



REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE FOURTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON JANUARY 13, 1988



PRESENT:

Hon. Avelina D. Subingsubing,	DIC, Office of the Vice-Mayor	
	Presiding Officer	
Hon. Romeo M. Hermosilla, ABC President,	Kagawad, Floor Leader	Kagawad
Hon. Felipe P. Adolfo, Jr.,		Kagawad
Hon. Sofronio D. Aguiro,		Kagawad
Hon. Ramie F. Capahi,		Kagawad
Hon. Cesar A. Fiel,		Kagawad
Hon. Bienvenido B. Lagado,		Kagawad
Hon. Edgardo C. de Loyola,		Kagawad
Hon. Ricardo L. Martinez, Jr.,		Kagawad
Hon. Lilio P. Soberano,		Kagawad

ABSENT:

Hon. Ma. Emily C. Codilla, FKB President,	(on leave)	Kagawad
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RESOLUTION NO. 334

A RESOLUTION OF CONCURRENCE TO THE OPINION OF THE CITY LEGAL OFFICER,
ON THE REQUEST FOR REINSTATEMENT OF ENGINEER BENJAMIN T. MARQUEZ AS
PUBLIC INFORMATION OFFICER IN THE OFFICE OF THE SANGGUNIANG
PANLUNGSOD.

"WHEREAS, this august Body is in receipt of the communication of
Engr. Benjamin T. Marquez addressed to the DIC, City Mayor's Office
attaching a certified xerox copy of the decision of the Honorable
Review Committee dated October 2, 1987, created under E.O. No. 17,
Department of Justice informing the former that he will be assuming his
position as 'reinstated' per decision of said committee;

"WHEREAS, Kagawad Sofronio D. Aguiro, Chairman of the Committee on
Laws and Ordinances, whom this matter was referred to, submitted this
case to the City Legal Officer, for legal opinion;

"WHEREAS, acting on the request, on January 6, 1988, Atty. Demetrio
D. Barit, City Legal Officer, rendered an opinion per his 3rd
indorsement, quoted hereunder verbatim, to wit:

Republic of the Philippines
OFFICE OF THE CITY LEGAL OFFICER
Ormoc City

3RD INDORSEMENT
January 6, 1988

Respectfully returned to the Honorable DIC-City Mayor,
Ormoc City, Atty. Guillermo T. Parrilla, the 1st and 2nd
indorsement dated December 7, 1987 and December 4, 1987,
respectively, thru the Secretary, Sangguniang Panlungsod,

relative to the letter of Engr. Benjamin T. Marquez, dated December 3, 1987, in relation of the resolution of the Review Committee, E.O. No. 17, Department of Justice, Manila, informing that office "That I will be assuming my position as "Reinstated" per decision", with the opinion that reinstatement at this stage is highly improbable on the ground that the position subject matter hereof has already been filled up by Miss Roxan B. Oliver, duly appointed on October 26, 1986, and approved by the Civil Service Commission, Tacloban Regional Office, effective November 3, 1986, and renewed October 26, 1987, and approved by the Civil Service Commission, Tacloban Regional Office, on November 3, 1987, That under Rep. Act 6636, dated November 25, 1987, of the Secretary of Local Government, Manila, Par. 6 thereof is hereby quoted as follows:

6 "The Officer-in-Charge designated during the period of local elections shall perform all the regular duties and functions of their respective offices as provided for by law", EXCEPT THE FOLLOWING:

a. x x x x x x x ;

b. "Appointment, suspension, or dismissal of officials and employees, except of those authorized by existing laws but only after due process;

c. x x x x x x x ;"

In view of the above prohibition the position of Mr. Marquez which he allegedly assumed is rendered nugatory and without force and effect, the position being occupied and filled up by another appointee, duly approved by the Civil Service Commission, Region VIII, Tacloban City, hence the position is not vacant.

(SGD) DEMETRIO D. SARIT
City Legal Officer

DIS/res

"WHEREAS, considering the fact that the position in question is now occupied by one, Roxan B. Oliver, whose appointment was last approved by the Civil Service Commission Tacloban Regional Office, on November 3, 1987, said position, therefore is deemed NOT vacant, hence, it will be Ultra Vires for this august Body to dismiss the present occupant and accommodating the reinstatement of Engr. Marquez for it will be against the guidelines of this interim;

"NOW, THEREFORE, on motion of Kagawad Sofronio D. Aguiro, seconded by Kagawad Ricardo L. Martinez, Jr.; be it

"RESOLVED, to concur to the opinion of the City Legal Officer this city, on the request for reinstatement of Engr. Benjamin T. Marquez as Public Information Officer in the Office of the Sangguniang Panlungsod ng Ormoc;

(RES. NO. 334)

"RESOLVED, FURTHER, to furnish a copy of this resolution each to His Honor, the City Mayor, the City Legal Officer, Engr. Benjamin T. Marquez, Barangay Naungan and Roxan B. Oliver, Sangguniang Panlungsod, all in Ormoc City;

"CARRIED. Five (5) affirmative votes; three (3) abstention registered by Mga Kagawad Romeo M. Hermosilla, Felipe P. Adolfo, Jr., and Cesar A. Fiel; and one (1) negative vote registered by Kagawad Ram F. Capahi.

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



ATTESTED:

Avelina D. Subing
AVELINA D. SUBING
OIC, Office of the Vice Mayor
& Presiding Officer

Emmanuel Anthony C. Sabelino
EMMANUEL ANTHONY C. SABELINO
Secretary

APPROVED:

Guillermo T. Parrilla
GUILLERMO T. PARRILLA
OIC, City Mayor's Office