

REPUBLIC OF THE PHILIPPINES  
ORMOC CITY

Office of the Municipal Board

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY  
THE MUNICIPAL BOARD OF ORMOC CITY, PHILIPPINES, IN ITS  
SESSION HALL ON JANUARY 5, 1952

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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  
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RESOLUTION NO. 14

WHEREAS, Councilor Jorge S. Tan brought to the attention of the Honorable Body that the annual fund budget of the city of Ormoc for the fiscal year 1951-1952 as approved by the Department of Finance, is facing a big deficit;

WHEREAS, in order to lessen the deficit aforementioned it is necessary to abolish the following positions with the corresponding appropriations thereof in the Agricultural Department of Ormoc City:

1. One Agricultural Inspector - occupied by Mr. Egmedio Cortez
2. One Asst. Nursery Foreman - occupied by Francisco Cabaag
3. One Laborer

NOW THEREFORE, the Board, on motion of Councilor Jorge S. Tan, seconded by Councilor Iñaki Larrazabal;

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

1. One Agricultural Inspector - occupied by Mr. Egmedio Cortez
2. One Asst. Nursery Foreman - occupied by Francisco Cataag
3. One Laborer

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

CARRIED.

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

*Felipe T. Oapuyan*  
FELIPE T. OAPUYAN  
Actg. Secretary

(over)





Jan. 1952  
(Resolution No. 14, Cont'd)

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APPROVED AS TO PROCEEDINGS:

LUCILO A. CONUI  
City Mayor  
Presiding Officer

COPY FURNISHED:

The Hon. Executive Secretary, Malacañan Palace, Manila  
The Hon. Civil Service Commissioner, Manila  
The Hon. Secretary of Finance, Manila  
The City Mayor, Ormoc City  
The City Treasurer, Ormoc City  
The City Auditor, Ormoc City  
Mr. Protasio Escoro, City Agronomist, Ormoc City

ATTESTED AS TO PROCEEDINGS:

TEOFILO C. MALINAO  
Acting Secretary to the City Mayor

7/ftc



Republic of the Philippines  
ORMOC CITY  
Office of the City Mayor

1/10/52

*[Signature]*

VETO OF RESOLUTION NO. 14, CURRENT SERIES,  
OF THE HONORABLE MUNICIPAL BOARD  
ORMOC CITY, PURSUANT TO  
REP. ACT 179

The undersigned by virtue of and pursuant to Art 3, Sec. 14, Republic Act No. 179, vetoes Res. No. 14, current series, of the Honorable Municipal Board, Ormoc City, with the reasons hereunder enumerated:

In answer to paragraph 2 of Res. No. 14, the undersigned is quoting hereunder a portion of his veto of Res. No. 9, current series, of the Honorable Municipal Board, this City, which is pertinent thereto:

"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 Fund Budget exceeds by ₱39,843.27 or 14.9% more than the amount 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 ₱40,000 to ₱60,000 is misleading, because the general fund of the City out of which the salaries of the personnel of the Agricultural 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 ₱11,173.83, which does not include the internal revenue allotment of ₱16,609.08 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 Agricultural Department is taken, is not supported by the record of the City Treasurer.

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Republic of the Philippines  
ORMOC CITY  
Office of the City Mayor

(Page Two- cont'd Memo of Res. No. 14)

The last paragraph of the 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: 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 of 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.

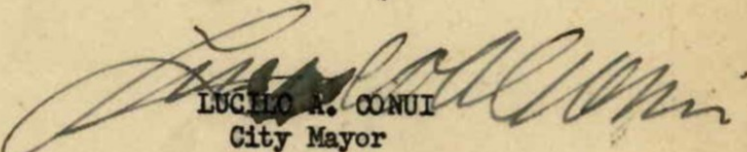
The three positions abolished are essential to the Agricultural Department, this city, as discussed by Mr. Protasio P. Escorro, City Agronomist, dated January 8, 1952, which is hereto attached for the information of the Board, besides:

1. Mr. Emigdio Cortes, Assistant City Agronomist, is an agricultural graduate and appointed as such because of his qualifications and fitness;

2. Mr. Francisco Catuag, who occupies the position of Assistant Nursery Foreman is also an agricultural graduate and like Mr. Cortes was appointed to the position because of his qualification and fitness.

The City nursery is about six hectares. By abolishing one position of a laborer the other left will be overburdened with work thus hampering his efficiency.

Done In the City Hall of Ormoc City, on this 10th day of January, In the Year of Our Lord, Nineteen Hundred and Fifty-Two.

  
LUCIO R. CONUI  
City Mayor

Encls: As stated.

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