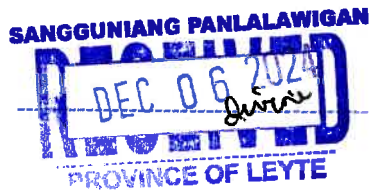


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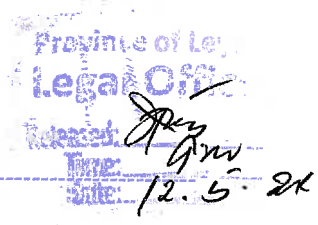
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PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-



PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
November 11, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No.2024-25 of the Sangguniang Bayan of Calubian, Leyte.

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

- Ordinance No. 2024-25 entitled: “An Ordinance creating the position items of 1 Social Welfare Assistant, Salary Grade 8; and 1 Day Care Worker II, Salary Grade 8 – both positions under the Office of the Municipal Social Welfare and Development Office 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 with its power under Section 447(1)(viii)¹ of the Local Government Code of 1991 (R.A 7160) in consonance with Section 76² thereof. 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(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;

² 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

Handwritten signature and date:
11-4-24

1ST INDORSEMENT
04 November 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2024-25** of the **Municipality of Calubian, Leyte**, entitled: An Ordinance creating the position items of One (1) Social Welfare Assistant, Salary Grade 8; and One (1) Day Care Worker II, Salary Grade 8 – both positions under the Office of the Municipal Social Welfare and Development Office in the Municipal Government of the Municipality of Calubian, Leyte.


ANDRES SANICO
Provl Govt. Asst. Dept. Head



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Calubian

OFFICE OF THE SANGGUNIANG BAYAN



October 31, 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 Ordinance No. 2024-25, entitled: "AN ORDINANCE CREATING THE POSITION ITEMS OF ONE (1) SOCIAL WELFARE ASSISTANT, SALARY GRADE 8; AND ONE (1) DAY CARE WORKER II, SALARY GRADE 8 - BOTH POSITIONS UNDER THE OFFICE OF THE MUNICIPAL SOCIAL WELFARE AND DEVELOPMENT OFFICE IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE.," and its supporting attachments for favorable review and approval of the Honorable Sangguniang Panlalawigan of Leyte

For your perusal. Please acknowledge receipt hereof.

Thank you.

Very truly yours,


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



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE NINETY EIGHTH (98TH) REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE HELD ON OCTOBER 14, 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

PRESENT:

- Vice Mayor Anna Love Veloso – Laurente - Presiding Officer
- SB Member Noel G. Eamiguel - Member
- SB Member Eugenio A. Ching, Jr. - Member
- SB Member Jullian Marc A. Batiancela - Member
- SB Member Ester P. Lubiano - Member
- SB Member Benjamin A. Calbitaza - Member
- Liga ng mga Barangay Pres. Alfredo M. Casas - Member

FORCED LEAVE:

- SB Member Julia E. Halichic - Member
- SB Member Lucita A. Palconit - Member
- SB Member Alyza F. Nierras - Member
- SK Fed. Pres. Carl Ernest D. Ponce - Member

ORDINANCE NO. 2024 - 25

AN ORDINANCE CREATING THE POSITION ITEMS OF ONE (1) SOCIAL WELFARE ASSISTANT, SALARY GRADE 8; AND ONE (1) DAY CARE WORKER II, SALARY GRADE 8 – BOTH POSITIONS UNDER THE OFFICE OF THE MUNICIPAL SOCIAL WELFARE AND DEVELOPMENT OFFICE IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE.

Sponsored by the Committee on Human Resource Development

- Hon. Julia E. Halichic*
- Hon. Ester P. Lubiano*
- Hon. Eugenio A. Ching, Jr.*
- Hon. Alyza F. Nierras*

WHEREAS, On September 13, 2024, the Local Chief Executive, Hon. Marciano A. Batiancela, Jr. requested to pass an Ordinance creating the position of One (1) Social Welfare Assistant, SG-8, and One (1) Day Care Worker II, SG-8 – both positions would be under the Office of the Municipal Social Welfare and Development Office 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 ITEMS OF ONE (1) SOCIAL WELFARE ASSISTANT, SALARY GRADE 8; AND ONE (1) DAY CARE WORKER II, SALARY GRADE 8 – BOTH POSITIONS UNDER THE OFFICE OF THE MUNICIPAL SOCIAL WELFARE AND DEVELOPMENT OFFICE IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE”.



JULIAN MARC A. BATIANCELA
SB Member

NOEL G. EAMIGUEL
SB Member

EUGENIO A. CHING, JR.
SB Member


ESTER P. LUBIANO
SB Member


ALFREDO M. CASAS
Liga ng mga Barangay Pres.


BENJAMIN A. CALBITAZA
SB Member

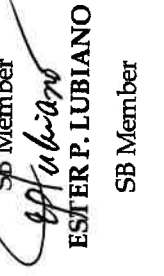
SECTION 2. RATIONALE.


- A. Section 447 of R.A. No. 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. Section 76 of R.A. No. 7160, otherwise known as the Local Government Code of 1991, provides 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, subject
- C. The creation of the above aforementioned positions, Social Welfare Assistant , Salary Grade 8, and Day Care Worker II, Salary Grade 8- both positions under the Municipal Welfare and Development Office are needed for the enhancement of the social welfare development of the Local Government Unit.
- D. 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
- E. 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 positions of Social Welfare Assistant and Day Care Worker II.

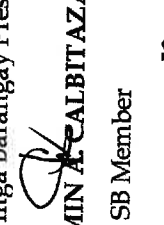

JULLIAN MARCA A. BATIANCELA
 SB Member


NOEL C. FAMIGUEL
 SB Member


EUGENIO A. CHING, JR.
 SB Member


ESTER P. LUBIANO
 SB Member


ALFREDO M. CASAS
 Liga ng mga Barangay Pres.


BENJAMIN A. CALBITAZA
 SB Member

SECTION 3. DEFINITION OF TERMS: For purposes of this ordinance, the following terms are defined as follows:

- A. *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;
- B. *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, is as follows:

- a. To enhance the organizational structure of LGU Calubian by creating new positions;
- b. To meet the needs of the present demands of a very functional and responsive government institution;
- c. 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 position of a Social Welfare Assistant and Day Care Worker II are rooted under the Department of Budget and Management Circular No. 137 dated July 13, 2021, the Index of Occupational Services, Position Titles and Salary Grades in the Local Government (IOS-LGU), CY 2021 Edition, under Social Welfare Development. The creation of the Position of a Social Welfare Assistant with Salary Grade 8, and Day Care Worker II with Salary Grade 8, shall both be under the existing Office of the Municipal Social Welfare

and Development Office. The position shall be included in the Rolls of Employees or Plantilla of Personnel in the Municipal Government of Calubian, Leyte.

SECTION 6. QUALIFICATION STANDARDS. 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 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.

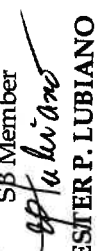
SECTION 10. EFFECTIVITY. This Ordinance shall take effect after fifteen (15) days following its posting, and shall remain in effect unless otherwise disapproved by the Sangguniang Panlalawigan.


APPROVED this 14th day of October, 2024.



JULIAN MARC A. BATIANCELA
SB Member


NOEL G. ZAMIGUEL
SB Member


EUGENIO A. CHING, JR.
SB Member


ESTER P. LUBIANO
SB Member


ALFREDO M. CASAS
Liga ng mga Barangay Pres.


BENJAMIN A. CALBITAZA
SB Member

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

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

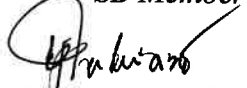
ATTESTED BY:


ANNA LOVE VELOSO-LAURENTE
Presiding Officer



JULLIAN MARC A. BATIANCELA
SB Member


NOEL G. EAMIGUEL
SB Member


EUGENIO A. CHING, JR.
SB Member


ESTER P. LUBIANO
SB Member


ALFREDO M. CASAS
Liga ng mga Barangay Pres.


BENJAMIN A. CALBITAZA
SB Member

APPROVED:

Date: 29 OCT 2021


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 Municipal Ordinance No. 2024-25, entitled: "AN ORDINANCE CREATING THE POSITION ITEMS OF ONE (1) SOCIAL WELFARE ASSISTANT, SALARY GRADE 8; AND ONE (1) DAY CARE WORKER II, SALARY GRADE 8 - BOTH POSITIONS UNDER THE OFFICE OF THE MUNICIPAL SOCIAL WELFARE AND DEVELOPMENT OFFICE IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE.," was posted on the Bulletin Board of the Sangguniang Bayan on October 31, 2024 and other conspicuous places in the Municipality of Calubian, Leyte, and it will remain posted therein for three (3) consecutive weeks.

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

ISSUED the 31st day of October, 2024 at the Municipality of Calubian, Leyte.

Very truly yours,


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