

REPUBLIC OF THE PHILIPPINES
ORMOC CITY
Office of the Municipal Board

EXCERPT FROM THE MINUTES OF THE SPECIAL SESSION HELD
BY THE MUNICIPAL BOARD OF ORMOC CITY, PHILIPPINES IN
ITS SESSION HALL ON JANUARY 3, 1952

PRESENT:

His Honor, Lucilo A. Conui	Presiding Officer
Hon. Marcelo D. Bandalan	Vice Mayor
" Iñaki Larrazabal	City Councilor
" Victorino C. Teleron	" "
" Guillermo T. Parrilla	" "
" Esteban C. Conejos	" "
" Jorge S. Tan	" "
" Usualdo F. Laguitan	" "
" Teotimo Ocubillo	" "
" Alvaro I. Gutierrez	" "

ABSENT:

N o n e

RESOLUTION NO. 9

WHEREAS, Councilor Victorino C. Teleron Brought to the attention of the Honorable Body that according to the letter of the Undersecretary of Finance, Honorable Sixto B. Ortiz, dated November 5, 1951, addressed to the Municipal Board, thru the City Treasurer, Ormoc City, the total appropriations for salaries and wages provided for in the general annual fund budget of Ormoc City for the fiscal year 1951-1952 exceeds ₱39,843.27 the amount allowable for the purpose fixed under Executive Order No. 405, s. 1951;

WHEREAS, Councilor Victorino C. Teleron further informed the Honorable Body that the discretionary fund of the City Mayor for the fiscal year 1951-1952 in the amount of ₱1,500 has already been exhausted and the payment of salaries to his special agents which is in excess of the amount approved by the Department of Finance;

WHEREAS, the annual fund budget for the fiscal year 1951-1952 has not complied with the five per cent reserve for the estimated income of the city;

WHEREAS, be it known that the finances of the city or Ormoc is in a critical condition and if the same condition continues, the city government will incur an overdraft of from ₱40,000 to ₱60,000 at the end of the fiscal year;

WHEREAS, in order to bring to normalcy the city finances of Ormoc City it is very necessary that non-essential positions in the Police Department of Ormoc City with the corresponding appropriations thereof be abolished;

NOW THEREFORE, the Board, on motion of Councilor Victorino C. Teleron, seconded by Councilor Iñaki Larrazabal;

BE IT RESOLVED, as is hereby resolved, to abolish the following non-essential positions in the Police Department of Ormoc City with the corresponding appropriation thereof:

(over)

Jan. 1952
(Resolution No. 9 Cont'd)

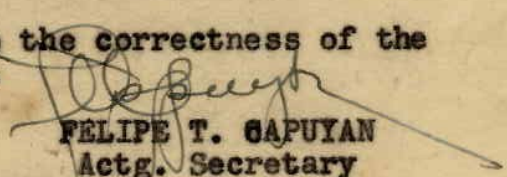
Page Two

1. 1st Deputy Chief - occupied by Jesus R. Tan
2. 2nd " " - occupied by Conrado J. Daffon
3. Police Inspector - Occupied by Isidro Tizon
4. Two Master Sgts. - occupied by Elias Torralba and Vicente Tomada
5. One 1st Sgt. - occupied by Cresencio T. Agcang
6. Two Staff Sgts. - occupied by Alfredo Sumaljag and Francisco Lumapaz
7. Three Sgts. - occupied by Jose Bandalan, Salvador Pader & Eleuterio Catingub
8. Four Corporals - occupied by Miguel Potoy, Francisco Bacalso, Cipriano Laurente and Alejo Bonsilao
9. Four Pvts. 1st class - occupied by Candancio Field, Crispin Sanchez, Doroteo Remon and Fernando Camacho
10. Fifteen Privates - occupied by:
 1. Manuel Baluran
 2. Teofilo Cabillo
 3. Agustin Cataag
 4. Silverio Castañes
 5. Jose Esmero
 6. Teofilo Baclohan
 7. Antonio Reyes
 8. Rufino Sioc
 9. Ruperto Soubiron
 10. Urbano Laurente
 11. Sofronio Burlas
 12. Andres Magno
 13. Exequiel Mañago
 14. Francisco Monte de Ramos
 15. Severo Tolibao

FINALLY RESOLVED, to furnish copy of this resolution each to the Honorable Executive Secretary, Malacañan Palace, Manila; the Hon. Commissioner of Civil Service, Manila; the Secretary of Finance, Manila; the City Mayor, Ormoc City; City Treasurer, Ormoc City; City Auditor, Ormoc City; City Engineer, Ormoc City and the Chief of Police, Ormoc City.

CARRIED.

I HEREBY CERTIFY to the correctness of the above quoted resolution.

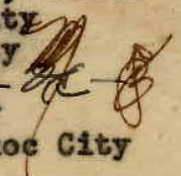
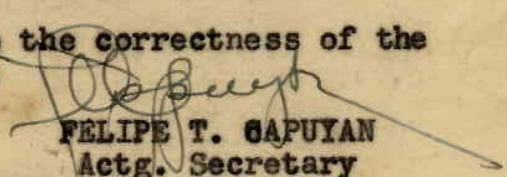

FELIPE T. GAPUYAN
Actg. Secretary

APPROVED AS TO PROCEEDINGS:

LUCILO A. CONUI
City Mayor
Presiding Officer

COPY FURNISHED:

The Hon. Executive Secretary, Malacañan Palace, Manila
The Hon. Commissioner of Civil Service, Manila
The Hon. Secretary of Finance, Manila
The Hon. City Mayor, Ormoc City
The City Treasurer, Ormoc City
The City Auditor, Ormoc City
The City Engineer, Ormoc City
The City Chief of Police, Ormoc City

ATTESTED AS TO PROCEEDINGS:  

Republic of the Philippines
ORMOC CITY
Office of the City Mayor

Per'd
11/10/52
[Signature]

VETO OF RESOLUTION NO. 9 OF THE
MUNICIPAL BOARD OF ORMOC CITY
CURRENT SERIES PURSUANT TO
REPUBLIC ACT NO. 179

The undersigned pursuant to and by authority of Art. 3, Sec. 14 of Republic Act No. 179, otherwise known as the Charter of Ormoc City, hereby vetoes Resolution No. 9 of the Municipal Board of Ormoc City, current series, under the following considerations:

In the letter of the Honorable Sixto B. Ortiz, Undersecretary of Finance, Manila, dated November 5, 1951, referred to in the said resolution, it is true that the General Annual Fund Budget exceeds by P39,843.27 or 14.77% more than the amount allowed as fixed under Executive Order No. 405 current series. It is also true that no provision has been made for the retirement insurance premium and that the unappropriated balance of the respective budget is not sufficient to meet the required 5% reserve. But this failure is not in the opinion of the Undersecretary a sufficient ground to abolish any single position in the City government as submitted by the former Municipal Board. To meet however this contingency, and in order to sufficiently cover this requirement, the same letter instructed the Municipal Board (the former Board did so) that no creation of new positions or salary increases should be made and any over collection or saving from appropriation should be left unappropriated until the reserved fund is realized. On the other hand, the last paragraph of the letter, in black and white, says: "the plantilla of personnel of that City for the past fiscal year (referring to 1950-1951) is hereby continued and made effective this year", (referring to 1951-1952).

The 4th paragraph of the resolution which says: that the City is in a critical condition because it will incur a probable overdraft of from P40,000 to P60,000 is misleading, because the general fund of the City out of which the salaries of the personnel of the Police Department are appropriated, does not incur any overdraft as shown by the financial statement of the City Treasurer, dated Jan. 8, 1952, a copy of which is hereto attached for the information of the Board. A hurried examination of the said statement shows that there is actual funds available for expenditure the amount of P11,173.83, which does not include the internal revenue allotment of P16,609.08 for the quarter ending December 31, 1951, which by law the City Government is entitled to receive.

It shows that the apprehension of the Municipal Board of a probable overdraft in the general fund out of which the salaries of the members of the Police Force is taken, is not supported by the record of the City Treasurer.

(next page, please)

Republic of the Philippines
ORMOC CITY
Office of the City Mayor

(Page two)

The excess amount stated in paragraph "2" of the same resolution for the payment of Special Agents in the Office of the City Mayor, has already been covered up by Resolution No. 174, a copy of which is hereto attached for the information of the Board.

The last paragraph of resolution No. 9 of the Municipal Board by enumerating the positions to be abolished and naming the persons holding thereto is not only defective but also vindictive and illegal:

1. - Because it takes away and usurps the power of the Local Department Head, as to who of his subordinates should be laid off (in the resolution in the guise of abolition) in accordance with Civil Service Rules;

The Municipal Board is a Local Legislative Body and the power of who should be appointed or removed is primarily an executive function, which in this case is the prerogative of the Mayor of the City thru the recommendation by the Department Head as provided for in the last paragraph of Art. 4, Sec. 19 of Act No. 179. The said paragraph says: that the positions abolished are non-essential. To evaluate each position and give justice where it is due, let me analyze the positions abolished either singly or collectively:

(a) The First Deputy Chief of Police occupied by Lt. Jesus Tan is not only necessary but indispensable position in any Police Organization. Nowhere could you find any City Police Organization where there is no Assistant Chief of Police;

(b) The Second Deputy Chief of Police held by Mr. Conrado Daffon and considered in the Ormoc City Police Organization as Administrative Officer, is also essential. An administrative officer takes charge of circulars, directives and correspondences within the members thereof, supervises and coordinates the functions and duties of the Police Department on one hand, and the Mayor and other higher authorities in Manila, on the other.

(c) The Police Inspector held by Mr. Isidro Tizon is also essential in the Police Organization. Nowhere could the undersigned find in any police organization without a Police Inspector, who supervises both the Uniform and Secret Service men on the field. Abolition of such position would create a bad precedent not found in any good Police Organization.

(next page please)

Republic of the Philippines
ORMOC CITY
Office of the City Mayor

(page three)

(d) The positions of two Master Sergeants occupied by Mr. Elias Torralba and Mr. Vicente Tomada can not be dispensed with. Mr. Elias Torralba is the head of the Traffic Division and, for the purpose of an efficient administration and supervision, he supervises the traffic Policemen. Mr. Torralba, besides his qualification as a 3rd grade Civil Service Eligible, received training in the National Bureau of Investigation, Manila. He is the only one with that training in the Police Department. The other position of Master Sergeant occupied by Mr. Vicente Tomada who is the head of the Secret Service Division can not be overlooked. It is an elementary rule in any Police Organization that in the Secret Service Division, there must be a head to coordinate its duties and functions. Besides, Mr. Tomada is the only person, who, if not a finger print expert has a working knowledge of finger printing. His opinion about finger printing has been duly accepted and followed in many Criminal Cases tried before the Court of First Instance.

(e) The position of First Sergeant occupied by Mr. Cresencio Agcang is important because he is the connecting link between the commissioned and non-commissioned Officers on one hand, and the other members, on the other.

(f) The two staff sergeants occupied by Mr. Alfredo Sumaljag and Francisco Lunapas are also indispensable in the Police set-up. Sumaljag, besides, being an eligible, is holding the position of Desk Sergeant together with Mr. Francisco Bacalso and Mr. Miguel Potoy on an 8-hour shift. It would be anomalous not to have a Desk Sergeant during the off-duty of Bacalso and Potoy as the latter can not be on duty for more than 8 hours except in an emergency, in accordance with the 8-hour Labor Law. Mr. Francisco Lunapas besides his qualification as Investigator when he was in the Philippine Constabulary, is the head of the Criminal Investigation Section, which even the members of the Board must perforce admit its necessity.

(g) The position of Sergeant occupied by Jose Bandalan, while it becomes academic because the appointee tendered his resignation effective Dec. 16, 1951, suffice to say that the Sergeant of Police is required to assist the first Sergeant in the maintenance of discipline within the police organization and also in assisting the first sergeant in supervising the men on the field. It is regretted that the name of Mr. Salvador Pader is mentioned as one of those whose positions is to be abolished. Mr. Pader besides his long and faithful service in the Philippine Constabulary, was decorated with a purple heart by the United States Government for having been wounded in action during the last war. His position as Assistant Police Inspector can not be overestimated. The other rank of Sergeant occupied by Mr. Elueterio Catingub can not be dispensed with. He is the accountable officer in the Police Organization and he is the medium by which the Policemen could make known their needs to the Municipal Board and other officials in the City Government.

(next page pls.)

Republic of the Philippines
ORMOC CITY
Office of the City Mayor

(Page Four)

(h) The two out of 4 positions of corporals occupied by Mr. Miguel Potoy and Francisco Bacalso as Desk Sergeants on an 8-hour shift with Sergeant Alfredo Sumaljay, my comment with respect to Mr. Sumaljay holds true with respect to that of Bacalso and Potoy. The other two positions as corporals held by Anecito Boncila and Cipriano Laurente are also indispensable in the Police Organization. Mr. Boncila is the one in charge of the Market Guards and works without taking into account the 8-hour Labor Law. Mr. Cipriano Laurente is the eyes and ears of not only of the Police Inspector but also of all commissioned and non-commissioned officers with regards to the conduct of the men in the Police Organization.

(i) With reference to the abolition of 4 out of 11 positions of private first class and 15 out of the 55 positions of the privates and naming the persons holding thereto without following a definite pattern in accordance with existing rules and regulations, as authorized by the Civil Service, do not merit the consideration of this Office because it is actuated by an ulterior motive, designed to embarrass the Local Administration purely for political ends. As was stated before, naming the positions to be abolished and the corresponding appointees contravenes the spirit of the City Charter and snatches unjustly the right, prerogative and authority of the Local Department Head, who directly knows who are to be justly laid-off.

But are the aforementioned positions non-essential? The City of Ormoc in round figure has a population of about 75,000 people and consists of 49 barrios in widely scattered areas. It has a total area in round figure of about 52,000 hectares. The actual Police Force of this City composed of officers and men is 92. So that there is a ratio of one (1) for every 833 residents of the City. By reducing the Police Force to 56 there is a ratio of one (1) for every 1,339 residents! Today the City of Ormoc is a peaceful City. Compared with other cities of the Philippines and other towns within the Province of Leyte, ours is a heaven. The primary concern of all Local Authorities is peace and order. It has been achieved in Ormoc not only because of the quality but of the number of policemen, we have in the city.

Just recently, the eastern towns of Leyte were the subject of sporadic raids from dissidents and bandits to the great inconvenience, danger and risk on the life and property of peace loving citizens. Luckily, for Ormoc, this dissidence and banditry have not penetrated the City because of the vigilance of the police force which with its present number could be divided into security groups without hampering its normal functions.

(next page please)


Republic of the Philippines
ORMOC CITY
Office of the City Mayor

(Page Five)

While it is the tendency of the government to increase the Armed Forces because of the threats of communism, the Municipal Board for insufficient or baseless reasons ignored this actual fact by decreasing instead of increasing the Police Force of this City.

The abolition therefore, of the positions beginning from the First Deputy Chief of Police to the lowest private without considering the indispensability of one's position and the fitness of the occupant in relation to another member (as in the case of corporals, private first class and privates) is not only discriminatory, unjust, and violative of Civil Service Rules, but is a clear and manifest usurpation of an Executive function and a clear-cut manifestation of political vindictiveness of the Board to the serious detriment of Public Service.

Ormoc City, January 9, 1952.


EUSEBIO A. ESCOBAR
City Mayor

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