

19

Item No.: 19
Date: 04 2025 FEB



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

Province of Leyte
Legal Office

[Signature]
1. 24. 25

SANGGUNIANG PANLALAWIGAN

PROVINCIAL LEGAL OFFICE



PROVINCE OF LEYTE

2nd INDORSEMENT

Januray 20, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 11 series of 2024 of the Sangguniang Bayan of Dagami, Leyte.

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

- Ordinance 11 series of 2024 entitled: **“An Ordinance authorizing the Local Chief Executive, Hon. Angelita Delusa and the Municipal Treasurer, Ms. Pamela Lumbre, etc.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is in contradiction to Section 336¹ and 309(b)² of the Local Government Code of 1991 (R.A 7160). Hence, further review of the 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

Provincial Legal Officer *[Signature]*

¹ Section 336. *Use of Appropriated Funds and Savings.* - Funds shall be available exclusively for the specific purpose for which they have been appropriated. No ordinance shall be passed authorizing any transfer of appropriations from one item to another. However, the local chief executive or the presiding officer of the sanggunian concerned may, by ordinance, be authorized to augment any item in the approved annual budget for their respective offices from savings in other items within the same expense class of their respective appropriations.

² (b) Trust Funds shall consist of private and public monies which have officially come into the possession of the local government or of a local government official as trustee, agent or administrator, or which have been received as a guaranty for the fulfillment of some obligation. A trust fund shall only be used for the specific purpose for which it was created or for which it came into the possession of the local government unit.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

Province of Leyte
Legal Office
Received: *[Signature]*
Time: *[Signature]*
Date: 11-15-24

1ST INDORSEMENT
15 November 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 11, series of 2024** of the **Municipality of Dagami, Leyte**, entitled: **An Ordinance authorizing the Local Chief Executive, Hon. Angelita M. Delusa and the Municipal Treasurer, Ms. Pamela F. Lumbre to transfer of unexpected balances of the Disaster Risk Reduction and Management (DRRM) Quick Response Fund, and Maintenance and Other Operating Expenses (MOOE) for CY 2019 to 2023 amounting to P24,105,077.29 to the Trust Fund books of the Municipality of Dagami, Leyte.**


FLORINDA JILL SUYVICO
Secretary to the Sanggunian

original



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF DAGAMI
*



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 37TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF DAGAMI, LEYTE, HELD AT THE MUNICIPAL SESSION HALL ON 04 NOVEMBER, 2024 AT 10:00 O'CLOCK IN THE MORNING.

Present:

- Hon. Homobono U. Bardillon - Mun. Vice-Mayor/Presiding Officer
- Hon. Judy M. Dumduma, Jr. - Sangguniang Bayan Member
- Hon. Rolando A. Bud-oy - do-
- Hon. Andres Bryan M. Bayona - do-
- Hon. Jose Jingle N. Sudario - do-
- Hon. Caridad B. Cabidog - do-
- Hon. Jetromus Jose S. Bardillon - do-
- Hon. Susan O. Mendoza - do-
- Hon. Reynaldo O. Treceñe - do-
- Hon. Arvin M. Delusa - ABC President/Ex-Officio Member

Sick Leave:

- Hon. Jameson C. Madalina - SK Fed. Pres./Ex-Officio Member

Absent:

NONE

MUNICIPAL ORDINANCE NO. 11
Series of 2024

Sponsored by:
HON. JETROMUS JOSE S. BARDILLON
Chairman Committee on Appropriations, Budget & Finance

AN ORDINANCE AUTHORIZING THE LOCAL CHIEF EXECUTIVE HON. ANGELITA M. DELUSA AND THE MUNICIPAL TREASURER MS. PAMELA F. LUMBRE TO TRANSFER OF UNEXPENDED BALANCES OF THE DISASTER RISK REDUCTION AND MANAGEMENT (DRRM) QUICK RESPONSE FUND AND MAINTENANCE AND OTHER OPERATING EXPENSES (MOOE) FOR CY 2019 TO 2023, AMOUNTING TO PHP 24,105,077.29, TO THE TRUST FUND BOOKS OF THE MUNICIPALITY OF DAGAMI, LEYTE.

WHEREAS, under Republic Act No. 10121 or the "Disaster Risk Reduction and Management Act of 2010," Local Government Units (LGU) are empowered to effectively manage disaster risks and ensure the safety and resilience of their communities;

WHEREAS, Section 21 of the Act provides guidelines for the use of the Local Disaster Risk Reduction and Management Fund (LDRRMF), emphasizing its importance in disaster preparedness and response;

WHEREAS, the purpose of the LDRRMF, as stated in Section 4.4, is to ensure funding for emergency preparedness, response, and recovery efforts;

WHEREAS, Sections 51.2 to 51.16 detail allocations for various disaster response initiatives, including the procurement of disaster response and rescue equipment, heavy equipment, and other essential resources to enhance local disaster response capabilities;

WHEREAS, the unexpended balances of the DRRM Quick Response Fund and MOOE for the calendar years 2019 to 2023 amounting to Php 24,105,077.29, which are available for transfer to support the municipality's disaster preparedness and response initiatives;

HON. HOMOBOUO U. BARDILLON
Mun. Vice-Mayor/Presiding Officer

FLOR G. YAP
SB Secretary

HON. JUDY M. DUMDUMA, JR.
SB Member

HON. ROLANDO A. BUD-OY
SB Member

HON. ANDRES-BRYAN M. BAYONA
SB Member

HON. JOSE JINGLE N. SUDARIO
SB Member

HON. CARIDAD B. CABIDOG
SB Member

HON. JETROMUS JOSE S. BARDILLON
SB Member

HON. SUSAN O. MENDOZA
SB Member

HON. REYNALDO O. TRECEÑE
SB Member

HON. ARVIN M. DELUSA
ABC Pres./Ex-Officio Member



(Cont. Ordinance No. 2024-11, SB Regular Session, dated November 04, 2024, etc.)

NOW, THEREFORE, be it ordained by the Sangguniang Bayan of Dagami, Leyte, in session assembled:

SECTION 1. The Local Chief Executive Hon. Angelita M. Delusa and the Municipal Treasurer Ms. Pamela F. Lumbre are hereby authorized to transfer the unexpended balances of the DRRM Quick Response Fund and MOOE for the calendar years 2019 to 2023, amounting to Php 24,105,077.29, to the Trust Fund books of the Municipality of Dagami, Leyte.

SECTION 2. The funds shall be utilized in accordance with the provisions of the Local Government Code and the Disaster Risk Reduction and Management Act, specifically for enhancing disaster response capabilities and preparedness within the municipality.


SECTION 3. The implementation of this ordinance shall also adhere to the transitory provisions outlined in Section 61.1 of the Disaster Risk Reduction and Management Act.

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

ENACTED this 04th day of November, 2024 at the Sangguniang Bayan Session Hall at Dagami, Leyte.

APPROVED.

I HEREBY CERTIFY the correctness of the foregoing ordinance.


FLOR G. YAP
SB Secretary

ATTESTED:



HON. HOMOBONO U. BARDILLON
Mun. Vice-Mayor/Presiding Officer


HON. JUDY M. DUMDUMA, JR.
SB Member

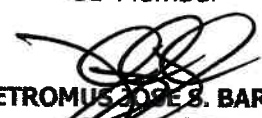

HON. ANDRES BRYAN M. BAYONA
SB Member


HON. CARIDAD B. CABIDOG
SB Member


HON. SUSAN O. MENDOZA
SB Member


HON. ROLANDO A. BUD-OY
SB Member


HON. JOSE JINGLE N. SUDARIO
SB Member


HON. JETROMUS JOSE S. BARDILLON
SB Member


HON. REYNALDO O. TRECEÑE
SB Member

(Cont. Ordinance No. 2024-11, SB Regular Session, dated November 04, 2024, etc.)


HON. ARVIN M. DELUSA
SB Member

HON. ARVIN M. DELUSA
ABC President/Ex-Officio Member


HON. ROLANDO A. BUD-OY
SB Member

HON. ROLANDO A. BUD-OY
SB Member


HON. ANDRES BRYAN M. BAYONA
SB Member

HON. ANDRES BRYAN M. BAYONA
SB Member


HON. JOSE JIMALE N. SUDARIO
SB Member

HON. JOSE JIMALE N. SUDARIO
SB Member


HON. CARLOS A. LABIDOG
SB Member

HON. CARLOS A. LABIDOG
SB Member



HON. HOMOBONO U. BARDILLON
Mun. Vice-Mayor/Presiding Officer

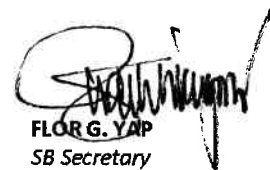
APPROVED:


HON. ANGELITA M. DELUSA
Municipal Mayor


HON. JERONIMO S. BARDILLON
SB Member


HON. SUSAN D. MENDOZA
SB Member


HON. REYNALDO O. TRECEÑA
SB Member


FLOR G. YAP
SB Secretary