

Item No.: 10

Date: 11 2024 DEC



Republic of the Philippines  
PROVINCE OF LEYTE  
Provincial Capitol  
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE

Province of Leyte  
Legal Office  
Released:  
Time:  
Date: 12.5.24

PANLALAWIGAN  
DEC 06 2024  
PROVINCE OF LEYTE

**2<sup>nd</sup> INDORSEMENT**

November 5, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No.2024-28 of the Sangguniang Bayan of Calubian, Leyte.

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

- Ordinance No. 2024-28 entitled: **“An Ordinance creating the position items of two Nurse I positions , Salary Grade 15, under the RHU 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)<sup>1</sup> of the Local Government Code of 1991 (R.A 7160) in consonance with Section 76<sup>2</sup>. 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 *[Signature]*

<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 November 2024

*Jes*  
*11:20*  
*11-4-24*

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2024-28** of the **Municipality of Calubian, Leyte**, entitled: An Ordinance creating the position items of two (2) Nurse I positions, Salary Grade 15, under the Rural Health Unit (RHU) in the Municipal Government of the Municipality of Calubian, Leyte.

  
**ANDRE S. SANICO**  
Provl Govt. Asst. Dept. Head



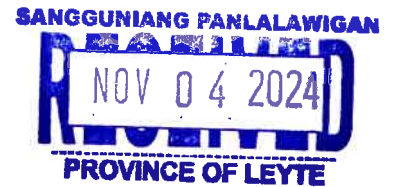
Republic of the Philippines  
PROVINCE OF LEYTE  
Municipality of Calubian

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. 2024-28, entitled: "AN ORDINANCE CREATING THE POSITION ITEMS OF TWO (2) NURSE I POSITIONS, SALARY GRADE 15, UNDER THE RURAL HEALTH UNIT (RHU) 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**  
MGDHA (Secretary to the Sanggunian)



Republic of the Philippines  
**PROVINCE OF LEYTE**  
 Municipality of Calubian  
 -oOo-



**OFFICE OF THE SANGGUNIANG BAYAN**

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

**PRESENT:**



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

**FORCED LEAVE:**

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

**ORDINANCE NO. 2024 - 28**

**AN ORDINANCE CREATING THE POSITION ITEMS OF TWO (2) NURSE I POSITIONS, SALARY GRADE 15, UNDER THE RURAL HEALTH UNIT (RHU) 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**, October 1, 2024, the Local Chief Executive, Hon. Marciano A. Batiancela, Jr. requested to pass an Ordinance creating the position of Two (2) Nurse I positions in the Rural Health Unit (RHU) 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 TWO (2) NURSE I POSITIONS, SALARY GRADE 15, UNDER THE RURAL HEALTH UNIT (RHU) IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE”**.

**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)


*Jullian Marc A. Batiancela*  
 SB Member  
*Noel G. Eamiguel*  
 SB Member

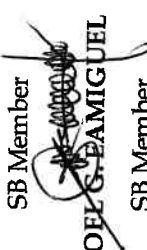
*Eugenio A. Ching, Jr.*  
 SB Member  
*Ester P. Lubiano*  
 SB Member

*Alfredo M. Casas*  
 Liga ng mga Barangay Pres.  
*Benjamin A. Calbitaza*  
 SB Member

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 position, two (2) Nurse I positions under the Rural Health Unit are needed for the enhancement of the medicine and health service 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 two (2) Nurse I positions.

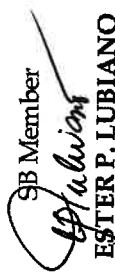
  
JULIAN MARC A. BATIANCELA  
SB Member

  
NOEL G. PAMIGUEL  
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.


  
EUGENIO A. CHING, JR.  
SB Member

  
ESTER P. LUBIANO  
SB Member

**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.

  
ALFREDO M. CASAS  
Liga ng mga Barangay Pres.

  
BENJAMIN A. CALBITAZA  
SB Member

**SECTION 5. CREATION OF THE POSITION IN THE PLANTILLA OF PERSONNEL.** The position of the two (2) Nurse I positions 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 Medicine and Health Service, and DBM Budget Circular No. 2021-2 dated August 25, 2021 regarding the Modification of Nurse Positions.

**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.s

**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 14<sup>th</sup> day of October, 2024.

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

  
JULLIAN MARC A. BATIANCELA

SB Member

  
NOE C. YAMIGUEL

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

**ATTY. KEISHA YNA VINEE V. RAMIREZ**  
MGDHL (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 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 Municipal Ordinance No. 2024-28, entitled: "AN ORDINANCE CREATING THE POSITION ITEMS OF TWO (2) NURSE I POSITIONS, SALARY GRADE 15, UNDER THE RURAL HEALTH UNIT (RHU) IN THE MUNICIPAL GOVERNMENT OF THE MUNICIPALITY OF CALUBIAN, LEYTE", AS REPEALED," 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 31<sup>st</sup> day of October, 2024 at the Municipality of Calubian, Leyte.

Very truly yours,

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