



Office of the Sangguniang Panlalawigan

EXCERPT FROM THE MINUTES OF THE 14th SPECIAL SESSION OF THE 10th SANGGUNIANG PANLALAWIGAN OF ISABELA HELD AT PROVINCIAL CAPITOL, ILAGAN CITY, ISABELA ON JUNE 16, 2022.

PRESENT:

FAUSTINO G. DY III	Vice Governor & Presiding Officer
DELFINITO EMMANUEL L. ALBANO	Member (1 st District) & Floor Leader
EMMANUEL JOSELITO B. AÑES	Member (1 st District)
ED CHRISTIAN S. GO	Member (2 nd District)
EDGAR R. CAPUCHINO	Member (2 nd District)
RAMON JUAN N. REYES, JR.	Member (3 rd District)
RANDOLPH JOSEPH P. ARREOLA	Member (3 rd District)
CLIFFORD R. RASPADO	Member (4 th District)
ABEGAIL V. SABLE	Member (4 th District)
FAUSTINO U. DY IV	Member (5 th District)
EDWARD S. ISIDRO	Member (5 th District)
ALFREDO V. ALILI	Member (6 th District)
MARCO PAOLO A. MERIS	Member (6 th District)
ANTONIO S. HUI	Member, PCL Federation President
DANTE G. HALAMAN	Member, LnB Federation President
DAX PAOLO C. BINAG	Member, SK Federation President
ADRIAN PHILIP S. BAYSAC	Member, Agricultural /Industrial Workers Labor Sector Representative
GRETCHEN F. VALDEZ	Member, Indigenous Cultural Communities Sector Representative

RESOLUTION NO. 2022-23-01

Series of 2022

A RESOLUTION DECLARING MUNICIPAL ORDINANCE NO. 2022-11 OF THE MUNICIPAL GOVERNMENT OF CABATUAN, ISABELA AS INVALID

Sponsor: HON. MARCO PAOLO A. MERIS
Chairperson, Committee on Local Government

WHEREAS, Section 468(1)(i) of Republic Act No. 7160 or the Local Government Code of 1991 empowers the Sangguniang Panlalawigan to review all the ordinances approved by the sangguniang of component cities and municipalities and to determine whether these are within the scope of the prescribed powers of the sanggunian;

WHEREAS, presented before this Honorable Body is Municipal Ordinance No. 2022-11 titled “**An Ordinance Abolishing the Office of the Municipal Administrator and the Position of the Municipal Administrator, Salary Grade 24 under the Said Office and Transferring the Plantilla Positions of Administrative Officer V and Administrative Assistant II under the Office of the Municipal Administrator to the Office of the Municipal Mayor, this Municipality**”

WHEREAS, as stated in the said Ordinance, the Local Government seeks to abolish the Office of the Municipal Administrator and the position of Municipal Administrator. Further, it seeks to transfer two personnel plantilla positions, particularly

Nagkaisa para sa Isabela

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the Administrative Office V and Administrative Assistant II, to the Office of the Municipal Mayor;

WHEREAS, it is a well-established doctrine that Municipal corporations are mere creatures of Congress (*Unson v. Lacson, et al.*, L-7909, January 18, 1957) and that Local councils exercise only delegated legislative powers conferred on them by Congress as the national lawmaking body (*Sangguniang Panlalawigan of Laguna v. Paño*, G.R. No. 129903, August 30, 2001). The delegate cannot be superior to the principal or exercise powers higher than those of the latter (*Batangas CATV, Inc. v. CA*, GR. No. 138810, September 29, 2004). As creations of Congress, LGUs are subject to the same restrictions that beset the granting authority and cannot contravene the will of their principal;

WHEREAS, the 1987 Philippine Constitution has laid down certain limitations on the legislative department insofar as the crafting of bills or proposed measures is concerned. This includes the so-called "One Subject, One Title Rule";

WHEREAS, the One Subject, One Title rule is a well-established rule in legislation and is widely adopted by many jurisdictions. In the Philippines, this rule is enshrined in Section 26(1), Article VI of the Constitution which states:

"SECTION 26. (1) Every bill passed by the Congress shall embrace only one subject which shall be expressed in the title thereof."

WHEREAS, a careful perusal of Ordinance No. 2022-11 reveals that it involves three distinct and entirely separate subjects: the abolition of the Municipal Administrator position and his office including the vacant position of Administrative Officer IV, the transfer of personnel from one office to another and the consequent creation of new plantilla positions in the Office of the Municipal Mayor, and the movement of funds from the Office of the Municipal Administrator to the Office of the Municipal Mayor;

WHEREAS, Section 1(c) of Ordinance No. 2022-11 prescribed the "*transfer [of] the presently occupied two (2) positions of Administrative Officer V and Administrative Assistant II, under the Office of the Municipal Administrator, including the funds appropriated thereto for CY 2022 to the Office of the Municipal Mayor, effective June 09, 2022.*" This movement of funds, particularly from the Office of Municipal Administrator and the Office of the Municipal Mayor, requires the enactment of an appropriation ordinance that authorizes the creation of new plantilla positions in the Office of the Municipal Mayor and the appropriation of the funds thereto;

WHEREAS, the Local Government Code provides two instances in which the Sangguniang Panlalawigans are empowered to review the ordinances of component cities and municipalities. One is Section 56 which involves the review of general ordinances while the other is Section 327 which involves the review of appropriation ordinances, and both of which lay down distinct parameters and timelines for the proper exercise of such review power;

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WHEREAS, the existence of two separate provisions in the Local Government Code for the review of appropriation ordinances and general ordinances corroborates the stand that LGU Cabatuan must enact separate ordinances for the movement of personnel from the Office of the Municipal Administrator to the Municipal Mayor as it involves the transfer of funds between such offices, and another for the abolition of the office of the Municipal Administrator and the Municipal Administrator position as such is in the nature of a general ordinance;

WHEREAS, this Honorable Body is of the position that LGU Cabatuan must enact a separate ordinance for the transfer of the two personnel of the Office of the Municipal Administrator to the Office of the Municipal Mayor as such entails the creation of new plantilla positions and the movement of funds from one office to another, and the abolition of the Office of the Municipal Administrator and the Municipal Administrator position to enable the Sangguniang Panlalawigan to properly review the legality of such ordinances;


WHEREAS, considering that Ordinance No. 2022-11 of LGU Cabatuan is in contravention to the constitutional directive on the One Subject, One Title Rule as it covers three distinct and separate subjects – the abolition of an office and a position, the transfer of personnel and plantilla positions, and the movement of funds from one office to another – this Honorable Body is constrained to declare it as invalid;

WHEREFORE, upon motion of Honorable Marco Paolo A. Meris, duly approved and seconded in a session duly assembled, it was –

RESOLVED, AS IT HEREBY RESOLVES, TO PASS A RESOLUTION DECLARING MUNICIPAL ORDINANCE NO. 2022-11 OF THE MUNICIPAL GOVERNMENT OF CABATUAN, ISABELA AS INVALID

RESOLVED FINALLY, that a copy of this Resolution be furnished to LGU Cabatuan, Isabela officials, namely: Mayor Charlton L. Uy, Vice Mayor Mario I. Acosta, and Sanggunian Secretary Imelda B. Bonilla, for their information and guidance.

I hereby certify that the foregoing resolution was duly passed by the Sangguniang Panlalawigan of Isabela during its 14th Special Session on June 16, 2022.


ATTY. FRANCIS JAMES E. MEER
Secretary, Sangguniang Panlalawigan

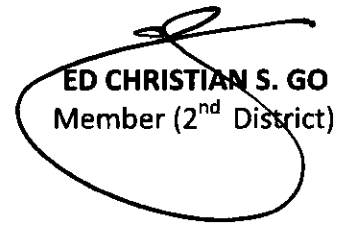
ATTESTED:


DELFINITO EMMANUEL L. ALBANO
Member (1st District) & Floor Leader


EMMANUEL JOSELITO B. ANES
Member (1st District)

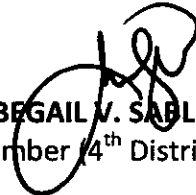
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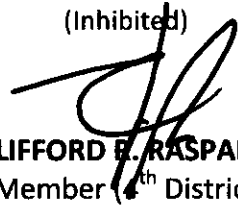

EDGAR CAPUCHINO
Member (2nd District)

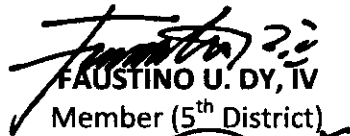

ED CHRISTIAN S. GO
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RANDOLPH JOSEPH P. ARREOLA
Member (3rd District)
(Inhibited)

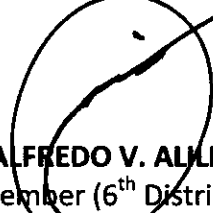
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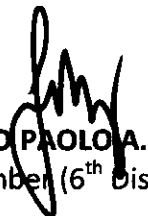

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