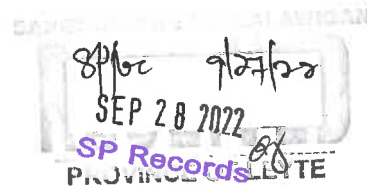


Item No.: 95
Date: 04 OCT 2022

Republic of the Philippines
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
September 19, 2022



Respectfully returned to, Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2, S. 2022-2025 of the SB of Villaba, Leyte, with the following comments and recommendations:

1. That Ordinance No. 2, 2022-2025 gives authority to the Local Chief Executive (LCE) to "hire a Managerial Consultant";
2. That hiring a Managerial Consultant would definitely involve the execution of a "Contract" between the LGU concerned and the consultant thus hired, hence the passage of Ordinance No. 2, 2022-2025, is in accordance with the mandate of Section 444 (b), (l), (vi) of the Code.
3. That Ordinance No. 2, 2022-2025 however, does not bear the signature of the Local Chief Executive (LCE), which signature would signify his/her approval on the same;
4. That Section 54 (a) of the Code states thus:

"Section 54 (a)- Every ordinance enacted by the x x x x x , or sangguniang bayan shall be presented to the x x x x x , or Municipal Mayor, as the case maybe. If the Local Chief Executive concerned approves the same, he shall affix his signature on each and every page thereof"; x x x x .

5. That paragraph 3, page 202 of the "Compendium on Local Autonomy and Local Government" by ALBERTO C. AGRA (1992-1997 edition), citing DILG Opinions No. 61-1994; 59-1996-46-1997, states:

" All ordinances, regardless of the subject matter, x x x x x , are subject to approval by the Local Chief Executive concerned. The Local Government Code of 1991 as well as its Implementing Rules and Regulations make no distinction as to subjects of ordinances."

6. That paragraph 4, page 203 of the same Compendium states"

" in making an explicit approval the local chief executive must affix his/her signature to ordinances".

7. That Ordinance No. 2, S. 2022-2025 is recommended for declaration of validity pursuant to its power under Section 56 (c) of R.A 7160, the same being in consonance with the mandate of Section 444 (b), (l), (vi) of the Code. Provided, That, the same is signed as "Approved" by the Local Chief Executive (LCE) or had lapsed into law due to in action.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer





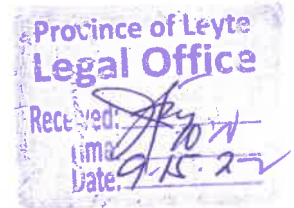
Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City




-oOo-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st Endorsement
14 September 2022



The Provincial Legal Office is respectfully requested to review and submit recommendations, on the herein enclosed **MUNICIPAL ORDINANCE NO. 2 s. 2022-2025 OF VILLABA, LEYTE, ENTITLED: "AN ORDINANCE AUTHORIZING THE MUNICIPAL MAYOR, ENGR. CARLOS G. VELOSO, TO HIRE A MANAGERIAL CONSULTANT IN THE MUNICIPALITY OF VILLABA, LEYTE ."**


FLORINDA J. UYVICO,
Secretary to the Sanggunian

SP RECORDS/V
91422



September 13, 2022

THE SANGGUNIANG PANLALAWIGAN MEMBERS

New Provincial Government Complex
Campetic, Palo, Leyte

SANGGUNIANG PANLALAWIGAN



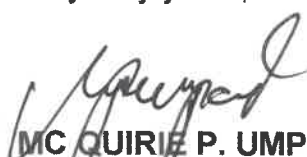
Honorable Sangguniang Panlalawigan Members:

We respectfully transmit herewith Fifteen (15) copies of:

Municipal Ordinance No. 2, S-2022-2025 "AN ORDINANCE AUTHORIZING THE MUNICIPAL MAYOR, ENGR. CARLOS G. VELOSO, TO HIRE A MANAGERIAL CONSULTANT IN THE MUNICIPALITY OF VILLABA, LEYTE" for your information and appropriate action.

God bless and more power.

Very truly yours,


MC QUIRIE P. UMPAD
Secretary to the Sangguniang Bayan



Republic of the Philippines
Province of Leyte
Municipality of Villaba

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 6th REGULAR SESSION FOR THE YEAR 2022-2025 OF THE SANGGUNIANG BAYAN OF VILLABA, LEYTE HELD AT MUNICIPAL SESSION HALL ON AUGUST 8, 2022

PRESENT:	
HON. DENNIS L. SY	Vice Mayor/ Presiding Officer
HON. JULCA KATRINA L. CON-UI	SB Member
HON. VIOLETA T. SUMAPIG	SB Member
HON. FELIPE S. CASAS, SR.	SB Member
HON. MERIAM P. UMPAD	SB Member
HON. NIEL ALBERT B. INOPIQUEZ	SB Member
HON. ROQUE M. COMPRA	SB Member
HON. ELLY MARIA N. ENEVOLDSEN	SB Member
HON. ROGELIO J. BAAY	SB Member
HON. MARIANO V. DE CLARO	ABC President
HON. FEDERICO ENSOY	SK Federation Vice President

RECEIVED
13 SEP 2022
PROVINCE OF LEYTE

MUNICIPAL ORDINANCE NO. 2 S. 2022-2025

AN ORDINANCE AUTHORIZING THE MUNICIPAL MAYOR, ENGR. CARLOS G. VELOSO, TO HIRE A MANAGERIAL CONSULTANT IN THE MUNICIPALITY OF VILLABA, LEYTE

Authored by the **Hon. Rogelio J. Baay**
SB Member

UNDERLYING PRINCIPLES:

WHEREAS, while Job Order or Contract of Service is covered by COA Rules, Consulting Service is governed by R.A. 9184;

WHEREAS, the Government Procurement Policy Board (GPPB) in PM 02 – 2012, dated November 21, 2012, states as an opinion that “If the desired service would require adequate external technical and professional capability and expertise that are beyond the existing capacity of the procuring entity, then the rules and regulations on the procurement of consulting services under R.A. 9184 and its IRR shall be applicable”;

WHEREAS, as declared in Section 22, (C), of the Local Government Code of 1991, “Unless otherwise provided in this code, no contract may be entered into by the local chief executive, in behalf of the local government unit, without prior authorization by

 DENNIS L. SY Vice Mayor/Presiding Officer	 JULCA KATRINA L. CON-UI Sangguniang Bayan Member	 VIOLETA T. SUMAPIG Sangguniang Bayan Member	 FELIPE S. CASAS, SR. Sangguniang Bayan Member
 MERIAM P. UMPAD Sangguniang Bayan Member	 NIEL ALBERT B. INOPIQUEZ Sangguniang Bayan Member	 ROQUE M. COMPRA Sangguniang Bayan Member	 ELLY MARIA N. ENEVOLDSEN Sangguniang Bayan Member
 ROGELIO J. BAAY Sangguniang Bayan Member	 MARIANO V. DE CLARO LNB PRESIDENT	 FEDERICO ENSOY SK Federation Vice President	 MC OQUIRRE P. UMPAD Secretary to the Sangguniang Bayan

the sangguniang bayan concerned, thus, the LCE authority to represent the LGU in all its business transactions, and sign in its behalf all bonds, contracts and obligations” may be made a) upon prior authority of the sangguniang bayan, or b) pursuant to law, or c) pursuant to ordinance as highlighted under Section 444, (b), (I), (VI);

WHEREAS, the Supreme Court En Banc held that the sanggunian authorization may be contained in the appropriation ordinance if there is a provision therein which specifically covers the expense to be incurred or the contract to be entered into, hence, no further authorization is required as the same sufficiently complies with Section 22, (C) of the Code;

WHEREAS, the Municipal Mayor of LGU – Villaba requested the August Body to authorize him to hire a Managerial Consultant for him to cater to his desire to have a clear administration on monetary resources; and

WHEREAS, per foregoing provisions, this authority can be made possible in accordance with law or ordinance as mandated in Section 444, (b), (I), (VI),

Be it ordained by the Sangguniang Bayan in regular session assembled that:

Section 1. Title. This ordinance shall be known as “An Ordinance Created to authorize the Municipal Mayor Engr. Carlos G. Veloso to hire a Managerial Consultant in the Municipality of Villaba, Leyte.”



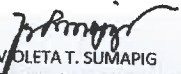

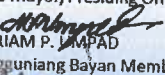
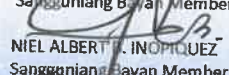
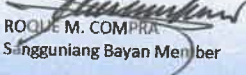

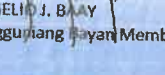

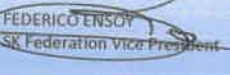
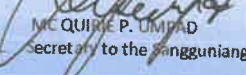
Section 2. LEGAL BASIS. The legal basis for this ordinance is the DILG Legal Opinion No. 29, S. 2014, dated 30 July 2014 of the DILG Undersecretary A. Panadero citing Republic Act No. 9184.

Section 3. SOURCE OF FUND. There shall be appropriated an amount of three hundred sixty thousand pesos (₱ 360,000.00) per annum as salary for the hiring of Managerial Consultant in the Municipal Mayor’s Office to be taken from the MOOE of the Annual Budget of the municipality.

Section 4. UTILIZATION OF FUND. The above amount of three hundred sixty thousand pesos (₱ 360,000.00) shall be utilized to shoulder the monthly salary of thirty thousand pesos (₱ 30,000.00) of the hired Managerial Consultant.

Section 5. EFFECTIVITY. This ordinance shall take effect upon approval and after this shall have been posted in three (3) conspicuous places in compliance with the posting requirement under R.A. 7160, as amended.

NOW THEREFORE, on motion raised for approval of this ordinance by the Hon. Rogelio J. Baay, Municipal Councilor, duly seconded en masse, the motion was carried.

 DENNIS L. SY Vice Mayor/Presiding Officer	 JULIA KATRINA V. CON-UI Sangguniang Bayan Member	 VIOLETA T. SUMAPIG Sangguniang Bayan Member	 FELIPE S. CASAS, SR. Sangguniang Bayan Member
 MERIAM P. UMPAD Sangguniang Bayan Member	 NIEL ALBERT J. INOPIQUEZ Sangguniang Bayan Member	 ROQUE M. COMPRA Sangguniang Bayan Member	 ELY MARIA WENEVOLDSEN Sangguniang Bayan Member
 ROGELIO J. BAAY Sangguniang Bayan Member	 MARIANO V. DE CLARO LNB PRESIDENT	 FEDERICO ENSOY SK Federation Vice President	 MIC QUIRIE P. UMPAD Secretary to the Sangguniang Bayan


I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING.

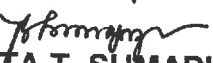

MC QUIRIE P. UMPAD
Secretary to the Sangguniang Bayan

ATTESTED:



DENNIS L. SY

Vice Mayor/Presiding Officer


JULCA KATRINA L. CON-UI
Sangguniang Bayan Member



VIOLETA T. SUMAPIG
Sangguniang Bayan Member


FELIPE S. CASAS, SR.
Sangguniang Bayan Member



MERIAM P. UMPAD
Sangguniang Bayan Member


NIEL ALBERT B. INOPIQUEZ
Sangguniang Bayan Member


ROQUE M. COMPRA
Sangguniang Bayan Member


ELL MARIA N. ENEVOLDSEN
Sangguniang Bayan Member


ROGELIO J. BAAY
Sangguniang Bayan Member


MARIANO V. DE CLARO
LNB President


FEDERICO ENSOY
SK Federation Vice President

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF LEYTE) S.S.
TACLOBAN CITY)

AFFIDAVIT OF PUBLICATION

I, **DANILO N. SILVESTRECE**, of legal age, Filipino, married and a resident of Poblacion Zone 3, Mayorga, Leyte, after having duly sworn to in accordance with law, hereby depose and say;

That I am the Publisher of **BALITA TIRADOR PUBLICATION**, publisher of **SUNDAY PUNCH NEWSPAPER** and **BALITA 8**, a weekly newspaper of general circulation of the provinces of Leyte, Biliran, Southern Leyte, Samar, Eastern Samar, Northern Samar, printed and publish in Tacloban City.

That the **MUNICIPAL ORDINANCE NO. 1, S-2022-2025 (AN ORDINANCE RECLASSIFYING LOT NO. 1118, C-13, CAD-964-D UNDER TAX DECLARATION NO. 08-41017-00146, KATIBAYAN NG ORIGINAL NA TITULO BILANG P-46237 CONTAINING AN AREA OF FOUR HUNDRED SQUARE METERS (400) DECLARED IN THE NAME OF HEIRS OF JESUS JUANERO FROM AGRICULTURAL LAND TO COMMERCIAL LAND)** and **ORDINANCE NO. 2 S. 2022-2025 (AN ORDINANCE AUTHORIZING THE MUNICIPAL MAYOR ENGR. CARLOS G. VELOSO, TO HIRE A MANAGERIAL CONSULTANT IN THE MUNICIPALITY OF VILLABA, LEYTE)** has been published in the **BALITA 8** in its August 30, 2022, issue of said publication.

That copy has been circulated to the public in the general circulation and to the readers in the province of Region 8, in particular.

That I am executing this affidavit for the purpose of attesting the veracity of foregoing.

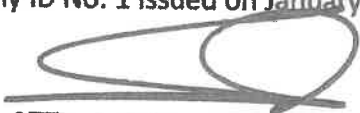
IN WITNESS WHEREOF, I have hereunto set my hand this 31th day of August 2022 at Tacloban City, Leyte, Philippines.


DANILO N. SILVESTRECE

Affiant

SUBSCRIBED AND SWORN to before me this 31st day of August, 2022 at Tacloban City, Leyte, Philippines, affiant exhibited to me his Company ID No. 1 issued on January 8, 2012 at Tacloban City.

Doc. No. 502
Page No. 102
Book No. XXI
Series of 2022


ATTY. EDWIN B. JOMADIO
Notary Public Notarial Com. No. 2020-01-22
Until December 31, 2022 (SC Res 7/5/22 B.M. 3795)
PTR No. 8209335/01-04-22/Tacloban City
IBP No. 191748/01-12-22/Tacloban City
ROA 39792; TIN 136-321-877
Tacloban City