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Item No.: 22

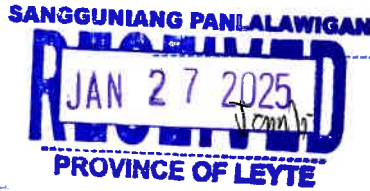
Date: 04 2025 FEB



Republic of the Philippines  
PROVINCE OF LEYTE  
Provincial Capitol  
Tacloban City

-oOo-

Signature of \_\_\_\_\_  
Date: 1.22.25



PROVINCIAL LEGAL OFFICE

2<sup>nd</sup> INDORSEMENT  
January 9, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2024-31 of the Sangguniang Bayan of Calubian, Leyte.

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

- Ordinance No. 2024-31 entitled: "An Ordinance creating the positions of Engineering Assistant, SG-8, 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)(viii)<sup>1</sup> of the Local Government Code of 1991 (R.A 7160) in consonance with Section 76<sup>2</sup> 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**  
*Provincial Legal Officer*

<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;

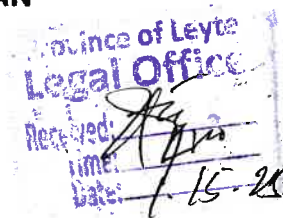
<sup>2</sup> Section 76. Organizational Structure and Staffing Pattern. - Every local government unit shall design and implement its own organizational structure and staffing pattern taking into consideration its service requirements and financial capability, subject to the minimum standards and guidelines 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**

15 January 2025



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2024-31** of the **Municipality of Calubian, Leyte**, entitled: **An Ordinance creating the positions of Engineering Assistant, SG-8, and Engineer I, SG-12, under the Office of the Municipal Agricultural and Biosystems Engineers for the Municipality of Calubian, Leyte.**

**FLORINDA JILL S. UYVICO**  
Provl Govt. Assf. Dept. Head



Republic of the Philippines  
PROVINCE OF LEYTE  
Municipality of Calubian

OFFICE OF THE SANGGUNIANG BAYAN



January 14, 2025  
October 4, 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 Ordinances and its supporting attachments for favorable review and approval of the Honorable Sangguniang Panlalawigan of Leyte, to wit:

1. **Municipal Ordinance No. No. 2024-30**, entitled: "AN ORDINANCE CREATING THE OFFICE OF THE MUNICIPAL AGRICULTURAL AND BIOSYSTEMS ENGINEERS FOR THE MUNICIPALITY OF CALUBIAN, LEYTE AS A MANDATORY OFFICE PER JOINT MEMORANDUM CIRCULAR NO. 07, SERIES OF 2020 OF THE DEPARTMENT OF AGRICULTURE, DEPARTMENT OF BUDGET AND MANAGEMENT, CIVIL SERVICE COMMISSION, AND DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT"
2. **Municipal Ordinance No. 2024-31**, entitled: "AN ORDINANCE CREATING THE POSITIONS OF ENGINEERING ASSISTANT, SG-8, AND ENGINEER I, SG-12, UNDER THE OFFICE OF THE MUNICIPAL AGRICULTURAL AND BIOSYSTEMS ENGINEERS FOR THE MUNICIPALITY OF CALUBIAN, LEYTE."
3. **Municipal Ordinance No. 2024-33**, entitled: "AN ORDINANCE INSTITUTING AND IMPLEMENTING THE REGISTRATION OF OWNERSHIP OF AGRICULTURAL AND FISHERIES MACHINES AND EQUIPMENT IN ACCORDANCE WITH THE JOINT MEMORANDUM CIRCULAR NO. 2018-02 BY THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT RELATIVE TO THE NATIONAL GUIDELINES FOR THE REGISTRATION OF OWNERSHIP OF AGRICULTURAL AND FISHERIES MACHINES AND EQUIPMENT WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF CALUBIAN, LEYTE"
4. **Municipal Ordinance No. 2024-34**, entitled: "AN ORDINANCE ESTABLISHING THE INSTITUTIONAL MECHANISMS FOR TRAFFICKING IN PERSONS, PROTECTION AND SUPPORT OF TRAFFICKED PERSONS IN THE MUNICIPALITY OF CALUBIAN LEYTE, PURSUANT TO THE PROVISIONS OF REPUBLIC ACT NO. 9208, OTHERWISE KNOWN AS THE "ANTI-TRAFFICKING IN PERSONS ACT OF 2003," AS AMENDED BY REPUBLIC ACT

NO. 10364, OR THE "EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2012," AND FOR OTHER PURPOSES."

5. ***Municipal Ordinance No. 2024-35***, entitled: "AN ORDINANCE AMENDING SECTION 3 OF MUN. ORDINANCE NO. 2024-11, ENTITLED "AN ORDINANCE ESTABLISHING A VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) DESK IN EVERY BARANGAY OF THE MUNICIPALITY OF CALUBIAN, LEYTE"
6. ***Municipal Ordinance No. 2024-36***, entitled: "AN ORDINANCE AMENDING SECTION 7 OF MUNICIPAL ORDINANCE NO. 2024-12, ENTITLED "AN ORDINANCE ESTABLISHING THE OFFICE OF SENIOR CITIZEN AFFAIR (OSCA) OF THE MUNICIPALITY OF CALUBIAN, LEYTE."

For your perusal. Please acknowledge receipt hereof.

Thank you.

Very truly yours,

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



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE ONE HUNDRED SIXTH (106<sup>TH</sup>) REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE HELD ON DECEMBER 9, 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 Ester P. Lubiano - Member
- 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
- Liga ng mga Barangay Pres. Alfredo M. Casas -Member

ON LEAVE:

- SB Member Benjamin A. Calbitaza - Member
- SB Member Jullian Marc A. Batiancela - Member

OFFICER-IN-CHARGE, OFFICE OF THE MAYOR:

- SB Member Eugenio A. Ching, Jr. - Member

**ORDINANCE NO. 2024-31**

**AN ORDINANCE CREATING THE POSITIONS OF ENGINEERING ASSISTANT, SG-8, AND ENGINEER I, SG-12, UNDER THE OFFICE OF THE MUNICIPAL AGRICULTURAL AND BIOSYSTEMS ENGINEERS FOR THE MUNICIPALITY OF CALUBIAN, LEYTE**

NOW THEREFORE, on motion of SB Member Alyza F. Nierras 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 POSITIONS OF ENGINEERING ASSISTANT, SG-8, AND ENGINEER I, SG-12, UNDER THE OFFICE OF THE MUNICIPAL AGRICULTURAL AND BIOSYSTEMS ENGINEERS FOR THE MUNICIPALITY OF CALUBIAN, LEYTE**".

**SECTION 2. RATIONALE.** A. Section 447 of R.A. 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; xxx

B. The creation of the above aforementioned positions, Engineering Assistant, SG-8, and Engineer I, SG-12, under the Office of the Municipal Agricultural and Biosystems Engineers are needed for the enhancement of the agricultural and biosystems engineering programs of the LGU and the strengthening of the ever growing role of providing for services to the constituency given the relentless efforts of the national government in the sector.

D. Consistent with the above authority to create positions or offices as may be 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 position of

JULIA E. HALICHIC  
SB Member

NOEL G. EAMIGUEL  
SB Member

ESTER P. LUBIANO  
SB Member

LUCITA A. PALCONIT  
SB Member

ALYZA F. NIERRAS  
SB Member

CARL ERNEST D. PONCE  
SK Federation President

ALFREDO M. CASAS  
Liga ng mga Barangay Pres.

a Engineering Assistant, SG-8, and Engineer I, SG-12, under the Office of the Municipal Agricultural and Biosystems Engineers (ABE).

**SECTION 3. PURPOSE.** The purpose of this ordinance on creation as stated by the Local Chief Executive in his letter request are the following: to enhance the organizational structure of LGU Calubian by creating new positions, to meet the needs of the present demands of a very functional and responsive government institution, and upgrading, enhancing, repositioning of manpower in order to appropriately and quickly respond to the needs of the times.

**SECTION 4. CREATION OF THE POSITION IN THE PLANTILLA OF PERSONNEL.** The creation of the Positions of a Engineering Assistant, SG-8, and Engineer I, SG-12, shall be under the Office of the Municipal Agricultural and Biosystems Engineers. The positions shall be included in the Rolls of Employees or Plantilla of Personnel in the Municipal Government of Calubian, Leyte.

**SECTION 5. QUALIFICATION STANDARDS.** The position of Engineering Assistant, SG-8, and Engineer I, SG-12 shall be pursuant to Section 13 of Civil Service Memorandum Circular No. 13, series of 1992, "Guidelines and Standards in the Establishment of Organizational Structure and Staffing Pattern in the Local Government Units, the Municipal ABE Department, and that the appointee shall have met the qualification standards set by the Civil Service Commission pursuant to DA-DBM-CSC and DILG Joint Memorandum Circular No. 02, series of 2020 and other CSC issuances.

The qualifications, duties and responsibilities of the position shall be subject to the minimum standards and guidelines prescribed by the Civil Service Commission (CSC) – its laws, rules and regulations, and shall be amended accordingly in relation thereto.

**SECTION 6. FUNDING / BUDGET ALLOCATION OF THE POSITION.** The funding for the new positions 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.*

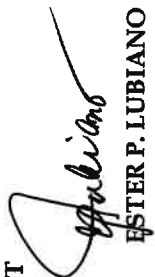
*DBM LBC No. 145, dated March 2, 2022. Section 4.2.3 Vacant and new positions shall be adequately provided with corresponding appropriations for salaries, authorized*

  
ALVIN Z. NIERGAS  
SB Member


  
CARL ERNEST D. PONCE  
SK Federation President

  
ALFREDO M. CASAS  
Liga ng mga Barangay Pres.

  
LUCITA A. PALCONIT  
SB Member

  
ESTER P. LUBIANO  
SB Member

  
JULIA E. WALICHIC  
SB Member

  
NOEL G. FAMICUEL  
SB Member

*allowances and benefits, and fixed personnel expenditures, to back up their legal existence; otherwise, said positions should be deemed abolished;*

**SECTION 7. 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 8. 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 9. EFFECTIVITY.** The provisions of this Ordinance shall take effect upon its approval and shall remain in effect unless otherwise provided by the Honorable Sangguniang Panlalawigan.

**APPROVED, this 9<sup>th</sup> day of December, 2024 at Calubian, Leyte.**

*I HEREBY CERTIFY to the correctness of the foregoing Ordinance.*

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

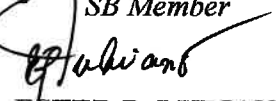
**ATTESTED BY:**

  
**ANNA LOVE VELOSO-LAURENTE**  
*Presiding Officer*


  
**JULIA E. HALICHIC**  
*SB Member*

  
**NOEL G. EAMIGUEL**  
*SB Member*

  
**LUCITA A. PALCONIT**  
*SB Member*

  
**ESTER P. LUBIANO**  
*SB Member*

  
**CARL ERNEST D. PONCE**  
*SK Federation President*

  
**ALYZA F. MIERRAS**  
*SB Member*

  
**ALFREDO M. CASAS**  
*Liga ng mga Barangay Pres.*

**APPROVED BY:**  
**DATE: 13 JAN 2025**

  
**HON. MARCIANO A. BATANGELA, 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. 2024-31, entitled: "AN ORDINANCE CREATING THE POSITIONS OF ENGINEERING ASSISTANT, SG-8, AND ENGINEER I, SG-12, UNDER THE OFFICE OF THE MUNICIPAL AGRICULTURAL AND BIOSYSTEMS ENGINEERS FOR THE MUNICIPALITY OF CALUBIAN, LEYTE." was posted on the Bulletin Board of the Sangguniang Bayan on January 13, 2025 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 13<sup>th</sup> day of January, 2025 at the Municipality of Calubian, Leyte.

Very truly yours,

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