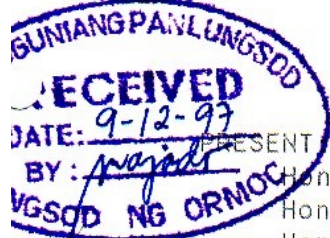




REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



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 11, 1997



Hon. Benjamin F. Tugonon,	Vice-Mayor & Presiding Officer
Hon. Celso P. Adolfo,	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. Chiqui B. Labagala,	SK Federation President, Ex-Officio, Kagawad
Hon. Deborah Robin B. Conejos,	(Appointed in lieu of Hon. Jose B. Conejos who resigned), Kagawad

ABSENT:  
(NONE)

RESOLUTION NO. 97-165

A RESOLUTION RESPECTFULLY INFORMING THE HONORABLE CITY MAYOR EUFROCINO M. CODILLA, SR. THAT, MUCH TO OUR REGRETS, HIS REQUEST FOR THE UPGRADING OF THE POSITION OF HUMAN RESOURCE MANAGEMENT OFFICER IV FROM A DIVISION CHIEF TO A DEPARTMENT HEAD CANNOT BE ACTED UPON FAVORABLY FOR THE REASONS HEREUNDER CITED AND RESOLVED.

WHEREAS, this Sanggunian is in receipt of a letter dated 21 August 1997 from the Honorable City Mayor requesting for the upgrading of the position of Human Resource Management Officer IV (HRMO IV) from a Division Chief to a Department Head, the full text of said letter is hereunder cited as follows:

OFFICE OF THE CITY MAYOR  
Ormoc City, Leyte

August 21, 1997

THE HONORABLE MEMBERS  
7th Sangguniang Panlungsod  
Ormoc City

Thru: HON. BENJAMIN F. TUGONON  
Vice Mayor & Presiding Officer

Gentlemen:

I have the honor to request the upgrading of the following position:



From

To

Human Resource Management  
Officer IV, SG 22  
City Administrator

City Gov't. Dept. Head I,  
SG 25  
(Human Resource Mgmt. Ofcr.)

First, the request is based on the approved CSC Accreditation Program wherein the Commission grants the City Government of Ormoc the authority to take action on its appointments pursuant to Civil Service Commission Resolution No. 973023 effective August 1, 1997.

Under the program, the City Mayor/Appointing Authority shall:

- Take final action on all appointments... within the limits and restrictions of Civil Service law, rules, policies and standards; and
- Assume personal liability for salaries of employees whose appointments have been invalidated by CSRO.

On the other hand, the Human Resource Management Officer is responsible for the following:

- Ensure that all procedures, requirements and supporting papers to appointments specified in MC 38 s. 1993 and MC Nos. 11, 12, and 30, s. 1996 have been complied with and found to be in order before the appointment is signed by the appointing authority;

- Submit first to the CSFO concerned, appointments for trades and crafts positions under Category II, together with the required documents enumerated in MC No. 38 s. 1993 for the conferment of appropriate eligibility before the appointments are signed by the appointing authority;

- Maintain a complete, updated, organized and authentic record/file of appointments and service records;

- Continuously participate in the capability building activities and/or seek the technical assistance of the CSFO on appointments and personal actions.

Second, since the reorganization in 1989 when the Human Resource Management Officer was elevated to a division up to 1997, the personnel complement of the city had increased by 161% as illustrated below:

	1989	1997	% Increase
Regular	306	584	90%
Casual (Plantilla)	26	284	992%
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	332	867	161%

With the increase in personnel complement, the duties and responsibilities of the Office of the Human Resource Management had proportionately increased and expanded.



Third, MC No. 19, s. 1992 of the CSC has included the Office of the Human Resource Management in cities (Sec. 3 (w) as one of the offices that may be created in addition to the mandatory offices.

Finally, the Human Resource Management Officer carries the same responsibility and liability in terms of the final action taken on any and all appointments issued and signed by the appointing authority.

In view of the above justifications, it is hoped that this matter be included in the next regular session for appropriate action.

Very truly yours,

(SGD) EUFROCINO M. CODILLA, SR.  
City Mayor

WHEREAS, through 1st Indorsement dated 25 August 1997, the aforecited letter was endorsed to the Chairman, Committee on Good Government & Ethics, for appropriate action, and, said Committee had convoked a Committee Level Meeting on September 2, 1997 and had arrived with its findings/evaluations of the issue; in turn, submitted said evaluations for further discussion at the Pre-Session Caucus this Sanggunian on 8 September 1997; further, the Honorable Members themselves and by consensus had conformed indorsement of said issue for final deliberation at Regular Session of this Sanggunian on the 11th instant;

WHEREFORE, foregoing premises considered, on motion of Kagawad Sotero M. Pepito, Chairman, Committee on Good Government & Ethics, duly seconded by Kagawad Claudio P. Larrazabal; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to respectfully inform the Honorable City Mayor Eufrocino M. Codilla, Sr. that, much to our regrets, his request for the upgrading of the position of Human Resource Management Officer IV (HRMO IV) from a Division Chief to a Department Head cannot be acted upon favorably for the following reasons, to wit:

1. That the position of a Division Chief cannot be upgraded to that of a Department Head without violating the Compensation and Position Classification Law in which the Salary Grades of the different positions are indicated; and moreover, to do so would create a precedent which will later on be invoked by employees/officials who are similarly situated, and will create a situation when the financial capability of the City Government of Ormoc would be unduly strained;
2. That the position of a Division Chief can only be upgraded to that of a Department Head, if the Office of Human Resource Management will be converted into a Department. But unfortunately, Memorandum Circular No. 19, Series of 1992, of the Civil Service Commission, Section 13, paragraph (c) thereof, provides: "A Department is the highest structural unit/level composed of at least four divisions headed by an employee with a rank of Department Head."



(Underscoring supplied). Hence, the Office of Human Resource Management cannot qualify for conversion into a Department considering that it has only one Division;

3. That aforesaid Memorandum Circular No. 19, Section 8 thereof speaks only of "A Human Resource Management Office/Division/Section shall be created in the Local Government Unit." Nowhere does it mention of a "DEPARTMENT" Hence, the lack of a legal basis to support the conversion of the Human Resource Management Division into a Department;
4. That while it is true that Section 76 of the Local Government Code of 1991 authorized every local government unit to design and implement its own organizational structure and staffing pattern but then this is subject to the minimum standards and guidelines prescribed by the Civil Service Commission; hence, we cannot disregard the Guidelines and Standards in the Establishment of Organizational Structure and Staffing Patterns in Local Government Units set forth in aforesaid Memorandum Circular No. 19 of the Civil Service Commission;
5. That said Memorandum Circular No. 19, Section 2.3 thereof mandates that "No official or employee shall be entitled to a salary rate higher than the maximum fixed for his position or other positions of equivalent rank by applicable laws or rules and regulations issued thereunder."
6. That the Accreditation of the City Government of Ormoc by the Civil Service Commission per their Resolution NO. 973023 which took effect on August 1, 1997 does not empower the City Mayor to upgrade positions; it merely vests authority to take final action on its appointment.

ENACTED, September 11, 1997.

RESOLVED, FURTHER, to furnish copies of this resolution, one each, to His Honor, the City Mayor; the City Administrator, the City Legal Officer, the City Budget Officer, the CSC Ormoc Field Office, the HRM Division Office, other Offices concerned, -all in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

OSCAR D. LASAM  
Secretary to the  
Sangguniang Panlungsod

ATTESTED:

BENJAMIN TUGONON  
Vice Mayor & Presiding Officer