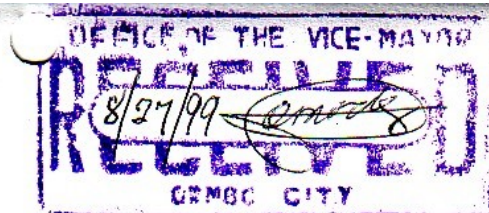




REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE EIGHTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON AUGUST 26, 1999

PRESENT:

Hon. Celso P. Adolfo,	Vice Mayor & Presiding Officer
Hon. Jose S. Serafica,	Kagawad, Floor Leader
Hon. Nepomuceno P. Aparis I,	Kagawad, Assistant Floor Leader
Hon. Dennis Y. Capuyan,	Kagawad
Hon. Mariano Y. Corro,	Kagawad
Hon. Benjamin B. Lladoc,	Kagawad
Hon. Sotero M. Pepito,	Kagawad
Hon. Alfredo F. Capahi,	Kagawad
Hon. Eduardo P. Tan,	Kagawad
Hon. Jose C. Alfaro, Jr.,	Kagawad
Hon. Claudio P. Larrazabal,	Kagawad
Hon. Fernando P. Parrilla,	Ex-Officio, Kagawad, Chapter President, Liga ng mga Barangay ng Ormoc
Hon. Chiqui B. Labagala,	Ex-Officio, Kagawad, SK Federation President

RESOLUTION NO. 99-147

A RESOLUTION RESPECTFULLY URGING THE CIVIL SERVICE COMMISSION THROUGH ITS CHAIRMAN, HONORABLE CORAZON ALMA DE LEON, TO EXEMPT FROM THE COVERAGE OF THE MANDATORY ANNUAL FIVE-DAY VACATION LEAVE, ELECTIVE LOCAL GOVERNMENT OFFICIALS, ESPECIALLY MEMBERS OF THE SANGGUNIAN.

WHEREAS, the Omnibus Rules Implementing Book V of Executive Order No. 292, and other pertinent civil service laws, particularly Rule XVI, Sections 8 and 10 thereof, provide:

"Section 8. All officials and employees shall be required to go on vacation leave for a minimum of five working days annually which need not be successive."

"Section 10. The mandatory annual five-day vacation leave shall be forfeited if not taken during the year. However, in cases where the scheduled leave has been cancelled in the exigency of the service by the head of agency, the schedule leave not enjoyed shall no longer be deducted from the total accumulated vacation leave."

WHEREAS, the Rules and Regulations Implementing the Local Government Code of 1991, have the following pertinent provisions regarding working Hours and Attendance, and Leave Privileges, to wit:

"Article 171, (d) Elective local officials need not be required to keep a daily record of attendance but their absences shall be properly recorded."

Article 172. (a) Vacation Leave - "X X X. Local Government personnel shall be ENCOURAGED to take an annual five (5) days vacation leave if he has at least a total of ten (10) days vacation leave credits earned during the year."

WHEREAS, the Department of Interior and Local Government (DILG) has rendered the following pertinent opinion relative to - Time Record, Official Time, to wit:

"The Local Government Code of 1991 does not require that council members keep a daily time record (DTR). They cannot be compelled to sign a DTR. Elective officers are not required nor bound to observe prescribed office hours as in the case of appointive officers. (DILG Opinion No. 7-1995)

"Their salaries are fixed and not dependent on actual attendance in the Office (DILG Opinions Nos. 206, 304-1992; 7-1995)"

"Members of the sanggunian belong to the 'exempt service'. The Local Government Code of 1991 does not require that their entire time be at the disposal of the local government. (DILG Opinion No. 206-1992)

"Further, the Local Government Code of 1991 does not direct deduction due to absences (DILG Opinion No. 79-1992)"

(Source of the aforecited DILG Opinions, Compendium of Decisions, Rulings, Resolutions and Opinions on Local Autonomy and Local Government by Alberto C. Agra, pages 187 to 188)

WHEREAS, aforecited opinions of DILG show that elective local officials, particularly the members of the sanggunians have a unique position in the government service, hence the general rules applicable to the ordinary officials and employees in the government service, specifically the above-quoted provisions of Sections 8 and 10 of the Civil Service Omnibus Rules Implementing Book V of Executive Order No. 292, must not be uniformly applied to elective local officials; moreover, Article 172 (a) of the Rules and Regulations Implementing the Local Government Code of 1991, does not compel local government personnel to take the annual five (5) days vacation leave but merely ENCOURAGES of availing the same.

WHEREFORE, foregoing premises considered, on motion of Councilor Mariano Y. Corro of this Sanggunian, severally seconded by Councilors Claudio P. Larrazabal Chiqui B. Labagala and Nepomuceno P. Aparis I; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution RESPECTFULLY URGING THE CIVIL SERVICE COMMISSION THROUGH ITS CHAIRMAN, HONORABLE CORAZON ALMA DE LEON, TO EXEMPT FROM THE COVERAGE OF THE MANDATORY ANNUAL FIVE-DAY VACATION LEAVE, ELECTIVE LOCAL GOVERNMENT OFFICIALS, ESPECIALLY MEMBERS OF THE SANGGUNIAN;

ADOPTED, 26 August 1999.

RESOLVED, FURTHER, to furnish copies of this Resolution, one each to - The Civil Service Commission through its Chairman, Hon. Corazon Alma de Leon, The Chairman, Civil Service Committee of the Philippine Senate, and The House of Representative; respectively, The Regional Director, Region VIII, Civil Service Commission, Honorable City Mayor Eufrocino M. Codilla, Sr., Mrs. Florenda Bragas, Human Resource Management Officer IV, DILG City Director, Rodulfo Torcende, City Administrator, Legal Officer, Atty. Cleto L. Evangelista, Jr., and other offices concerned.

Res. No. 99-147

RESOLVED, FINALLY, to furnish copies of this resolution to the different Sangguniang Panlungsod with the request for their support and the passage of a similar resolution at their end.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

OSCAR A. LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:

CELSON P. ABOLFO
City Vice Mayor & Presiding Officer