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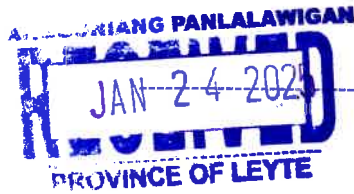
Item No.: 29
Date: 04 2025 FEB



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
January 6, 2025

Legal Office
Released: [Signature]
Time: [Signature]
Date: 1. 21. 25

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 15 series of 2024 of the Sangguniang Bayan of Abuyog, Leyte.

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

- Ordinance 15 series of 2024 entitled: **“An Ordinance establishing a Local Economic Enterprise for the purpose of developing operating, maintaining sustainable municipal enterprises, 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)(2)¹ of the Local Government Code of 1991 (R.A 7160). Hence, we recommend for the declaration of its validity.

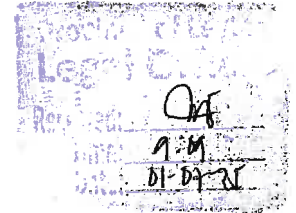
We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer [Signature]

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,

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT

06 January 2025

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 15, series of 2024 of the Municipality of Abuyog, Leyte**, entitled: **An Ordinance establishing a Local Economic Enterprise for the purpose of developing , operating, maintaining and managing sustainable municipal enterprises to enhance the income of the municipality.**


FLORINDA JILL B. UYVICO
Secretary to the Sanggunian

SP



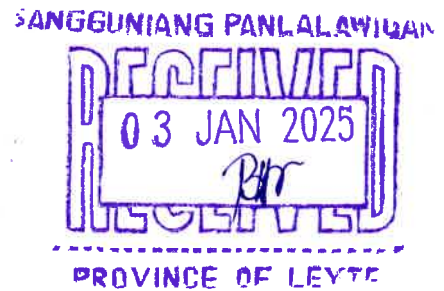
Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan Secretary

January 3, 2025

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian
Sangguniang Panlalawigan of Leyte
Legislative Building
Capitol Grounds
Tacloban City



Ma'am:

Respectfully transmitting herewith as attached Ordinance No. 15, series 2024 of the Sangguniang Bayan of Abuyog, Leyte RE: *"AN ORDINANCE ESTABLISHING A LOCAL ECONOMIC ENTERPRISE FOR THE PURPOSE OF DEVELOPING, OPERATING, MAINTAINING AND MANAGING SUSTAINABLE MUNICIPAL ENTERPRISES TO ENHANCE THE INCOME OF THE MUNICIPALITY"* for the review of the Honorable Sangguniang Panlalawigan, Province of Leyte.

Thank you and more power.

Very respectfully yours,


ARSENIO Y. VILLOTE
Sangguniang Bayan Secretary

a/s

SP



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte

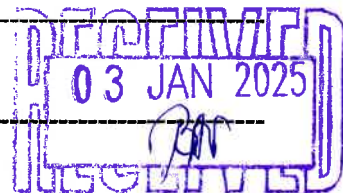


Office of the Sangguniang Bayan

AN ORDINANCE ESTABLISHING A LOCAL ECONOMIC ENTERPRISE FOR THE PURPOSE OF DEVELOPING, OPERATING, MAINTAINING AND MANAGING SUSTAINABLE MUNICIPAL ENTERPRISES TO ENHANCE THE INCOME OF THE MUNICIPALITY

ANGSANGUNIANG PANLALAWIGAN

Sponsor: Hon. Erwin V. Belleza
Co – sponsor: Hon. Francisco B. Landia



EXPLANATORY NOTE

PROVINCE OF LEYTE

The establishment of the existing office/department/section in the Municipal Local Government into Local Economic Enterprise aims to develop, operate, maintain and manage sustainable municipal economic enterprises to generate revenue and enhance the delivery of public services pursuant to the economic and social objectives of the municipality;

In consonance with Section 22 (d) of the Local Government Code, the municipal local government of Abuyog, Leyte shall enjoy full autonomy in the exercise of our propriety functions and in the management of our economic enterprises, there is a needs to restructure and streamline the organization and management of municipal economic enterprises for purposes of optimizing human and physical resources for an efficient, effective pursuit of the LGU's objectives;

Aimed at attaining efficiency and economy the Local Government Code likewise provides that "The Sangguniang Bayan may maintain existing offices not mentioned in Section 2 create such other offices as may be necessary to carry out the purposes of the municipal government; or consolidate the functions of any office with those of another.

Furthermore, Section 447 (viii) of Local Government Code empowers the Sangguniang Bayan to determine the positions and salaries, wages, allowances and other emoluments and benefits of the 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;

Consistent with local autonomy and decentralization as mandated under R.A. No. 7160 also known as the Local Government Code of 1991, Local Government Units shall endeavour to be self-reliant and shall exercise such powers and discharge such other functions and responsibilities for the provision of basic services and facilities;

HENCE, this Ordinance.

Hon. Erwin V. Belleza
Sangguniang Bayan Member



Republic of the Philippines
MUNICIPALITY OF ABUYOG
 Province of Leyte

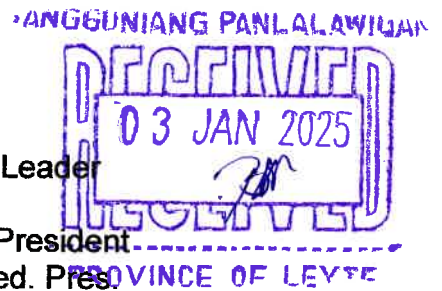


Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 38TH REGULAR SESSION OF THE 19TH HONORABLE SANGGUNIANG BAYAN OF ABUYOG, LEYTE HELD AT ITS SESSION HALL, LEGISLATIVE BUILDING MUNICIPAL COMPOUND, ABUYOG, LEYTE ON OCTOBER 22, 2024

PRESENT:

Hon. James L. Bohol	Municipal Vice-Mayor, Prsdg. Officer
Hon. Jeannette A. Valida	SB Member, Prsdg. Pro-tempore
Hon. Antonio C. Almendra, Jr.	SB Member
Hon. Arnold R. Allera	SB Member
Hon. Patrocinio A. Risos, Jr.	SB Member
Hon. Editha C. Deloy	SB Member
Hon. Edmundo P. Saño	SB Member
Hon. Francisco B. Landia	SB Member, Floor Leader
Hon. Erwin V. Belleza	SB Member
Hon. Dario P. Llave	SB Member, ABC President
Hon. Melliza Jane C. Traya	SB Member, SK Ped. Pres



ABSENT:

None

ORDINANCE NO. 15, SERIES 2024



AN ORDINANCE ESTABLISHING A LOCAL ECONOMIC ENTERPRISE FOR THE PURPOSE OF DEVELOPING, OPERATING, MAINTAINING AND MANAGING SUSTAINABLE MUNICIPAL ENTERPRISES TO ENHANCE THE INCOME OF THE MUNICIPALITY

BE IT ORDAINED, by the 19th Sangguniang Bayan of Abuyog, Leyte in a session duly assembled that:

Section 1. SHORT TITLE. This ordinance shall be known and referred to as the ***"The 2024 Local Economic Enterprise (LEE) Ordinance of the Municipal Local Government of Abuyog, Leyte"***.

Section 2. SCOPE AND COVERAGE. This ordinance shall cover the following existing offices, section and/or department of the Local Government Unit of Abuyog, Leyte:

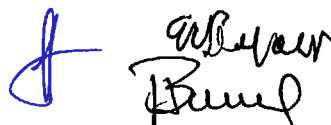
1. Abuyog Public Market
2. Slaughterhouse and Abbatoir
3. Abuyog Public Cemetery
4. Abuyog Community College
5. Abuyog Community Fish Landing and Trading Center



Section 3. The Local Economic Enterprise Units

A. Abuyog Public Market

The Market Management Unit shall take charge of the overall management of public markets pursuant to the provisions of the Municipal Investment Code,



other laws, policies prescribed by the Municipal Market Committee and other duly constituted bodies.

It shall manage the market as a viable income generating facility of the LGU cognizant of the interests of the producers, the business locators, the consumers, and the public in general.

B. Slaughterhouse and Abbatoir

The Slaughterhouse and Abbatoir is responsible in carrying out measures to ensure the delivery of effective abbatoir services.

It is the prime business enterprise of the municipality, manned by competent, dynamic and committed employees of the LGU who are God-loving family oriented, healthy and empowered people sustainability managing the office that could guaranty the general public in their daily meat requirements that is fitted for human consumption.

The Slaughterhouse and Abbatoir shall take charge of the operations of the Municipal Abattoir pursuant to Republic Act 9296, also known as the Meat Inspection Code of the Philippines, and other laws and regulations that may be duly promulgated thereafter.

C. Abuyog Public Cemetery

Cemetery Management Unit shall take charge of the management of all public cemeteries operated and owned by the Local Government Unit pursuant to the Municipal Cemetery Ordinance and other laws and regulations that may be duly promulgated thereafter.

D. Abuyog Community Fish Landing and Trading Center

The Fish Wharf located at Barangay Sto. Niño shall be operated as the municipality's fish port area. It shall cater to commercial fishing vessels and transport vessels docking in Abuyog. Its operation shall be in accordance with Ordinance No. 14, series 2020 otherwise known as "An Ordinance establishing the Abuyog Fish landing and Trading Center Imposing Regulations, Fees and Charges for violation thereof and other purposes" as amended by Ordinance No. 07, series 2023.

E. Abuyog Community College

The primary objective of the college is to provide greater access of students to affordable and accessible quality education. It shall offer basic and tertiary education, professional, technical, special instructions for special purposes and promote research and extension services, advanced studies and progressive leadership in education, community development, arts and sciences and other fields as may be relevant. The Abuyog Community College shall be govern by the existing charter and all other ordinances, resolutions and issuances pertinent to its operation.

Provide basic education in line with RA: 10533 otherwise known as Enhanced Basic Education Act of 2013 and Article XIV section 1 of 1987 Constitution.

Provide the youth and adults of Abuyog, Leyte and the neighbouring areas tertiary and advanced, continuing and practical education in arts, sciences and humanities with professional, technical and occupational training without any discrimination in admission by reason of age, sex, nationality, religious belief or political affiliation.

Offer short-term technical-vocational courses with areas of specialization to meet the needs of the community, the nation and the global market.

Promote research and extension services.

F. Abuyog Bus Terminal and Wharf Operation

The new bus terminal located at Tab-ok district Brgy. Nalibunan in this Municipality. Shall mean a terminal not only for buses but to include multicabs, jeepneys tricycle for hire and any other means of transportation for hire. A place or area where incoming public utility conveyance could discharge or disembark their passengers and could likewise solicit passengers for their respective destinations.

The wharf of this municipality is located at Tab-ok district Brgy. Nalibunan used primarily for the docking, loading, and unloading of boats. It serves as a critical point of interaction between land and water transport, facilitating the movement of goods and passengers.

Section 4. Implementation. The implementing procedures of the existing office/department/section under Section 2 hereof shall be in accordance with the legal provisions and other requirements governing LEEs, to wit:

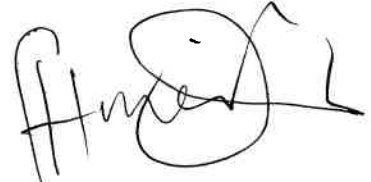
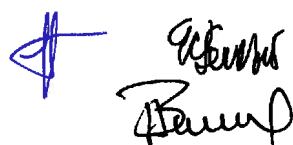
- A. The Sangguniang Bayan pursuant to Section 313 of the Local Government Code shall authorize a separate account for every unit of the Municipal Economic Enterprise.
- B. Salaries, wages, representation, and transportation allowances of LEE officials and employees are excluded from the general fund budget.
- C. The appropriations for personal services covered by this ordinance shall be charged against its own annual operating budget.
- D. The computation of the maximum amount of personal services (PS) of the Municipal Local Government shall exclude the salaries, wages, and allowances of the offices covered by this ordinance.

Section 5. Annual Operating Budget (AOB). The LEEs covered by this ordinance shall prepare a budget separate from the general fund subject to the usual budgetary process.

- A. Every office, department, section shall prepare its own budget proposal for the fiscal year and after the review by the concerned unit the same shall be submitted to Local Chief Executive through the Budget Officer.
- B. The Abuyog Community College shall prepare its own budget for every academic year in consonance with the charter of the college and all other mandatory issuances, rules and regulation, and accordingly, a Board of Trustees (BOT) resolution approving the ACC budget is required. All disbursement and or procurement shall be authorized by an approved resolution of the BOT.

Section 6. Profit. Profit or income derived from the operation of public utilities and other economic enterprises, after deduction of the cost of improvement, repair and other related expenses of the public utility or economic enterprise concerned, shall first be applied for return of advances and other obligations made therefore. Any excess shall form part of the general fund of the local government unit.

Section 7. Capital Outlay. The Capital Outlay of the economic enterprise units shall be treated as investments and part of the development project of the local



government unit and may be charged to the twenty percent (20%) Development Fund.

Section 8. Pre-operational Documentary Requirements.

a. Project Procurement Management Plan (PPMP)

The PPMP reflects different programs, project and activities (PPAs). Concerned unit after its review shall submit to the Budget Officer this document to support their budget proposal. This will be part of the consolidated proposed Annual Procurement Plan (APP) of the current year.

b. Feasibility Study

This will help in determining the appropriate facility to deliver goods and or services. This document as required shall show proof of the economic and or social viability in the long term in terms of sufficient demands. This is a survey findings that will guide the LGU in attaining the primary objective in the establishment of existing offices under Section 2 hereof of this ordinance.

c. 5-year Business Plan

Shall conform accordingly with the feasibility studies of the LEEs which include important, relevance and needed aspects of operation and further includes management, staffing of personnel and or additional position and support to the existing manpower requirements, risk analysis, marketing and sales. This shall will be reviewed and revised as needed.


d. The Abuyog Fish Landing and Trading Center (TAFLTC) shall operate in accordance with the existing Municipal Ordinance No. 14 series 2020 as amended by Ordinance No. 7, series 2023 and in accordance also with the memorandum of agreement by and between the Local Government Unit and Fisher Folks Beneficiaries.



Section 9. Funding Requirements. The funding requirements of the economic enterprises shall be sourced from their respective operating income or user's fees. In the event that the income of the economic enterprise is insufficient to fund its financial requirements, the deficiency shall be sourced from the General Fund as subsidy.

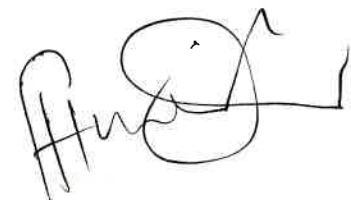
Section 10. Charges, Rates and User Fees. Charges, rates, and user fees shall be based upon the duly enacted Revenue Code, Charter of the College of the local government unit and other ordinances pertinent thereto that may thereafter be promulgated.

Section 11. Repealing Clause. All ordinances, resolutions, executive orders and other issuances which are inconsistent with any of the provisions of this Code are hereby repealed or modified accordingly.



Section 12. Separability Clause. If, for any reason or reasons any part or provision of this Ordinance is held to be unconstitutional or invalid, other parts or provisions hereof that are not affected shall continue to be in full force and effect.

Section 13. Supplementary Clause. On matters not provided for in this ordinance, existing applicable laws and their corresponding implementing rules and regulations, executive orders and relevant issuances thereafter shall also become part of this ordinance.




Section 14. Effectivity Clause. This Ordinance shall take effect after publication.

Enacted: This 22nd day of October 2024.

I HEREBY CERTIFY to the correctness of the forgoing Ordinance.


ARSENIO Y. VILLOTE
Sangguniang Bayan Secretary

ATTESTED:


HON. JAMES L. BOHOL
Municipal Vice Mayor, Prsdg. Officer


HON. JEANNETTE A. VALIDA
SB Member, Prsdg. Pro-tempore


HON. ANTONIO C. ALMENDRA, JR.
SB Member


HON. ARNOLD R. ALLERA
SB Member

HON. PATROCINIO A. RISOS, JR.
SB Member

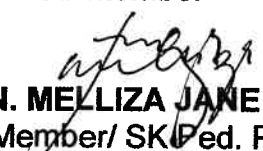

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SB Member


HON. EDMUNDO P. SAÑO
SB Member


HON. FRANCISCO B. LANDIA
SB Member, Floor Leader


HON. ERWIN V. BELLEZA
SB Member


HON. DARIO P. ULEVE
SB Member-ABC Fed. President


HON. MELLIZA JANE C. TRAYA
SB Member/ SK Fed. Pres.

APPROVED:


HON. LEMUEL GIN K. TRAYA
Municipal Mayor

Date: 12/27/24