

Item No. _____
For 2nd Reading
4th Regular Session
July 29, 2025
Bislig City

11

RESOLUTION NO. _____
(Series of 2025)

AES
7-24-25

DECLARING ORDINANCE NO. 04 DATED MAY 21, 2025 OF THE MUNICIPALITY OF MARIHATAG, THIS PROVINCE ENTITLED "AN ORDINANCE AMENDING CERTAIN PROVISIONS OF MUNICIPAL ORDINANCE NO. 04, SERIES OF 2022 SPECIFICALLY SECTION 2., 2.3. (B), AND SECTION 2, 2.3., C.4, NO. 2., ALL UNDER THE OFFICE OF THE SECRETARY TO THE SANGGUNIANG BAYAN, AS PRESENTED HEREUNDER AND FOR OTHER PURPOSES", INVALID IN VIEW OF VIOLATION OF THE PERSONAL SERVICES (PS) CAP LIMITATION AS MANDATED IN THE LOCAL GOVERNMENT CODE OF 1991

SPONSORS:

HON. HENRICH M. PIMENTEL, HON. GINES RICKY J. SAYAWAN, SR., HON. MARGARITA G. GARAY, HON. JOHN PAUL C. PIMENTEL, HON. ANTONIO C. AZARCON, HON. RUEL D. MOMO, HON. JOSE DUMAGAN, JR., HON. VALERIO T. MONTESCLAROS, JR., HON. JOEY S. PAMA, HON. ANTHONY JOSEPH P. CAÑEDO, HON. RAUL K. SALAZAR, HON. JIMMY I. GUINSOD, HON. MELANIE JOY M. GUNO AND HON. YURI ART EUFY R. SANCHEZ

WHEREAS, Chapter 3, Article III, Section 468 Par. (a) No. 1 (i) of the Local Government Code of 1991 provides that, "the sangguniang panlalawigan shall review all ordinances approved by the sanggunians of component cities and municipalities and executive orders issued by the mayors of said component units to determine whether these are within the scope of the prescribed powers of the sanggunian and of the mayor";

WHEREAS, Ordinance No. 04 dated May 21, 2025 of the Municipality of Marihatag, this Province entitled "An Ordinance Amending Certain Provisions of Municipal Ordinance No. 04, Series of 2022 Specifically Section 2., 2.3. (B), and Section 2, 2.3., C.4, No. 2., All Under the Office of the Secretary to the Sangguniang Bayan, as Presented Hereunder and for Other Purposes", was submitted to this Body for review and same was referred to the Committee on Good Government, Public Ethics and Accountability, for appropriate action and was indorsed to the Provincial Human Resource Management Office (PHRMO) and to the Provincial Finance Committee (PFC), all of this Province, for technical review;

recommended
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WHEREAS, the Provincial Finance Committee (PFC), this Province informed that the aforementioned Ordinance falls within the scope of the prescribed powers of the Sangguniang Bayan, as outlined in Section 447 of Republic Act No. 7160. Additionally, it adheres to the Local Budget Circular (LBC) No. 173, dated July 13, 2021 which provides the "Index of Occupational Services, Position Titles and Salary Grades in the Local Government Unit (IOS-LGU)", CY 2021 Edition, issued by the Department of Budget and Management. However, per initial review of the FY 2025 General Fund Annual Budget of the said municipality, the LGU exceeded the Personal Services (PS) limitation of Php 6,704,037.06;

[Signature]
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WHEREAS, after a careful deliberation on the matter, the Committee on Good Government, Public Ethics and Accountability, to which the matter was referred to, during its Committee Meeting on July 22, 2025 recommended to return Ordinance No. 04 dated May 21, 2025 of the Municipality of Marihatag, this Province and to declare the same invalid;

WHEREAS, in view of the foregoing and on motion of _____ and duly seconded by _____;

NOW THEREFORE

BE IT RESOLVED by the Sangguniang Panlalawigan of Surigao del Sur to declare Ordinance No. 04 dated May 21, 2025 of the Municipality of Marihatag, this Province entitled "An Ordinance Amending Certain Provisions of Municipal Ordinance No. 04, Series of 2022 Specifically Section 2., 2.3. (B), and Section 2, 2.3., C.4, No. 2., All Under the Office of the Secretary to the Sangguniang Bayan, as Presented Hereunder and for Other Purposes", invalid in view of violation of Personal Services (PS) Cap Limitation as mandated by the Local Government Code of 1991.

RESOLVED FINALLY: To furnish copies of this Resolution to Hon. Benjamin T. Fazon, Jr., RCE, RSE, RMat, Municipal Mayor and to the Sangguniang Bayan thru Hon. Charlito R. Lerog, Vice Mayor/Presiding Officer, all of the Municipality of Marihatag, this Province, for their information and appropriate action.

ADOPTED this _____ day of July, 2025 at the City of Bislig, Province of Surigao del Sur by unanimous votes of all the Sangguniang Panlalawigan Members present.

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I HEREBY CERTIFY to the correctness of the foregoing Resolution.