

Item No.: 12

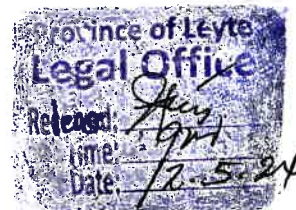
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Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT

November 15, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2024-10 of the Sangguniang Bayan of Tabango, Leyte.

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

- Ordinance No. 2024-10 entitled: **“An Ordinance granting gratuity to all elected barangay officials who have rendered three consecutive terms ,etc.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance runs in contrary with Section 335¹ of the Local Government Code of 1991 (R.A 7160). Hence, further review of the proposed Ordinance is recommended.

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]*

¹ **Section 335. Prohibitions Against Expenditures for Religious or Private Purposes.** - No public money or property shall be appropriated or applied for religious or private purposes.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
05 November 2024

Handwritten:
11/5/24
11.5.24

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 2024-10 of the Municipality of Tabango, Leyte, entitled:** An Ordinance granting gratuity to all elected barangay officials who have rendered three (3) consecutive terms of office in the Municipality of Tabango and providing funds for the purpose.


ANDRE L. SANICO
Provl Govt. Assl. Dept. Head



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF TABANGO
-000-

OFFICE OF THE SANGGUNIANG BAYAN SECRETARY

November 4, 2024

HON. LEONARDO M. JAVIER, JR.
Provincial Vice Governor/Presiding Officer
Province of Leyte,
Tacloban City
Thru: Florinda Jill S. Uyvico
SP Secretary

Dear Honorable Javier,

Respectfully transmitted herewith for review the following Municipal Ordinances, to wit:

1. Municipal Ordinance No. 2024-08 - AN ORDINANCE AMENDING SECTION 1 OF MUNICIPAL ORDINANCE NO. 2023-02, ENTITLED: "AN ORDINANCE CREATING THE NEW PLANTILLA POSITIONS IN THE MUNICIPAL GOVERNMENT OF TABANGO, PROVINCE OF LEYTE, PROVIDING FOR ITS QUALIFICATIONS, DUTIES, AND FUNCTIONS AND APPROPRIATING THE NECESSARY FUNDS THEREOF."
2. Municipal Ordinance No. 2024-09 - AN ORDINANCE CREATING THE POSITIONS UNDER THE MUNICIPAL SOCIAL WELFARE AND DEVELOPMENT OFFICE AND THE MUNICIPAL CIVIL REGISTRAR OFFICE IN THE MUNICIPAL GOVERNMENT OF TABANGO, PROVINCE OF LEYTE, PROVIDING FOR ITS QUALIFICATIONS, DUTIES, AND FUNCTIONS AND APPROPRIATING THE NECESSARY FUNDS THEREOF.
3. Municipal Ordinance No. 2024-10 - AN ORDINANCE GRANTING GRATUITY TO ALL ELECTED BARANGAY OFFICIALS WHO HAVE RENDERED THREE (3) CONSECUTIVE TERMS OF OFFICE IN THE MUNICIPALITY OF TABANGO AND PROVIDING FUNDS FOR THE PURPOSE.

Kindly acknowledge receipt of these documents.

Thank you for your attention to this matter.

Very truly yours,

VALENTINO A. CODERA
Secretary to the Sangguniang Bayan

+639088960539

vcodera@gmail.com


 www.tabango-leyte.gov.ph



Republic of the Philippines
 Province of Leyte
 Municipality of Tabango
 -oOo-
SANGGUNIANG BAYAN


BERNARD JONATHAN M. REMANDABAN
 Municipal Mayor

EXCERPT FROM THE MINUTES OF THE 113th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF TABANGO (2022-2025) HELD AT THE SB SESSION HALL, MUNICIPALITY OF TABANGO, PROVINCE OF LEYTE ON OCTOBER 14, 2024.


HON. ROSLIE E. OMEGA, M.D.
 Municipal Vice Mayor
 Presiding Officer

MUNICIPAL ORDINANCE NO. 2024 – 10

Series of 2024

Authored by Hon. Louine N. Uy


HON. JOSE WELSON G. VOSOTROS
 SB Member
 Floor Leader

AN ORDINANCE GRANTING GRATUITY TO ALL ELECTED BARANGAY OFFICIALS WHO HAVE RENDERED THREE (3) CONSECUTIVE TERMS OF OFFICE IN THE MUNICIPALITY OF TABANGO AND PROVIDING FUNDS FOR THE PURPOSE.

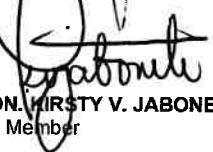

HON. RICHARD V. MERONTES
 SB Member/Deputy Floor Leader

Whereas, the Barangay Officials are considered to be one of, if not, the front liners in the delivery of basic services of the government to the people. It is the elected barangay officials who serve as the primary help to the people at the grassroots; they serve as liaisons to the municipal government and the higher branch of government. It is through them that problems in the barangay are solved and the aims of government are accomplished.

HON. LUIS GABRIEL U. VELOSO
 SB Member

Whereas, the barangay officials are paid on an "honorarium" basis which we all know is not sufficient to cover basic and everyday expenses for these elected barangay officials do not only render administrative work but are also committed to achieving their social responsibility. They exude passion and sacrifice when it comes to helping their constituents in times of need such as during death, calamity, emergencies, and other similar situations, sacrificing a small portion of their so-called honorarium.


HON. JOEL ERME E. ROBLES
 SB Member



HON. KIRSTY V. JABONETE
 SB Member

Whereas, despite the sacrifices and efforts of these elected barangay officials, there are no other benefits granted to them in case of separation from service and the like. Although they are allowed to appropriate funds for their benefit, they may do so only if the barangay has enough funds to appropriate, which more often than not, is very unlikely. Barangay funds are just enough to fund the basic and necessary projects. They are not even enrolled with any government insurance agency such as the Government Service Insurance System, PAG-IBIG, and other grants given to regular employees in government. Since the national government does not seem to recognize the sacrifices of these elected barangay officials, a bill was filed sometime in the year 2013 specifically House Bill 1693 or the proposed "Barangay Incentives Act of 2013," which seeks to promote and enhance efficiency and responsiveness among barangay officials and employees, however, it seems Congress does not consider this as a priority bill and is unheard of. It is, therefore, for these reasons that the Municipal Government must step in and recognize the sacrifices of our elected barangay officials by giving them even a small amount as a reward for their services. This is also to recognize that the barangay officials are the partners of the Municipal Government in achieving its goals towards progress and sustainable development.


HON. HERBERT V. MANRIQUEZ
 SB Member



HON. WILLY D. BARING
 SB Member


HON. RICHE O. OCUBILLO
 SB Member


HON. LOUINE N. UY
 Ex-Officio Member
 LnB President

WHEREFORE, Be it enacted by the Sangguniang Bayan of Tabango, Leyte in session assembled that:

(ABSENT)
HON. MICAH D. BERNAL
 Ex-Officio Member
 SK Federation President


VALENTINO A. CODERA
 Secretary to the Sanggunian

SECTION 1. TITLE. This Ordinance shall be known as the “Barangay Elected Officials Gratuity Ordinance.”

SECTION 2. COVERAGE. This Ordinance shall cover all Punong Barangay and Barangay Kagawad in the Municipality of Tabango who have completed three (3) consecutive terms in office.

SECTION 3. GRATUITY. The gratuity granted to the Punong Barangay and Barangay Kagawad who shall have qualified under this ordinance shall receive the following:

- a. A Plaque of Recognition;
- b. A cash reward amounting to Twenty Thousand (Php 20, 000.00) Pesos for a three (3) termer Punong Barangay and Fifteen Thousand (Php 10, 000.00) Pesos for a three (3) termer Barangay Kagawad.

SECTION 4. REQUIREMENTS – To claim the benefits under this Ordinance, the claimant must submit as a requirement:

- a. Certification from the Department of Interior and Local Government, Tabango, Leyte that the claimant has served three (3) consecutive terms as a barangay official.
- b. Has not been found guilty of any administrative or criminal offense during his/her term of office;

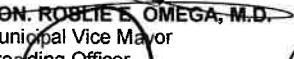
SECTION 5. DISQUALIFICATION – A Punong Barangay or Barangay Kagawad who has been declared guilty of any administrative or criminal offense by any government agency, quasi-judicial bodies, or courts of justice at any time during his or her term of office shall not be entitled to the benefits provided for under this Ordinance.

SECTION 6. IMPLEMENTING OFFICE - The Office of the Mayor shall be the office designated to implement this Ordinance. It shall accept and evaluate the application for benefits under this program.

SECTION 7. IMPLEMENTING RULES AND REGULATIONS – The following shall be the rules and regulations for claiming the benefits under this Ordinance:

- a. The Punong Barangay or Barangay Kagawad who has qualified for the benefits granted under this Ordinance shall submit the requirements as provided in Section 4 hereof with the Human Resource Management Office of Tabango, Leyte;
- b. The Office of the Mayor shall evaluate the requirements submitted by the claimant. Upon finding that the claimant is qualified, the application shall be forwarded to the Municipal Accounting Office for the issuance of the Certificate of the Availability Funds (CAF);
- c. Upon issuance of the Certification of the Availability of Funds, the application shall be forwarded back to the Office of the Municipal Mayor for approval;
- d. Once approved, the application shall be forwarded to the Municipal Treasury Office for disbursement;
- e. The release of this benefit shall be made promptly;
- f. The benefits under this ordinance may be claimed more than once so long as the claimant qualifies;
- g. In cases where the highest ranking Barangay Kagawad shall succeed the position of Punong Barangay by virtue of the operation of law under the Local Government Code of 1991, on his third (3rd) term, said successor shall receive the same cash award as that given to Barangay Kagawads


BERNARD JONATHAN M. REMANDABAN
Municipal Mayor

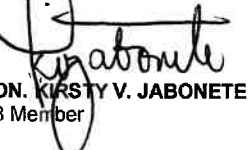

HON. ROBLIE E. OMEGA, M.D.
Municipal Vice Mayor
Presiding Officer


HON. JOSE WELBON G. VOSOTROS
SB Member
Floor Leader

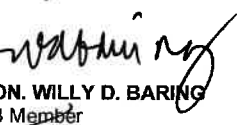

HON. RICHARD V. MERONTOS
SB Member/Deputy Floor Leader


HON. LUIS GABRIEL U. VELOSO
SB Member


HON. JOEL ERNIE E. ROBLES
SB Member


HON. KIRSTY V. JABONETE
SB Member

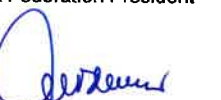

HON. HERBERT V. MANRIQUEZ
SB Member


HON. WILLY D. BARING
SB Member


HON. RICHE O. OCUBILLO
SB Member


HON. LOUINE N. UY
Ex-Officio Member
LnB President

(ABSENT)
HON. MICAH D. BERNAL
Ex-Officio Member
SK Federation President


VALENTINO A. CODERA
Secretary to the Sanggunian

as provided in this ordinance;

- h. The Tabango Liga ng mga Barangay is hereby tasked to scan and submit the list of the three (3) former barangay officials with the office of the DILG and Municipal Mayor for the proper implementation of the Ordinance;
- i. This Ordinance shall benefit the Barangay Officials who shall have been elected for their third (3rd) term of office from the enactment of this ordinance;
- j. The Municipal Mayor may formulate additional implementing rules and regulations not contrary herein for the proper implementation of this Ordinance;



HON. JOSE WILSON G. VOSOTROS
SB Member/Floor Leader

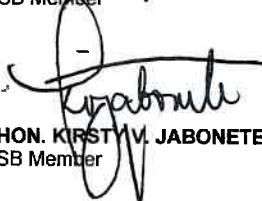


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SB Member/Deputy Floor Leader

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HON. KIRST V. JABONETE
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HON. HERBERT V. MANRIQUEZ
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HON. WILLY D. BARING
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HON. RICHE O. OCUBILLO
SB Member



HON. LOUINE N. UY
Ex-Officio Member
LnB President

(ABSENT)
HON. MICAH D. BERNAL
Ex-Officio Member
SK Federation President

SECTION 8. SOURCE OF FUND – The Local Finance Committee shall recommend the needed appropriation in the implementation of the Ordinance. The funding shall be included in the Annual Budget.

SECTION 9. SEPARABILITY CLAUSE - Any provision of this ordinance found to be inconsistent with existing laws shall not render the entire ordinance invalid, provisions that can be implemented on their own shall be fully implemented.

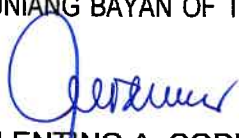
SECTION 10. REPEALING CLAUSE - All municipal ordinances or parts of any municipal ordinance inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 11. EFFECTIVITY – This Ordinance shall take effect after compliance with the requirement of posting as set forth under the Local Government Code of 1991.

ENACTED AND APPROVED this 14th day of October 2024 by the Sangguniang Bayan, this Municipality with the following votes:

YES – 9 NO – 0

I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ORDINANCE DULY ENACTED BY THE SANGGUNIANG BAYAN OF TABANGO ON OCTOBER 14, 2024.



VALENTINO A. CODERA
Secretary to the Sangguniang Bayan

ATTESTED AND CERTIFIED AS DULY ENACTED:



ROSLIE E. OMEGA, M.D.
Presiding Officer
Municipal Vice Mayor

APPROVED:



BERNARD JONATHAN M. REMANDABAN
Municipal Mayor

04 NOV 2024
Date



REPUBLIC OF THE PHILIPPINES

PROVINCE OF LEYTE

MUNICIPALITY OF TABANGO

—000—

OFFICE OF THE SANGGUNIANG BAYAN SECRETARY

Certificate of Posting

TO WHOM IT MAY CONCERN:

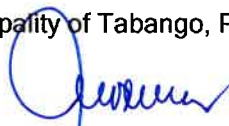
THIS IS TO CERTIFY that the following Municipal Ordinances were posted on the bulletin board of the Municipal Hall and at the Land Transport Terminal on November 4, 2024, and to be remain posted for three (3) consecutive weeks:

1. Municipal Ordinance No. 2024-08, entitled: "AN ORDINANCE AMENDING SECTION 1 OF MUNICIPAL ORDINANCE NO. 2023-02, ENTITLED: "AN ORDINANCE CREATING THE NEW PLANTILLA POSITIONS IN THE MUNICIPAL GOVERNMENT OF TABANGO, PROVINCE OF LEYTE, PROVIDING FOR ITS QUALIFICATIONS, DUTIES, AND FUNCTIONS AND APPROPRIATING THE NECESSARY FUNDS THEREOF."
2. Municipal Ordinance No. 2024-09, entitled: "AN ORDINANCE CREATING THE POSITIONS UNDER THE MUNICIPAL SOCIAL WELFARE AND DEVELOPMENT OFFICE AND THE MUNICIPAL CIVIL REGISTRAR OFFICE IN THE MUNICIPAL GOVERNMENT OF TABANGO, PROVINCE OF LEYTE, PROVIDING FOR ITS QUALIFICATIONS, DUTIES, AND FUNCTIONS AND APPROPRIATING THE NECESSARY FUNDS THEREOF."
3. Municipal Ordinance No. 2024-10, entitled: "AN ORDINANCE GRANTING GRATUITY TO ALL ELECTED BARANGAY OFFICIALS WHO HAVE RENDERED THREE (3) CONSECUTIVE TERMS OF OFFICE IN THE MUNICIPALITY OF TABANGO AND PROVIDING FUNDS FOR THE PURPOSE."

THIS CERTIFIES FURTHER that the foregoing Municipal Ordinances are yet to be posted on the bulletin boards of the different barangays of this municipality.

THIS CERTIFICATION is issued in compliance with Article 114 of the Implementing Rules and Regulations of R.A. 7160.

ISSUED this 4th day of November 2024 at the Municipality of Tabango, Province of Leyte.


VALENTINO A. CODERA
Secretary to the Sangguniang Bayan

NOTED:


ROSLIE E. OMEGA, M.D.
Municipal Vice Mayor/Presiding Officer

 +639088960539

 vcodera@gmail.com

 www.tabango-leyte.gov.ph