

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SEVENTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON SEPTEMBER 21, 1995.



Hon. Celso P. Adolfo, Acting Presiding Officer,
Majority Floor Leader, Kagawad
Hon. Claudio P. Larrazabal, Asst. Majority Floor Leader, Kagawad
Hon. Benjamin B. Lladoc, Kagawad
Hon. Sotero M. Pepito, Kagawad
Hon. Alfredo F. Capahi, Kagawad
Hon. Manuel T. Fiel, Kagawad
Hon. Jose C. Alfaro, Jr., Kagawad
Hon. Gregorio A. Yrastorza, Jr., Kagawad
Hon. Mariano Y. Corro, Minority Floor Leader, Kagawad
Hon. Fernando P. Parrilla, Chapter Pres., Liga ng mga Barangay ng
Ormoc, Ex-Officio, Kagawad
Hon. Angelyn R. Paca, SK Federation President, Ex-Officio, Kagawad

ABSENT:
Hon. Benjamin F. Tugonon, (D.B. - Tacloban), City Vice-Mayor
and Presiding Officer
Hon. Jose B. Conejos, Kagawad

RESOLUTION NO. 95-73

A RESOLUTION RESPECTFULLY REQUESTING THE HONORABLE
SECRETARY OF THE DEPARTMENT OF THE INTERIOR AND LOCAL
GOVERNMENT RAFAEL M. ALUNAN III HIS OPINION AS TO THE
APPROPRIATE SALARY GRADES THAT THE VICE MAYOR AND
MEMBERS OF THE SANGGUNIANG PANLUNGSOD NG ORMOC BELONG
CONSIDERING THAT THERE IS NO SPECIFIC PROVISIONS IN THE
LOCAL GOVERNMENT CODE OF 1991 WHICH CATEGORIZE THE
AFOREMENTIONED CITY OFFICIALS IN THE CASE OF
INDEPENDENT COMPONENT CITIES LIKE ORMOC CITY.

WHEREAS, Article 77 of the Rules and Regulations Implementing the
Local Government Code of 1991, categorizes the Salary Grades of Vice
Mayor and Members of the Sangguniang Panlungsod in Cities into two (2),
namely: 1) highly urbanized; and 2) component. For VICE MAYOR, highly-
urbanized SG 28; and, component SG 26. For MEMBERS OF THE SANGGUNIANG
PANLUNGSOD, highly urbanized SG 27 and, component SG 25;

WHEREAS, the aforecited article of the Rules and Regulations
Implementing the Local Government Code of 1991 does not include in its
categorization the Salary Grades of Vice Mayor and Members of the
Sangguniang Panlungsod of Independent Component Cities, like Ormoc City;

WHEREAS, the Vice Mayor and the Members of the Sangguniang
Panlungsod ng Ormoc are presently receiving the salary equivalent to
Salary Grades 26 and 25, respectively;

WHEREAS, Director Jacob F. Montesa, Department Legal Counsel of the Department of the Interior and Local Government in his OPINION NO. 95 S. 1994, quoting the decision of the Supreme Court in the consolidated cases of ABELLA VS. COMELEC AND LARRAZABAL, and LARRAZABAL VS. COMELEC and DE LA CRUZ (201 scra 253) has this to say:

"Section 12, Article X of the Constitution is explicit in that aside from highly urbanized cities, component cities whose charters prohibit their voters from voting for provincial elective officials are independent of the province. X X X . Necessarily, component cities like Ormoc City whose charters prohibit their voters from voting for provincial elective officials are treated like highly urbanized cities which are outside the supervisory power of the province to which they are geographically attached. X X X" (Underlining ours).

WHEREAS, it is the sense of the Members of the Sangguniang Panlungsod ng Ormoc, including the Presiding Officer who is the Vice Mayor, that in line of the aforementioned opinion of Director Jacob F. Montesa, which is buttressed by the aforesaid decision of the Supreme Court, they are entitled to the compensation of the Salary Grades of highly-urbanized cities.

NOW, IN CONSIDERATION OF THE FOREGOING PREMISES, on motion of Kagawad Mariano Y. Corro, Chairman, Committee on Laws and Ordinances, severally seconded by mga Kagawad Jose C. Alfaro, Jr., Gregorio A. Yrastorza, Jr. and Alfredo F. Capahi; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution RESPECTFULLY REQUESTING THE HONORABLE SECRETARY OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT RAFAEL M. ALUNAN III HIS OPINION AS TO THE APPROPRIATE SALARY GRADES THAT THE VICE MAYOR AND MEMBERS OF THE SANGGUNIANG PANLUNGSOD NG ORMOC BELONG CONSIDERING THAT THERE IS NO SPECIFIC PROVISIONS IN THE LOCAL GOVERNMENT CODE OF 1991 WHICH CATEGORIZE THE AFOREMENTIONED CITY OFFICIALS IN THE CASE OF INDEPENDENT COMPONENT CITIES LIKE ORMOC CITY;


RESOLVED, FURTHER, to respectfully supplicate the Honorable Secretary Rafael M. Alunan III to facilitate the herein requested opinion, and to convey our sincerest thanks in anticipation for his prompt attention hereon;

ENACTED, September 21, 1995.


RESOLVED, FINALLY, to furnish copies of this resolution, one each, to: Honorable Rafael M. Alunan III, Secretary of the Department of the Interior and Local Government; Director Jacob F. Montesa, Department Legal Counsel of the Department of the Interior and Local Government; Honorable Salvador M. Enriquez, Secretary of the Department of Budget and Management; the Honorable City Mayor of Ormoc; the Regional Director of the Commission on Audit, Tacloban City; the City Auditor of Ormoc; the City Budget Officer; the Chief, Human Resource Management Division; and all others concerned.

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the foregoing resolution.


CELSO P. ADOLFO
Acting Presiding Officer
Majority Floor Leader
Kagawad

ATTESTED:


HERMOSENA P. SUMALINOG
Board Secretary II
OIC-Secretary to the
Sangguniang Panglungsod

APPROVED:


EUFROCINO M. CODILLA, SR.
City Mayor

10/24/95
(Date)