

Item No.: 15

Date: 03 2024 DEC



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office
Received
Time: 11:26 AM
Date: 11-26-24



2nd INDORSEMENT
November 15, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 24-14 of the Sangguniang Bayan of Buraen, Leyte.

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

- Ordinance No. 24-14 entitled: **“An Ordinance amending the title and Sections 2, 3, 4, and 5 of Municipal Ordinance No. 24-05, series of 2024, etc.”**

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 resolution¹. Hence, we recommend 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 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.

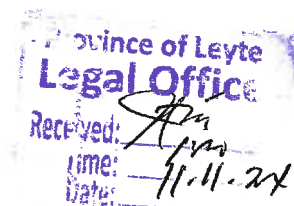
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

¹ (Constantino vs. Desierto, 288 SCRA 654)

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
11 November 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 24-14**, of the **Municipality of Burauen, Leyte**, entitled: An Ordinance amending the title and Sections 2, 3, 4 and 5 of Municipal Ordinance No. 24-05, series of 2024 which is "An Ordinance Declaring Norberto L. Romualdez, Sr. as a Local Hero of the Municipality of Burauen, Leyte, and declaring every 6th day of June as a Special Working Holiday to commemorate his birth.


ANDREI SANICO
Provl. Govt. Asst. Dept. Head



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF BURAUEN



OFFICE OF THE SANGGUNIANG BAYAN

November 6, 2024

**THE HONORABLE MEMBERS
Sangguniang Panlalawigan
Province of Leyte**

**ATTENTION: FLORINDA JILL S. UYVICO
Secretary to the Sanggunian
Province of Leyte
Palo, Leyte**

Ladies/Gentlemen:

We transmit herewith 15 copies of **Municipal Ordinance No. 24-14**, Series of 2024 of the Sangguniang Bayan of Burauen, Leyte, entitled “**An Ordinance Amending the Title and Sections 2, 3, 4 and 5 of Municipal Ordinance No. 24-05, Series of 2024 which is, ‘An Ordinance Declaring Norberto L. Romualdez, Sr. as a Local Hero of the Municipality of Burauen, Leyte, and Declaring Every 6th Day of June as a Special Working Holiday to Commemorate His Birth**”, for review and approval of the body.

Thank you and please acknowledge receipt hereof.

Respectfully yours,


CHARITY C. BARBOSA
Board Secretary II



Republic of the Philippines
 Province of Leyte
 Municipality of Burauen



OFFICE OF THE SANGGUNIANG BAYAN

**MUNICIPAL ORDINANCE NO. 24-14
 Series of 2024**



“AN ORDINANCE AMENDING THE TITLE AND SECTIONS 2, 3, 4 AND 5 OF MUNICIPAL ORDINANCE NO. 24-05, SERIES OF 2024 WHICH IS, AN ORDINANCE DECLARING NORBERTO L. ROMUALDEZ, SR. AS A LOCAL HERO OF THE MUNICIPALITY OF BURAUEN, LEYTE, AND DECLARING EVERY 6TH DAY OF JUNE AS A SPECIAL WORKING HOLIDAY TO COMMEMORATE HIS BIRTH”

WHEREAS, Norberto L. Romualdez, Sr., born on June 6, 1875, in Burauen, Leyte, was a prominent Filipino politician, lawyer, and statesman, known for his remarkable dedication and service to the Municipality of Burauen, Leyte, and to the Filipino people;

WHEREAS, on March 4, 2024, Municipal Ordinance No. 24-05 was approved and submitted to Sangguniang Panlalawigan of Leyte on May 21, 2024 for review and approval;

WHEREAS, on June 11, 2024 the Sangguniang Panlalawigan issued Resolution No. 2024-239, returning Municipal Ordinance 24-05 to the Sangguniang Bayan of origin;

WHEREAS, the Provincial Legal Officer rendered its recommendation and legal opinion on the ordinance, to wit:

1. *The Provincial Legal Office is of the opinion that the subject ordinance consists declaration of two main subjects: (1) the declaration of Norberto L. Romualdez, Sr. as local hero and (2) to declare every 6th day of June as Special Working Holiday;*
2. *As to the first subject, declaration of a local hero is within the corporate powers of the local government unit to enact as provided under Section 458 and the general welfare clause as provided in Section 16 of the Local Government Code;*
3. *As to the second subject, the Local Government Code of 1991 does not confer authority to the local government to declare local holidays in their respective jurisdiction;*
4. *“The authority to declare local holidays – be it working or non-working – is vested with the Congress of the Philippines or the President (pursuant to Section 27 of Executive Order No. 292 or the Administrative Code of 1987). The only ramification if the local special day is declared by the President is that it lacks permanence, thus, the declaration needs to be made yearly. On the other hand, if the local holiday is declared by the Congress, it is permanent.*

WHEREAS, upon consideration of the legal opinion provided by the Provincial Legal Office, the Sangguniang Bayan has decided to make this amendment.

NOW, THEREFORE, be it ordained by the Sangguniang Bayan of Burauen, Leyte, that:

SECTION 1. AMENDMENTS.

1. The title is hereby amended to read as follows:

“AN ORDINANCE DECLARING NORBERTO L. ROMUALDEZ, SR. AS A LOCAL HERO OF THE MUNICIPALITY OF BURAUEN, LEYTE, AND ESTABLISHING JUNE 6TH AS A DAY OF COMMEMORATION IN HIS HONOR.”

2. Section 2 is hereby expunged in its entirety.

3. Section 3 is hereby amended to read as follows:

“SECTION 2. Every 6th day of June, all offices, schools, and establishments in the Municipality of Burauen, Leyte, are encouraged to conduct activities and programs that celebrate the life, achievements, and legacy of Norberto L. Romualdez, Sr.

4. Section 4 is hereby amended to read as follows:

“SECTION 3. The Municipal Mayor, in coordination with the Tourism Office and collaboration with relevant government agencies, educational institutions, and community organizations, shall lead the planning and effective implementation of this ordinance to honor Norberto L. Romualdez, Sr.

5. Section 5 is hereby expunged in its entirety.

SECTION 2. All ordinances, resolutions, and rules and regulations or parts thereof which are inconsistent or in conflict with any provision of this Ordinance are hereby deemed repealed or modified accordingly.

SECTION 3. If, for any reason, any section or provision of this Ordinance is held unconstitutional or invalid, other sections or provisions hereof which are not affected shall continue to be in full force and effect.

SECTION 4. This ordinance shall take effect immediately upon its approval.

ENACTED AND APPROVED, this 29th day of July 2024.

I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance No. 24-14, Series of 2024, duly approved by the Sangguniang Bayan of Burauen, Leyte in its 108th regular session assembled, held on July 29, 2024.

CHARITY C. BARBOSA
Board Secretary II
Acting Secretary to the Sanggunian

ATTESTED:

HON. NOEL P. ALPINO
Vice Mayor
Presiding Officer


HON. VINCENT G. ENERLAN
Sangguniang Bayan Member

HON. CIPRIANO R. RELATORRES, JR.
Sangguniang Bayan Member


HON. HERMENIA C. CAMASIN
Sangguniang Bayan Member


HON. BRYAN R. CINCO
Sangguniang Bayan Member


HON. DEXTER R. SENO
Sangguniang Bayan Member


HON. ROBERT G. DEL PILAR
Sangguniang Bayan Member


HON. EVAFE A. CORAL
Sangguniang Bayan Member


HON. OSCAR A. CAGARA
Sangguniang Bayan Member


HON. FE S. RENOMERON
LnB President/ Ex-Officio SB Member


HON. JUSTINE MERP G. ANDRADE
SK Federation President/ Ex-Officio Member

APPROVED:


HON. JUANITO E. RENOMERON
Municipal Mayor



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF BURAUEN




OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that **Municipal Ordinance No. 24-14**, Series of 2024 of the Sangguniang Bayan of Burauen, Leyte, entitled, "**An Ordinance Amending the Title and Sections 2, 3, 4 and 5 of Municipal Ordinance No. 24-05, Series of 2024 Which is, 'An Ordinance Declaring Norberto L. Romualdez, Sr. as a Local Hero of the Municipality of Burauen, Leyte, and Declaring every 6th Day of June as a Special Working Holiday to Commemorate His Birth**", was enacted on July 29, 2024, approved on even date, and has been posted in two (2) conspicuous and publicly accessible places of the municipality from *July 31 to August 20, 2024*, in compliance with Section 59, paragraph (b) of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991".

Burauen, Leyte, September 2, 2024.


HON. NOEL P. ALPINO
Municipal Vice-Mayor