code and pertinent laws, determine the powers and duties of officials and employees of the municipality;

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the 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 *JRP*

29 copies

REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE



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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

Province of Leyte
Legal Office
Date: 10-17-24

1st ENDORSEMENT
16 October 2024

Respectfully forwarded to the **PROVINCIAL LEGAL OFFICE** the herein **MUNICIPAL ORDINANCES** from the Municipality of **MAHAPLAG, LEYTE**, which are self-explanatory, to wit;

1. **MUNICIPAL ORDINANCE No. 24-002** ← creation of the position of:
**MUNICIPAL GOVERNMENT DEPAT HEAD I,
(HUMAN RESOURCE MANAGEMENT OFFICER V)
SG 24 ; and**
2. **MUNICIPAL ORDINANCE No. 24-003**

all for comments, review and recommendations.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

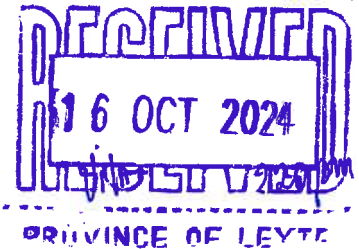


Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Mahaplag
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Office of the Sangguniang Bayan

TRANSMITTAL SANGGUNIANG PANLALAWIGAN

FLORINDA JILL S. UYVICO
Provincial Government Department Head
Secretary to the Sangguniang Panlalawigan
Office of the Sangguniang Panlalawigan
Province of Leyte
Tacloban City



Attention: Records Office

Madam:

Transmitting to your good office these duly approved **Municipal Ordinance No. 24-002** and **Municipal Ordinance No. 24-003** of the Municipality of Mahaplag, Leyte for review by the Sangguniang Panlalawigan of the Province of Leyte, as follows:

- 1. MUNICIPAL ORDINANCE NO. 24-002: AN ORDINANCE CREATING THE POSITION OF MUNICIPAL GOVERNMENT DEPARTMENT HEAD I (HUMAN RESOURCE MANAGEMENT OFFICER V) WITH SALARY GRADE 24 UNDER THE HUMAN RESOURCE MANAGEMENT OFFICE, AND ALSO CREATING THE POSITION OF RADIOLOGIC TECHNOLOGIST III WITH SALARY GRADE 13 UNDER THE MUNICIPAL HEALTH OFFICE IN THE MUNICIPAL LOCAL GOVERNMENT UNIT OF MAHAPLAG, LEYTE.**
- 2. MUNICIPAL ORDINANCE NO. 24-003: AN ORDINANCE UGRADING THE THREE POSITIONS UNDER THE MUNICIPAL HEALTH OFFICE IN THE MUNICIPAL LOCAL GOVERNMENT UNIT OF MAHAPLAG, LEYTE BY ABOLISHING THE VACANT FUNDED POSITION OF PHARMACIST I WITH SALARY GRADE 11 AND CREATING THE POSITION OF PHARMACIST II WITH SALARY GRADE 12, BY ABOLISHING THE VACANT FUNDED POSITION OF MEDICAL TECHNOLOGIST I WITH SALARY GRADE 11 AND CREATING THE POSITION OF MEDICAL TECHNOLOGIST II WITH SALARY GRADE 15, AND BY ABOLISHING THE VACANT FUNDED POSITION OF DENTIST I WITH SALARY GRADE 14 AND CREATING THE POSITION OF DENTIST II WITH SALARY GRADE 16, AND DECLARING THAT THE CORRESPONDING APPROPRIATIONS FOR THE SALARIES AND BENEFITS OF THE THREE ABOLISHED POSITIONS OF PHARMACIST I, MEDICAL TECHNOLOGIST I, AND DENTIST I BE REVERTED BACK TO THE GENERAL FUND AND BE RE-APPROPRIATED TO RESPECTIVELY FUND THE SALARIES AND BENEFITS OF THE NEWLY CREATED AND ITS UPGRADED POSITIONS OF PHARMACIST II, MEDICAL TECHNOLOGIST II, AND DENTIST II INVOLVING THE TOTAL AMOUNT OF ONE MILLION EIGHT HUNDRED TEN THOUSAND THREE HUNDRED FORTY-TWO PESOS (₱1,810,342.00).**

Thank you and more power.

Respectfully yours,

ATTY. JASON L. ALONZO
Board Secretary V



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

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE 12TH SANGGUNIANG BAYAN OF MAHAPLAG, LEYTE HELD ON FEBRUARY 12, 2024 AT THE SESSION HALL OF THE MUNICIPAL HALL, BRGY. POBLACION, MAHAPLAG, LEYTE.

PRESENT:

- | | | |
|-------------------------|---|---|
| HON. MYRA P. SOLIS | - | Municipal Vice Mayor/Presiding Officer |
| HON. ARLENE O. GIGANTO | - | Sangguniang Bayan Member |
| HON. AIDA L. DIZON | - | Sangguniang Bayan Member |
| HON. JEFFREY M. RELEVO | - | Sangguniang Bayan Member |
| HON. REYNALDO M. KANEN | - | Sangguniang Bayan Member |
| HON. GLENN H. BARTOLINI | - | Sangguniang Bayan Member |
| HON. HARLIN O. GONZAGA | - | Sangguniang Bayan Member |
| HON. EDGARDO R. CAMASIN | - | Ex officio Sangguniang Bayan Member
President, Liga Ng Mga Barangay |
| HON. REINA ROSE DEDAL | - | Ex officio Sangguniang Bayan Member
President, Sangguniang Kabataan Federation |

ABSENT:

- | | | |
|--------------------------|---|------------------------------------|
| HON. CARMELITO C. ALONZO | - | Sangguniang Bayan Member (Excused) |
| HON. OSCAR S. REALES | - | Sangguniang Bayan Member (Excused) |

MUNICIPAL ORDINANCE NO. 24-003

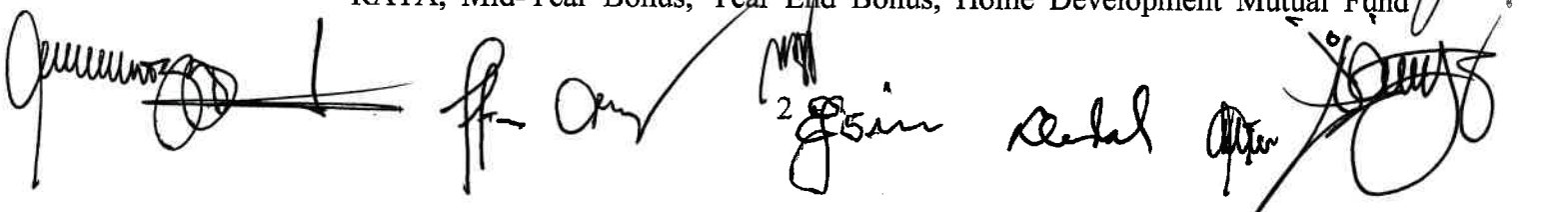
AN ORDINANCE UGRADING THE THREE POSITIONS UNDER THE MUNICIPAL HEALTH OFFICE IN THE MUNICIPAL LOCAL GOVERNMENT UNIT OF MAHAPLAG, LEYTE BY ABOLISHING THE VACANT FUNDED POSITION OF PHARMACIST I WITH SALARY GRADE 11 AND CREATING THE POSITION OF PHARMACIST II WITH SALARY GRADE 12, BY ABOLISHING THE VACANT FUNDED POSITION OF MEDICAL TECHNOLOGIST I WITH SALARY GRADE 11 AND CREATING THE POSITION OF MEDICAL TECHNOLOGIST II WITH SALARY GRADE 15, AND BY ABOLISHING THE VACANT FUNDED POSITION OF DENTIST I WITH SALARY GRADE 14 AND CREATING THE POSITION OF DENTIST II WITH SALARY GRADE 16, AND DECLARING THAT THE CORRESPONDING APPROPRIATIONS FOR THE SALARIES AND BENEFITS OF THE THREE ABOLISHED POSITIONS OF PHARMACIST I, MEDICAL TECHNOLOGIST I, AND DENTIST I BE REVERTED BACK TO THE GENERAL FUND AND BE RE-APPROPRIATED TO RESPECTIVELY FUND THE SALARIES AND BENEFITS OF THE NEWLY CREATED AND ITS UPGRADED POSITIONS OF PHARMACIST II, MEDICAL TECHNOLOGIST II, AND DENTIST II INVOLVING THE TOTAL AMOUNT OF ONE MILLION EIGHT HUNDRED TEN THOUSAND THREE HUNDRED FORTY-TWO PESOS (₱1,810,342.00).

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BE IT ENACTED, as it is hereby enacted, by the Sangguniang Bayan of Mahaplag, Leyte, in session assembled:

- Section 1.** This is pursuant to the pertinent provisions of Republic Act No. 7160 otherwise known as the Local Government Code of 1991, primarily Section 447 paragraph (a) subparagraph (1) with subparagraph (vii) and (viii), pertaining to the powers of the Sangguniang Bayan to determine the powers, duties, positions and salaries of employees of the municipality, and Section 81 on the Sangguniang Bayan's power to determine the compensation of personnel in the Municipal Local Government of Mahaplag, Leyte.
- Section 2.** The vacant funded position of Pharmacist I with Salary Grade 11 under the Municipal Health Office of the Municipal Local Government Unit of Mahaplag, Leyte is hereby abolished.
- Section 3.** The vacant funded position of Medical Technologist I with Salary Grade 11 under the Municipal Health Office of the Municipal Local Government Unit of Mahaplag, Leyte is hereby abolished.
- Section 4.** The vacant funded position of Dentist I with Salary Grade 14 under the Municipal Health Office of the Municipal Local Government Unit of Mahaplag, Leyte is hereby abolished.
- Section 5.** The position of Pharmacist II with Salary Grade 12 is hereby created under the Municipal Health Office of the Municipal Local Government Unit of Mahaplag, Leyte with Monthly Salary of Twenty-Nine Thousand One Hundred Sixty-Five Pesos (₱29,165.00) and with Gross Annual Compensation (including all benefits) of Six Hundred One Thousand Two Hundred Seventy-Seven Pesos (₱601,277.00).
- Section 6.** The position of Medical Technologist II with Salary Grade 15 is hereby created under the Municipal Health Office of the Municipal Local Government Unit of Mahaplag, Leyte with Monthly Salary of Thirty-Six Thousand Six Nineteen Pesos (₱36,619.00) and with Gross Annual Compensation (including all benefits) of Seven Hundred Forty Thousand Seven Hundred Forty-One Pesos (₱740,741.00).
- Section 7.** The position of Dentist II with Salary Grade 16 is hereby created under the Municipal Health Office of the Municipal Local Government Unit of Mahaplag, Leyte with Monthly Salary of Thirty-Nine Thousand Six Hundred Seventy-Two Pesos (₱39,672.00) and with Gross Annual Compensation (including all benefits) of Seven Hundred Ninety-Seven Thousand Eight Hundred Sixty-Three Pesos (₱797,863.00).
- Section 8.** The funds allocated for the Salaries, PERA, Philippine Health Insurance Contribution (PHIC), RATA, Mid-Year Bonus, Year End Bonus, Home Development Mutual Fund (HDMF), Employees Compensation Insurance Premium (ECIP), Cash Gift, Uniform/Clothing Allowance, Productivity Enhancement Incentive (PEI), Hazard Pay, Subsistence Allowance, and Retirement and Life Insurance Premium (RLIP) and all other benefits as approved in the Annual Budget for Fiscal Year 2024 for the abolished position of Pharmacist I with Salary Grade 11 under the Municipal Health Office amounting to SIX HUNDRED ONE THOUSAND TWO HUNDRED SEVENTY-SEVEN PESOS (₱601,277.00) are all hereby Reverted back to the General Fund by virtue of this Ordinance.

Thereafter, the same amount of SIX HUNDRED ONE THOUSAND TWO HUNDRED SEVENTY-SEVEN PESOS (₱601,277.00) is hereby re-appropriated to fund the Salaries, PERA, Philippine Health Insurance Contribution (PHIC), RATA, Mid-Year Bonus, Year End Bonus, Home Development Mutual Fund



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(HDMF), Employees Compensation Insurance Premium (ECIP), Cash Gift, Uniform/Clothing Allowance, Productivity Enhancement Incentive (PEI), Hazard Pay, Subsistence Allowance, and Retirement and Life Insurance Premium (RLIP) and all other benefits for Calendar Year 2024 for the newly created position of Pharmacist II with Salary Grade 12 under the Municipal Health Office of the Municipal Local Government Unit of Mahaplag, Leyte.

Section 9. The funds allocated for the Salaries, PERA, Philippine Health Insurance Contribution (PHIC), RATA, Mid-Year Bonus, Year End Bonus, Home Development Mutual Fund (HDMF), Employees Compensation Insurance Premium (ECIP), Cash Gift, Uniform/Clothing Allowance, Productivity Enhancement Incentive (PEI), Hazard Pay, Subsistence Allowance, and Retirement and Life Insurance Premium (RLIP) and all other benefits as approved in the Annual Budget for Fiscal Year 2024 for the abolished position of Medical Technologist I with Salary Grade 11 under the Municipal Health Office amounting to SEVEN HUNDRED FORTY THOUSAND SEVEN HUNDRED FORTY-ONE PESOS (₱740,741.00) are all hereby Reverted back to the General Fund by virtue of this Ordinance.

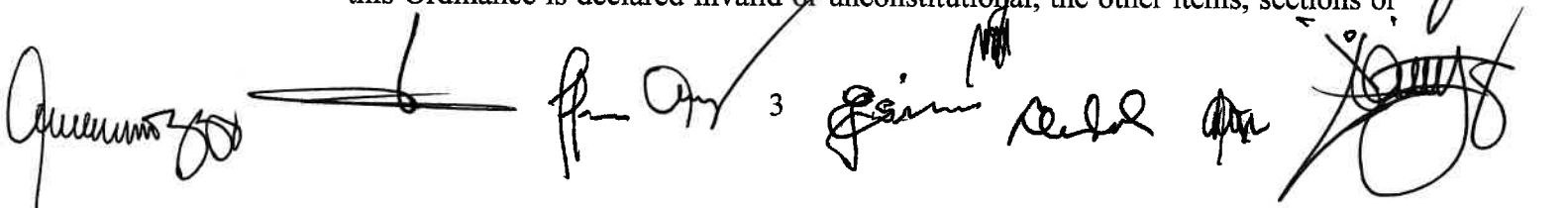
Thereafter, the same amount of SEVEN HUNDRED FORTY THOUSAND SEVEN HUNDRED FORTY-ONE PESOS (₱740,741.00) is hereby re-appropriated to fund the Salaries, PERA, Philippine Health Insurance Contribution (PHIC), RATA, Mid-Year Bonus, Year End Bonus, Home Development Mutual Fund (HDMF), Employees Compensation Insurance Premium (ECIP), Cash Gift, Uniform/Clothing Allowance, Productivity Enhancement Incentive (PEI), Hazard Pay, Subsistence Allowance, and Retirement and Life Insurance Premium (RLIP) and all other benefits for Calendar Year 2024 for the newly created position of Medical Technologist II with Salary Grade 15 under the Municipal Health Office of the Municipal Local Government Unit of Mahaplag, Leyte.

Section 10. The funds allocated for the Salaries, PERA, Philippine Health Insurance Contribution (PHIC), RATA, Mid-Year Bonus, Year End Bonus, Home Development Mutual Fund (HDMF), Employees Compensation Insurance Premium (ECIP), Cash Gift, Uniform/Clothing Allowance, Productivity Enhancement Incentive (PEI), Hazard Pay, Subsistence Allowance, and Retirement and Life Insurance Premium (RLIP) and all other benefits as approved in the Annual Budget for Fiscal Year 2024 for the abolished position of Dentist I with Salary Grade 11 under the Municipal Health Office amounting to SIX HUNDRED EIGHTY-EIGHT THOUSAND EIGHT HUNDRED TWO PESOS (₱688,802.00) are all hereby Reverted back to the General Fund by virtue of this Ordinance.

Thereafter, the same amount of SIX HUNDRED EIGHTY-EIGHT THOUSAND EIGHT HUNDRED TWO PESOS (₱688,802.00) is hereby re-appropriated to fund the Salaries, PERA, Philippine Health Insurance Contribution (PHIC), RATA, Mid-Year Bonus, Year End Bonus, Home Development Mutual Fund (HDMF), Employees Compensation Insurance Premium (ECIP), Cash Gift, Uniform/Clothing Allowance, Productivity Enhancement Incentive (PEI), Hazard Pay, Subsistence Allowance, and Retirement and Life Insurance Premium (RLIP) and all other benefits for Calendar Year 2024 for the newly created position of Dentist II with Salary Grade 16 under the Municipal Health Office of the Municipal Local Government Unit of Mahaplag, Leyte.

Section 11. The disbursement of the funds under this Ordinance shall be in accordance with law and with the existing accounting and auditing rules and procedures.

Section 12. SEPARABILITY CLAUSE. If, for any reason, any item, section or provision of this Ordinance is declared invalid or unconstitutional, the other items, sections or



provisions thereof which are not affected thereby shall continue to be in full force and effect.

Section 13. REPEALING CLAUSE. All ordinances, resolutions or parts thereof, whose provisions are in conflict with or contrary to the provisions of this ordinance are hereby repealed, amended or modified accordingly.


Section 14. EFFECTIVITY CLAUSE. This Ordinance shall be effective immediately upon approval by the Local Chief Executive.

ENACTED on this 12th day of February 2024 in Mahaplag, Leyte.

APPROVED BY THE SANGGUNIANG BAYAN MEMBERS:


HON. ARLENE O. GIGANTO
SB Member

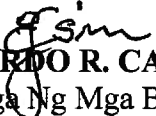

HON. AIDA L. DIZON
SB Member


HON. JEFFREY M. RELEVO
SB Member


HON. REYNALDO M. KANEN
SB Member


HON. GLENN H. BARTOLINI
SB Member


HON. HARLIN O. GONZAGA
SB Member


HON. EDGARDO R. CAMASIN
President, Liga Ng Mga Barangay


HON. REINA ROSE DEDAL
President, Sangguniang Kabataan Federation

CERTIFIED TRUE AND CORRECT:


ATTY. JASON L. ALONZO
Board Secretary V

ATTESTED TO BE DULY ENACTED:


HON. MYRA P. SOLIS
Municipal Vice Mayor/ Presiding Officer

APPROVED BY:


HON. RONALDO T. LLEVE
Municipal Mayor

Date of Approval: FEB 16 2024