tem No.: 17

Date: MAY 2 7 2029



# Republic of the Philippines PROVINCE OF LEYTE Provincial Capitol Tacloban City

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### 2<sup>nd</sup> INDORSEMENT

April 23 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 01 series of 2025 of the Sangguniang Bayan of Matalom, Leyte.

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

 Ordinance No. 01 series of 2025: "An Ordinance creating the Municipal Agricultural and Biosystems Engineering Office and subsequently creating the position of Engineer III (Agricultural and Biosystems Engineer) - SG19, prescribing its functions, duties and responsibilities and appropriating funds thereof."

#### **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>. 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 FOSE RAYMUND A. ACOL

Provincial Legal Officer

<sup>&</sup>lt;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>&</sup>lt;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 -000-

### OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st INDORSEMENT 21 April 2025 Page Office

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed Municipal Ordinance No. 01, series of 2025 of the Municipality of Matalom, Leyte, entitled: An Ordinance creating the Municipal Agricultural and Biosystems Engineering Office and subsequently creating the position of Engineer III (Agricultural and Biosystems Engineer) – SG 19, prescribing its functions, duties and responsibilities and appropriating funds thereof.

FLORINDA JILL'S. LYVICO Secretary to the Sanggunian



### OFFICE OF THE SANGGUNIANG BAYAN SECRETARY

April 10, 2025

THE SANGGUNIANG PANLALAWIGAN Legislative Building, Capitol Site **Tacloban City** 

Thru: FLORINDA JILL S. UYVICO

Sangguniang Panlalawigan Secretary

Legislative Building, Capitol Site, Tacloban City

Gentlemen/Ladies:

We are respectfully forwarding to the Sangguniang Panlalawigan for review, 16 copies of the following ordinances:

- 1. Municipal Ordinance No. 1, s. 2025 of the Municipality of Matalom, Leyte, An Ordinance Creating The Municipal Agricultural And Biosystems Engineering Office And Subsequently Creating The Position Of Engineer III (Agricultural And Biosystems Engineer) - SG 19, Prescribing Its Functions, Duties And Responsibilities And Appropriating Funds Thereof;
- 2. Municipal Ordinance No. 2, s. 2025 of the Municipality of Matalom, Leyte, An Ordinance Creating Various Positions Under The Matalom Municipal Waterworks System Of The Local Government Unit Of Matalom, Defining The Functions, Duties And Responsibilities And Appropriating Funds Thereof;
- 3. Municipal Ordinance No. 3, s. 2025 of the Municipality of Matalom, Leyte, An Ordinance Establishing The "Pasidungog Sa Barangay" Program To Recognize And Award The Best Performing Barangays In The Municipality Of Matalom, Leyte, Providing Funds Therefor And For Other Purposes;

Kindly acknowledge receipt hereof.

Very truly yours,

**GUIGUE** 

Secretary to the Sanggunian



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### OFFICE OF THE SANGGUNIANG BAYAN



#### MUNICIPAL ORDINANCE NO. 01 Series of 2025

AN ORDINANCE CREATING THE MUNICIPAL AGRICULTURAL AND BIOSYSTEMS ENGINEERING OFFICE AND SUBSEQUENTLY CREATING THE POSITION OF ENGINEER III (AGRICULTURAL AND BIOSYSTEMS ENGINEER) – SG 19, PRESCRIBING ITS FUNCTIONS, DUTIES AND RESPONSIBILITIES AND APPROPRIATING FUNDS THEREOF.

Sponsored by Hon. Leonard P. Tan II

WHEREAS, Section 76 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that every local government unit shall design and implement its own organizational structure and staffing pattern taking into consideration its service requirement and financial capability, subject to the minimum standard and guidelines prescribed by the Civil Service Commission;

WHEREAS, Section 447 (a) (1) of the same Code likewise authorizes the Sangguniang Bayan to determine the powers and duties of officials and employees of the municipality;

WHEREAS, Joint Memorandum Circular No. 02, series of 2020 of the Department of Agriculture, Department of Budget and Management, Civil Service Commission and Department of Interior and Local Government provided the implementing guidelines on the strengthening and establishment of the agricultural and biosystem engineering groups of the local government units to attain the goals of Republic Act Nos. 8435and 10601, otherwise known as the Agriculture and Fisheries Modernization Act (AFMA) of 1997 and the Agriculture and Fisheries Mechanization (AFMech) Law, respectively;

WHEREAS, item 5.1 of the same joint memorandum circular states that for the First to Third Class Provincial, City, and Municipal LGUs, each LGU concerned shall create an ABE Unit, either as a department, division, or section, based on their respective service requirements and financial capabilities, subject to the minimum standards and guidelines prescribed by the CSC and in accordance with the pertinent provision of the LGC;

WHEREAS, item 6.2 of the same joint memorandum circular provided that if an ABE unit is not yet existing in the 1<sup>st</sup> to 3<sup>rd</sup> income class LGUs, outside Metro Manila, there shall be created position of Engineer III, Salary Grade 19 as head of the ABE Unit.

WHEREAS, it is imperative to create an Agricultural and Biosystem Engineering (ABE) Office in order to conform with the provisions of the above quoted Joint Memorandum Circular;

NOW THEREFORE, be it ordained by the Sangguniang Bayan in regular session assembled that:

SECTION 1. ESTABLISHMENT/CREATION OF OFFICE AND POSITION. There shall be created an Agricultural and Biosystems Engineering Office headed by a licensed Agricultural and Biosystems Engineer with the rank of Engineer III for the purpose of the implementation of the mandated laws.

SECTION 2. POWER, DUTIES AND FUNCTIONS. Pursuant to Section 29 of Republic Act No. 10601 and its Implementing Rules and Regulations (IRR) in relation to Republic Act No. 10915, the Agricultural and Biosystems Engineering Office shall be responsible for planning, coordinating, regulating and implementing agricultural, fisheries and biosystems engineering, mechanization and infrastructure programs and projects at the municipal level.

Municipal Ordinance No. 01, series of 2026

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### OFFICE OF THE SANGGUNIANG BAYAN

The Engineer III (Agricultural and Biosystems Engineer) shall perform the following functions and responsibilities:

- a. Provide agricultural engineering services which include engineering survey, preparation and evaluation of plans, designs, technical specifications, feasibility studies and cost estimates/program of work irrigation, small water impounding, soil conservation and management, farm machinery, slaughterhouses, poultry dressing plants, postharvest facilities, auction markets, farm-to-market roads and other agricultural and fisheries infrastructure projects of the LGU;
- Administer, supervise and coordinate the construction, operation, maintenance, improvement and management of irrigation, small water impounding, soil and water conservation structures and facilities, farm machinery, postharvest facilities, auction markets, farm-to-market roads and other agricultural and fisheries infrastructure projects of the LGU;
- c. Undertake the registration of agri-fishery machinery and facilities, enforcement of PAES and other agricultural and fishery engineering regulatory activities in coordination and collaboration with the concerned national government agencies;
- d. Coordinate with the concerned national government agencies with regard to the implementation of national government programs and projects on irrigation, farm mechanization, postharvest facilities, farm-to-market roads and agricultural and fisheries infrastructure;
- e. Be in the frontline of the delivery of basic agricultural engineering services;
- f. Provide training and extension activities to farmers and fisherfolk particularly in the installation, operation and maintenance of their irrigation, postharvest facilities, agricultural and fishery machinery projects in coordination with the agriculture and fisheries extension workers;
- g. Undertake and/or coordinate the pilot testing and commercialization of matured agricultural and fisheries engineering technologies;
- h. Responsible in the planning, design and management of communal irrigation system;
- Formulate Municipal Agricultural and Fisheries Mechanization Plans for approval by the Sanggunian pursuant to Section 33 of RA No. 10601 and Agricultural and Biosystems Engineering Master Plan/Program for approval by the Sangguniang Bayan pursuant to Joint DA-DILG MC No. 11, series of 2004 in relation to RA No. 10915;
- j. Exercise such other powers and perform such other functions as may be prescribed by law or ordinance.

SECTION 3. QUALIFICATIONS AND SALARY GRADE FOR ENGINEER III (AGRICULTURAL AND BIOSYSTEMS ENGINEER). The qualifications and salary grade for Engineer III (Agricultural and Biosystems Engineer) are as follows:

Salary Grade: Salary Grade 19

Education : Bachelor's Degree in Agricultural Engineering or Agricultural Biosystems

Engineering

Experience: Two (2) years relevant experience in agricultural engineering

or agricultural and biosystems engineering

Training : Eight (8) hours of relevant training

Eligibility: R.A. 10915 (ABE)

SECTION 4. BUDGET. The subject positions shall be included in the plantilla of personnel and the corresponding appropriation for salaries and other incidental expenses shall be provided in the budget enacted by the LGU.

Municipal Ordinance No. 01, series of 2025

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### OFFICE OF THE SANGGUNIANG BAYAN

SECTION 5. TEMPORARY DESIGNATION OF PERSONNEL. In the absence of funds appropriated for the positions herein created, the Municipal Mayor shall designate personnel who shall temporarily act on the duties and responsibilities prescribed in each position under the said office.

SECTION 6. SEPARABILITY CLAUSE. If for any reason, any section or provision of this Ordinance is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 7. REPEALING CLAUSE. All Ordinances, local issuances or rules inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 8. EFFECTIVITY. This ordinance shall take effect immediately upon its approval and after ten (10) days of posting of the same at three (3) conspicuous places in the Municipality.

**UNANIMOUSLY APPROVED: March 5, 2025** 

I HEREBY CERTIFY THAT THIS IS A
TRUE AND ACCURATE COPY OF THE ORDINANCE DULY ENACTED BY
THE SANGGUNIAN ON MARCH 5, 2025.

IRISH C GUIGUE
Secretary to the Sanggunian

ATTESTED:

HON. AURELIANO P. LAPASANDA
SB Member/Temporary Presiding Officer

APPROVED:

HON. ERICS. PAJULO, D.M.I

Municipal Mayor

Date of Approval:

Municipal Ordinance No. 01, series of 2025

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### OFFICE OF THE SANGGUNIANG BAYAN

HON. MARIA NICHOLINA P. CAUBE SB Member

HON. MARIA PAMELA P. GADO SB Member

HON LEONARD P. TAN II SB Member

HON. RONALD P. GILO \$B Member HON. JOSELEO W. DANCES

HON. ALFONSO B. TAN SB Member

HON. SABINO G. GERONA SB Member

on official business HON. DERICK S. PAJULIO President, LnB

on official business HON. VINCENT MAURICE P. GARDE President, PPSK

Municipal Ordinance No. 01, series of 2025

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### OFFICE OF THE SANGGUNIANG BAYAN SECRETARY

### **CERTIFICATION**

THIS IS TO CERTIFY that Municipal Ordinance No. 01, s. 2025 entitled, An Ordinance Creating The Municipal Agricultural And Biosystems Engineering Office And Subsequently Creating The Position Of Engineer III (Agricultural And Biosystems Engineer) – SG 19, Prescribing Its Functions, Duties And Responsibilities And Appropriating Funds Thereof, has been posted in three (3) conspicuous places in the municipality and shall remain posted for three (3) consecutive weeks.

This certification is issued in compliance with the pertinent provisions of the Local Government Code of 1991.

ISSUED this 7th day of April, 2025 at Matalom, Leyte, Philippines.

IRISH COUIGUE
Secretary to the Sanggunian