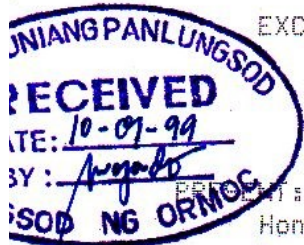


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



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 SEPTEMBER 30, 1999

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

ABSENT:

Hon. Mariano Y. Corro, (Sick Leave), City Councilor

RESOLUTION NO. 99-165

A RESOLUTION RESPECTFULLY AND EARNESTLY REQUESTING THE  
CHAIRMAN, CIVIL SERVICE COMMISSION, HON. CORAZON ALMA  
DE LEON, AND THE SECRETARY, DEPARTMENT OF BUDGET AND  
MANAGEMENT, HON. BENJAMIN DIOKNO, CLARIFICATION ON  
WHETHER OR NOT ELECTIVE OFFICIALS ARE ENTITLED TO THE  
SALARY STEP INCREMENTS PRESCRIBED IN SECTION 7 OF REP.  
ACT NO. 6758, OTHERWISE KNOWN AS THE "COMPENSATION AND  
POSITION CLASSIFICATION ACT OF 1989".

WHEREAS, the first paragraph of Section 4 of Rep. Act No. 6758,  
provides: "COVERAGE - The Compensation and Position Classification  
System herein provided shall apply to all positions, appointive or  
ELECTIVE, on full or part-time basis, now existing or hereafter created  
in the government, including government-owned or controlled corporations  
and government financial institutions";

WHEREAS, Section 7 of the aforementioned law, prescribes the Salary  
Schedule which includes eight (8) salary step adjustments;

WHEREAS, Local Budget Circular (LBC) No. 64, dated January 22,  
1997, paragraph 2 thereof, on COVERAGE provides: "All position whether  
permanent, temporary, contractual, casual or emergency in nature,  
appointive or ELECTIVE, on full-time or part-time basis now existing or  
hereafter created in the local government units (LGUs);

WHEREAS, paragraph 6 of the aforecited LBC No. 64, on COMPENSATION  
RULES, in part provides:

"6.2 Incumbents of positions shall receive the salary  
rates corresponding to their designated SALARY STEPS in the  
salary grade allocation of their position as of December 31,  
1996 for purposes of the adjustment effective January 1, 1997,  
and as of October 31, 1997 for purposes of the adjustment  
effective November 1, 1997."



WHEREAS, from the aforequoted provisions of Rep. Act No. 6758 and LBC No. 64, it can be reasonably and logically inferred that ELECTIVE OFFICIALS are likewise included in the SALARY STEP INCREMENTS Benefit as prescribed in Sec. 7 of Rep. Act No. 6758;

WHEREAS, very unfortunately ELECTIVE OFFICIALS are deprived and excluded from the SALARY STEP INCREMENTS benefit;

WHEREAS, DBM Circular No. 1 which took effect on January 1, 1990, particularly Rule I, Section 1 thereof, states that it is applicable only to officials and employees who are APPOINTED on a permanent status in the career service, thereby excluding ELECTIVE OFFICIALS from its coverage;

WHEREAS, aforementioned DBM Circular No. 1 was adopted and promulgated prior to the effectivity of the Local Government Code of 1991 which took effect on January 1, 1992, hence does not embrace the ELECTIVE OFFICIALS elected under the provisions of the Local Government Code of 1991;

WHEREAS, as stated earlier the provisions of Rep. Act No. 6758 likewise applies to ELECTIVE OFFICIALS, hence any implementing rules and regulations promulgated thereunder cannot diminish nor should diminish the benefits provided therein. As pronounced by our Supreme Court in the case of BIENVENIDO MARQUEZ, JR., versus COMELEC, ET AL, G.R. No. 112889, promulgated on April 18, 1995, "An administrative rule or regulation can neither expand nor constrict the law but must remain congruent to it."

WHEREAS, it is the sense of this Sanggunian that justice, fairness and equity demand that the SALARY STEP INCREMENTS Benefit prescribed in Rep. Act No. 6758 be extended to ELECTIVE OFFICIALS;

WHEREFORE, foregoing premises considered, on motion of City Councilor Jose C. Alfaro, Jr., Vice Chairman, Committee on Ways and Means, Sponsored by City Councilor Mariano Y. Corro, jointly seconded by City Councilors Alfredo F. Capahi and Claudio P. Larrazabal; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution respectfully and earnestly requesting the Chairman, Civil Service Commission, Hon. Corazon Alma de Leon, the Secretary of the Department of Budget and Management, Hon. Benjamin Diokno, clarification on whether or not ELECTIVE OFFICIALS are entitled to the SALARY STEP INCREMENTS prescribed in Section 7, of Rep. Act No. 6758, otherwise known as the "Compensation and Position Classification Act of 1989";

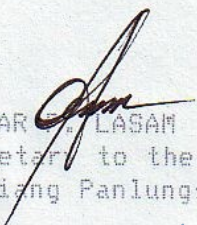
ADOPTED, 30 September 1999.

RESOLVED, FURTHER, to furnish copies of this Resolution to - Hon. Corazon Alma de Leon, Chairman, Civil Service Commission; Hon. Benjamin Diokno, Secretary, Department of Budget and Management; Hon. Rolando Puno, Secretary, Department of Interior and Local Government; Mr. Manuel Bernal, DBM Regional Director; Mr. Ireneo A. Morales, CSC Regional Director, Hon. Eufrocino M. Codilla, Sr., City Mayor of Ormoc; Mrs. Elena Aviles, City Budget Officer, Mrs. Florenda S. Bragas, Human Resource Management Officer, Mr. Rodolfo Torcende, DILG City Director, and other Offices concerned.


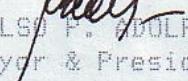
CARRIED UNANIMOUSLY.



I HEREBY CERTIFY to the correctness of the foregoing resolution.

  
OSCAR F. LASAM  
Secretary to the  
Sangguniang Panlungsod

ATTESTED:

  
  
CELSO P. ADOLFO  
City Vice Mayor & Presiding Officer

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