

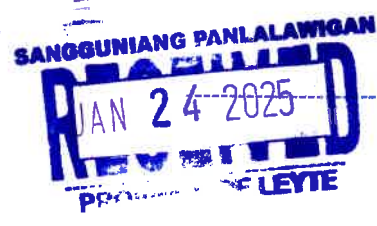


Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Jose Raymund A. Acol
1.24.25



2nd INDORSEMENT
January 6, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2024-12 of the Sangguniang Bayan of Alangalang, Leyte.

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

- Ordinance No. 2024-12 entitled: "An Ordinance enjoining all business establishments, contractors, of any public works projects, and the like to hire, etc."

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447(a)(1)¹ of the Local Government Code of 1991 (R.A 7160) in relation to RA No. 6685². 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
Provincial Legal Officer *JRA*

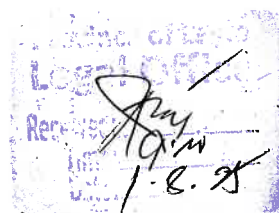
¹ (2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the municipality as provided for under Section 18 of this Code with particular attention to agro-industrial development and countryside growth and progress, *W clarify whether (1) or (2)*

² AN ACT REQUIRING PRIVATE CONTRACTORS TO WHOM NATIONAL, PROVINCIAL, CITY AND MUNICIPAL PUBLIC WORKS PROJECTS HAVE BEEN AWARDED UNDER CONTRACT TO HIRE AT LEAST FIFTY PERCENT OF THE UNSKILLED AND AT LEAST THIRTY PERCENT OF THE SKILLED LABOR REQUIREMENTS TO BE TAKEN FROM THE AVAILABLE BONA FIDE RESIDENTS IN THE PROVINCE, CITY OR MUNICIPALITY IN WHICH THE PROJECTS ARE TO BE UNDERTAKEN, AND PENALIZING THOSE WHO FAIL TO DO SO.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
07 January 2025



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 2024-12**, of the **Municipality of Alangalang, Leyte**, entitled: An Ordinance enjoining all business establishments, contractors of any public works projects, and the like to hire at least fifty percent (50%) of unskilled and at least thirty percent (30%) of their workforce from the unemployed but qualified residents of the Municipality of Alangalang, Leyte and penalizing the violators thereof.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

SP

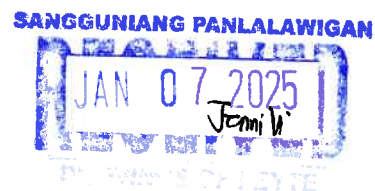
LOCAL GOVERNMENT UNIT
ALANGALANG, LEYTE

MUNICIPAL ORDINANCE NO. 12
SERIES 2024

ENTITLED:

“AN ORDINANCE ENJOINING ALL
BUSINESS ESTABLISHMENTS,
CONTRACTORS OF ANY PUBLIC
WORKS PROJECT, AND THE LIKE TO
HIRE AT LEAST FIFTY PERCENT
(50%) OF UNSKILLED AND AT LEAST
THIRTY PERCENT (30%) OF THEIR
SKILLED WORKFORCE FROM THE
UNEMPLOYED BUT QUALIFIED
RESIDENTS OF THE MUNICIPALITY
OF ALANGALANG, LEYTE AND
PENALIZING THE VIOLATORS
THEREOF.”

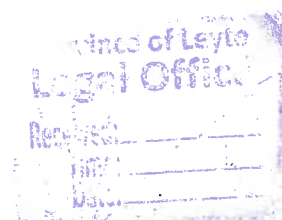
Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Alangalang
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OFFICE OF THE SB SECRETARY

January 7, 2025

MS. FLORINDA JILL S. UYVICO
SP Secretary
Provincial Capitol, Palo, Leyte



Ma'am:

Respectfully forward herewith copies of Municipal Ordinance No. 2024-12
"AN ORDINANCE ENJOINING ALL BUSINESS ESTABLISHMENTS, CONTRACTORS OF ANY PUBLIC WORKS PROJECT, AND THE LIKE TO HIRE ATLEAST FIFTY PERCENT (50%) OF UNSKILLED AND AT LEAST THIRTY PERCENT (30%) OF THEIR SKILLED WORKFORCE FROM THE UNEMPLOYED BUT QUALIFIED RESIDENTS OF THE MUNICIPALITY OF ALANGALANG, LEYTE AND PENALIZING THE VIOLATORS THEREOF." for peruse and favorable action.

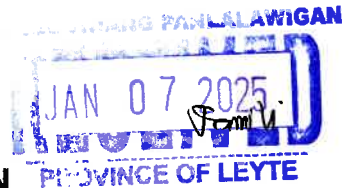
Kindly acknowledge receipt hereof.

Thank you and More Power!

Very Truly Yours,

DANI R. DE VEYRA
Mun. Gov't Department Head I
(Secretary to the Sanggunian)

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

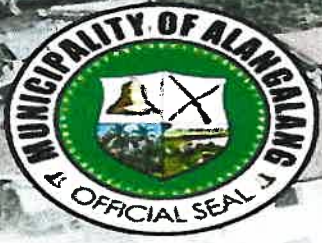
TO WHOM THIS MAY CONCERN:

This is to certify that Municipal Ordinance No. 2024-12 has been posted for three weeks in the three public conspicuous places within the municipality and will remain posted for the information of the general public.


DANI R. DE VEYRA
Mun. Gov't Department Head I
(Secretary to the Sanggunian)

ATTESTED:


MARIO V. BAGUE
Municipal Vice Mayor

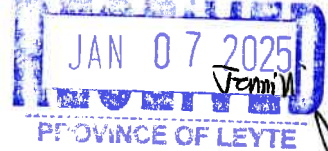


24th SANGGUNIANG BAYAN



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Alangalang
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SANGGUNIANG PANLALAWIGAN



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF ALANGALANG, LEYTE HELD AT THE LEGISLATIVE BUILDING SESSION HALL ON NOVEMBER 4, 2024.

PRESENT:

- Vice Mayor Mario V. Bague - Presiding Officer
- SB Member Gina Balderamos
- SB Member Ketchie Rex A. Barrantes
- SB Member Claire G. Yu
- SB Member Kenneth Spice M. de Veyra
- SB Member Kent Jefflord C. Guillermo
- SB Member Elmer D. Matobato
- SB Member Sheila Antoni-Rebato
- SB Member Ricardo Neil O. Eusores
- Punong Barangay Sarah T. Apurillo - LIGA President
- SK Chairman Charze Jericho Duane A. Tan - PPSK President

ABSENT: None

MUNICIPAL ORDINANCE NO. 2024-12

**SPONSOR: HON. KETCHIE REX A. BARRANTES
COMMITTEE CHAIRMAN ON LABOR AND EMPLOYMENT**

“AN ORDINANCE ENJOINING ALL BUSINESS ESTABLISHMENTS, CONTRACTORS OF ANY PUBLIC WORKS PROJECTS, AND THE LIKE TO HIRE AT LEAST FIFTY PERCENT (50%) OF UNSKILLED AND AT LEAST THIRTY PERCENT (30%) OF THEIR SKILLED WORKFORCE FROM THE UNEMPLOYED BUT QUALIFIED RESIDENTS OF THE MUNICIPALITY OF ALANGALANG, LEYTE AND PENALIZING THE VIOLATORS THEREOF.”

APPROVED on 3rd and final reading on motion of SB Member Ketchie Rex A. Barrantes and duly seconded by SB Members Elmer Matobato and Ricardo Neil Eusores, be it

WHEREAS, Article II Section 18, of the 1987 Philippine Constitution provides that the State affirms labor as primary social economic force. It shall protect the rights of workers and promote their welfare.

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991: “General Welfare – every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, 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 jurisdiction, local government units shall ensure and support, among other things, the preservation and enrichment of culture,

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promote health and safety, enhance the right of the people to balance 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 other residents**, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

WHEREAS, R.A. 6685, states that; All private contractors, including subcontractors, to whom awards are made for undertaking of national and local public works projects funded by either the National Government or any local government unit including foreign-assisted projects must hire at least fifty percent (50%) of the unskilled and at least thirty percent (30%) of the skilled labor requirements to be taken from the available bona fide residents in the province, city or municipality in which the projects are to be undertaken, and penalizing those who fail to do so.

WHEREAS, the Municipality of Alangalang is committed to fostering economic growth by ensuring productive and gainful economy by way of sustainable employment opportunities for all its qualified residents;

NOW THEREFORE, BE IT ORDAINED as it is hereby ordained by the Sangguniang Bayan of Alangalang, in session duly assembled, THAT:

Section 1. SHORT TITLE – This Ordinance shall be known as the “**ALANGALANG SUSTAINABLE EMPLOYMENT ORDINANCE**”

Section 2. COVERAGE – This ordinance shall apply to all business establishments, companies, industries, contractors, including subcontractors, and the like, operating in the ordinary course of trade or business within the territorial jurisdiction of the Municipality of Alangalang, and employs two or more workers. This likewise covers contractors and subcontractors.

Section 3. DEFINITION OF TERMS - As used in this ordinance, the following terms are defined:

- a. **Contractor/Subcontractor** – refers to private entities to whom awards are made for the undertaking of national and local public works projects funded by either the National Government or by the Local Government Unit including foreign-assisted projects;
- b. **Public Works Projects** - refers to all infrastructure programs, projects or activities by the national, provincial, municipal and barangay including but not limited to construction or repairs of roads, bridges, school buildings, housing projects, water systems and such other similar forms of construction projects including those implemented by non-government organizations (NGOs) or people's organizations (POs) whereby funds were taken from government coffers.
- c. **Skilled Labor** – refers to any occupation that requires a special skill, training, knowledge, or ability gained thru school education or in technical school, or learned on the job such as that of an engineer, accountant, physician, teacher, nurse, supervisor, manager, truck drivers, plumber, carpenter, electrician, mechanic mason, painter, ironworks, welder or other similarly related profession or occupation

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Sangguniang Bayan

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- d. **Unskilled Labor** - refers to occupation that requires relatively little or no training or experience for its satisfactory performance such as not limited to janitor, waiter, messenger, secretarial or clerical staff, receptionist helper, merchandiser, salesperson, or other similarly related works.

SECTION 4. MANDATORY EMPLOYMENT QOUTA – All owners, managers, operators of the business establishments or the contractors falling within the coverage of this ordinance shall be required to employ at least 50% of their unskilled and 30% of their skilled human resources from unemployed but qualified residents of the Municipality of Alangalang.

The mandatory minimum percentage of 50% of unskilled or 30% skilled labor requirement shall be filled in as follows:

- a. Priority shall be recruited from the unemployed and actual residents of the barangay where the trade or business is located or registered; or in the case of contractors, where the project will be undertaken;
- b. If not yet fully met, the deficiency, as certified and attested to by the Punong Barangay concerned, shall be recruited from the unemployed bona fide residents of the other barangays in this municipality.

SECTION 5. PROOF OF EVIDENCE – A Voter's Identification Card or Vote's Certification is a prima facie proof of residence. In the absence thereof, a certification from the Punong Barangay suffices.

SECTION 6. OBLIGATION OF THE OWNERS, MANAGERS, OPERATORS OR CONTRACTORS – It shall be the duty of the owners, managers, operators of the business establishments or the contractors to:

- a. Post a Notice of Hiring for the local residents in the PESO Bulletin Board of the Municipality and the Bulletin Boards located at the barangay/s where it operates or whose project will be implemented. The Notice shall remain for ten (10) days. If the needed human resource is not met within the said period, the deficiency shall be filled in from the other barangays but still within this municipality.
- b. For the contractors and subcontractors to submit to the Municipal Engineer, among the requirements for every progress billing, a sworn Certificate of Compliance with the above requirements, including the list of names of residents hired from the locality where the project was undertaken, or if not fully complied for valid reasons, a statement under oath stating the reason(s) for its non-compliance;
- c. For the owners, managers, operators of the business establishments to submit a list of the names of their employees and their respective addresses, duly sworn to as proof of their compliance of the above labor quota requirement prior to the renewal of their business permits.
- d. For the owners, managers, operators of the business establishments including contractors and subcontractors which are yet to commence business activities to employ the mandatory 50% and 30% quota requirement prior to their formal business operation or structural construction, as the case maybe.

SECTION 7. SPECIFIC OBLIGATION – To carry out the effective implementation of this Ordinance, the following are tasked as follows:

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- a. The Municipal Mayor, Municipal Engineer, or the BAC Chairman shall make sure that Section 6 hereof shall be expressly stipulated as among the major obligations to be accomplished by the implementing agency in any Memorandum of Agreement (MOA) to be entered into. They shall likewise check whether the two mandatory requirements set forth in Section 6 hereof are strictly complied with in all public works contracts to be undertaken or implemented in this municipality. They shall likewise cause the permanent backlisting of the contractor in any bidding for public works.
- b. The Business Permits, and Licensing Office to see to it that no business permit shall be issued or renewed in favor of any business establishment who fails or refuses to observe the requirements set forth in Section 6 hereof.
- c. The Municipal Engineer shall not issue the required structural or building permit whatsoever to the owners, managers, operators of the business establishments including the contractors concerned who deliberately fail or refuse to comply with the requirements under Section 6 hereof.
- d. The Public Employment and Service Office (PESO) to establish its own Bulletin Board purposely for the posting of Notices for Hiring and to maintain a data bank of all currently unemployed unskilled and skilled workers who are residents of this municipality and furnish records of which to the Municipal Engineer, BAC Chairman and other agencies to promote the mandate of sustainable employment envisioned by this ordinance.

Shirley G. H. ...

Summit

SECTION 8. SECURITY OF TENURE – The right of existing regular employees to security of tenure in business establishments already existing upon the effectivity of this ordinance shall be respected. However, should there be an increase for manpower or replacement of employees by reason of resignation, dismissal, retirement or other similar events, the owners, managers, operators of the business establishments or the contractors, shall now strictly comply with the mandatory labor quota requirement.

SECTION 9. STRICT OBSERVANCE OF THE MINIMUM WAGE – All owners, managers, operators of the business establishments including contractors and subcontractors shall observe strict compliance with the applicable minimum wage in the locality as determined by the Regional Tripartite Wages and Productivity Board (RTWPB).

SECTION 10. NON-WAIVER OF RIGHTS – Waiver by any employee of the benefits and privileges provided under this ordinance shall be deemed contrary to the public policy, void and unenforceable.

SECTION 11. PENALTIES – Failures by the owners, managers, operator of business establishments or the contractors to comply with the requirements of Section 6 and 10 hereof shall be penalized by a fine of Php 1,000.00 for the first offense; suspension of business permit for one (1) month and suspension for the same period from participating on public works bidding in the case of contractors for the second offense; and non-renewal of business permit or perpetual disqualification from participating in public works bidding for the third offense. Erring public officials shall be sanctioned and dealt with administratively.

SECTION 12. REPEALING CLAUSE. All Ordinances, executive orders, issuances including rules and regulations inconsistent with this ordinance are hereby repealed and/or modified accordingly.

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SECTION 13. SEPARABILITY CLAUSE. If any provision of this ordinance is declared invalid, the remainder or any provision herein not affected thereby shall remain in force and effect.

SECTION 14. EFFECTIVITY. This ordinance shall take effect upon approval.


ENACTED, by the Sangguniang Bayan of Alangalang on Nov. 4, 2024

APPROVED, by the Municipal Mayor on Nov. 11, 2024.


I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance No. 2024-


DANI R. DE VEYRA
Secretary to the Sanggunian
Municipal Gov't. Department Head

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**


MARIO V. BAGUE
Municipal Vice Mayor
Presiding Officer


GINA BALDERAMOS
SB Member


KETCHIE REX A. BARRANTES
SB Member


CLAIRE G. YU
SB Member


KENNETH SPICE M. DE VEYRA
SB Member


KENT JEFFLORD C. GUILLERMO
SB Member


ELMER D. MATOBATO
SB Member


SHEILA ANTONI-REBATO
SB Member


RICARDO NEIL O. EUSORES
SB Member


SARAH T. APURILLO
SB Member
LIGA President


CHARLZE JERICHO DUANNE A. TAN
SB Member
PPSK President

APPROVED:


LOVELL ANNE M. YU-CASTRO
Municipal Mayor

